Interlaken Town Statement of Revenue and Expense

July 2023 through February 2024, FY2024

July 2023 through February 2024		1058 Water Bond Sinking		1520 Water Revenue		1330 Water Reserve		4574 Transportation Reserve		1678 Building		2681 General	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	Revenue - All Accounts												
5	Annual Wasatch County Tax Assessment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 187,720	$ 187,000
6	Prior Year Assessments	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
7	Late Fees - Assessments (all years)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
8	1% State Sales Tax (estimate)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 20,429	$ 32,000
all	Interest Income	$ 190	$ 50	$ 167	$ 22	$ 804	$ 80	$ 589	$ 100	$ 123	$ 20	$ 109	$ 30
12	~~New Owner Transfer Fees~~	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
13	B&C Road Tax (estimate)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 25,844	$ 22,000
14	Building App & Inspection Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
15	Interlaken Drive RMA with BHR Agreement (20%)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
15a	CARES Act Revenue	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
15b	Additional Grant Revenue	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
15c	Miscellaneous Revenue	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
15d	Fines for Municipal Code Violations	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 850	$ -
73a	Revenue from BHR Settlement	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
73b	Revenue from Federal & State Transportation System Grants	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
92	Annual Water Utility Base Fees			$ 26,647	$ 173,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
95	Metered Water Overages			$ 3,457	$ 4,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
95a	Water Connect Fee	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
95b	Water Billing Late Fees	$ -	$ -	$ 500	$ 100	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
95c	New Owner Transfer Fees	$ -	$ -	$ 450	$ 300	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
95d		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
95e		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
150	Revenue from Federal & State Water System Grants	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
169	Building Permit Application Fees (varies with application)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,200	$ 1,800	$ -	$ -
170	Water Connect Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 700	$ 1,000	$ -	$ -
171	Road Impact Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 7,000	$ 7,500	$ -	$ -
172	Damage Deposits - Refundable	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 12,972	$ 7,500	$ -	$ -
173	Completion Deposits - Refundable	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,000	$ 4,500	$ -	$ -
173a	Plan Review & Inspections (Town Engineer)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 18,723	$ 15,000	$ -	$ -
173b	Variance Application Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 240	$ -	$ -
	Total Revenue	**$ 190**	**$ 50**	**$ 31,221**	**$ 177,422**	**$ 804**	**$ 80**	**$ 589**	**$ 100**	**$ 46,718**	**$ 37,560**	**$ 234,952**	**$ 241,030**
	Transfers into General Fund												
19	Transfer from Building Fund (Application Fees for admin costs)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,800
20	Transfer from Water Revenue Fund (50% of admin. expenses)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 45,000
21	Transfer from Transportation Reserve Fund for Capital expenses	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers out of General Fund												
28	Transfer to Transportation Reserve of B&C Road Tax	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (22,000)
29	Transfer to Transportation Reserve Capital Improvements	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (35,000)
30	Transfer to Building Fund	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers into Water Revenue Fund (Checking)												
100	Transfer from Building Fund (Water Connect Fees)	$ -	$ -	$ -	$ 1,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
101	Transfer from Bond Sinking Fund for current year Water Bond payment	$ -	$ -	$ 82,707	$ 82,533	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
102	Transfer from Water Reserve Fund for Capital Improvements	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers out of Water Revenue Fund												
105	Transfer to Water System Reserve Capital Fund	$ -	$ -	$ -	$ (78,275)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
106	Transfer to General Fund	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
107	Transfer to Bond Sinking Fund for Next Year's Bond Payment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
108	Transfer to Water System Capital Facilities Replacement Reserve Acct	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
109	Transfer to General Fund for 50% of Administrative expenses	$ -	$ -	$ -	$ (45,000)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers into Transportation Reserve Fund												
77	Transfer from General B&C Road Tax to Transportation Reserve Fund	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 22,000	$ -	$ -	$ -	$ -
78	Transfer to Transportation Reserve Fund for Capital Improvements	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 35,000	$ -	$ -	$ -	$ -
80	Transfer from Building Fund of Road Impact Fee	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 7,500	$ -	$ -	$ -	$ -

Tax Revenue = Budget

1st Batch Water Billing

Increased Building Permit Activity

July 2023 through January 2024		Interlaken Town Statement of Revenue and Expense											
		July 2023 through January 2024, FY2024											
		1058		1520		1330		4574		1678		2681	
		Water Bond Sinking		Water Revenue		Water Reserve		Transportation Reserve		Building		General	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	Transfers out of Transportation Reserve Fund												
83	Transfer to General Fund for Transportation Capital Expenses	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers into Water System Capital Reserves Fund												
154	Transfer from Water Revenue Fund	$ -	$ -	$ -	$ -	$ -	$ 78,275	$ -	$ -	$ -	$ -	$ -	$ -
154a		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers out of Water System Capital Reserves Fund												
161	Transfer to Water Revenue Fund for Capital Improvements	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers into Building Fund												
177	Transfer from General Fund - Special Engineering Projects	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers out of Building Fund												
180	Transfer to General Fund - Building Permit Application Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (1,800)	$ -	$ -
181	Transfer to Water Revenue - Water Connect Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (1,000)	$ -	$ -
182	Transfer to Transportation Reserve Fund - Road Impact Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (7,500)	$ -	$ -
	Transfers into Bond Sinking Fund												
138	Transfer from Water Revenue Fund	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Transfers out of Water Bond Sinking Fund												
141	Transfer to Water Revenue Fund to pay current year bond	$ (82,707)	$ (82,533)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Total Transfers Between Funds	**$ (82,707)**	**$ (82,533)**	**$ 82,707**	**$ (39,742)**	**$ -**	**$ 78,275**	**$ -**	**$ 64,500**	**$ -**	**$ (10,300)**	**$ -**	**$ (10,200)**
	General Fund Expenses												
	Administrative Expense												
37	Commissions, Committee, Council Mtg Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (1,000)
38	Town Clerk & Webmaster	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect over budget +$35K			$ (44,388)	$ (55,000)
39	Association Memberships	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (269)	$ (1,000)
40	Web Hosting & IT Services (WIX,GoDaddy,Zoom,Dropbox,ViaSat,Calling Post)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (1,029)	$ (1,500)
40a	Town Council Equipment & Supplies	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (1,278)	$ (500)
41	Meeting Advertising	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (583)	$ (200)
42	Bookkeeping, Accounting, CPA Fees	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect over budget +$4K			$ (14,934)	$ (13,000)
43	Bank Charges	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (68)	$ -
44	Town Attorney	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect under budget -$4K			$ (4,537)	$ (10,000)
44a	Attorney fees for BHR settlement	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
45a	Animal Control through Interlocal Agreement w/ Heber City	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (1,490)	$ (5,000)
45b	Municipal Election Balloting & Noticing	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (23)	$ (200)
46	Misc. Admin. Expenses	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (614)	$ (500)
47	Insurance	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (4,713)	$ (5,000)
48	Office Supplies (postage + supplies)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (561)	$ (1,500)
49	Building Inspector	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
51	Additional Consulting Fees (Codifiers, etc.)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect under budget -$2K			$ -	$ (2,000)
51a	Federal IRS Payroll Taxes	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (4,113)	$ (5,500)
51b	CARES Act - WCFD Fire Mitigation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
51c	Safety and Enforcement (Wasatch County Sheriff Agreement)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect under budget -$9K			$ (344)	$ (10,500)
51d		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Total Administrative Expenses	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ (78,944)**	**$ (112,400)**
	Annual Road Maintenance Expense from General Fund												
55	Annual Road Repair & Maintenance	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect under budget -$19K			$ (41,463)	$ (60,000)
56	Additional Contract Services	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (1,849)	$ (3,000)
56a	Road Signage	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (84)	$ (2,000)
57	Contract Service (Snow Removal)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect under budget -$5K			$ (44,000)	$ (60,000)
58	Supplies - Salt, Sand, etc	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (3,224)	$ (6,000)
58a	**Annual Fire Mitigation Expenses**												
58b	Brush Removal and Fire Mitigation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect over budget +$19K			$ (26,200)	$ (12,000)
59	**Annual Road Capital Expenses**												
60	Capital Investment in Roads	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Expect under budget -$25K			$ -	$ (25,000)

	July 2023 through January 2024	Interlaken Town Statement of Revenue and Expense											
		July 2023 through January 2024, FY2024											
		1058		1520		1330		4574		1678		2681	
		Water Bond Sinking		Water Revenue		Water Reserve		Transportation Reserve		Building		General	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
60a	**DPW Expenses**												
60b	DPW Site Construction - Capital Investment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (2,000)
60c	Annual DPW Site Maintenance Expenses	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (840)	$ (500)
61	**Total Road Maintenance, Capital Improvements, DPW Expenses**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ (117,659)**	**$ (170,500)**
	Total General Fund Expenses	**$ -**	**$ -**	**$ -**	Projection: Total General Fund Expense +$6K under budget							**$ (196,603)**	**$ (282,900)**
	Water Revenue Fund Expenses												
	Bond Payment												
114	Water Bond Payment, Due annually in January	$ -	$ -	$ (75,773)	$ (78,275)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
115	**Operating Expenses**												
116	Payroll - Water Masters	$ -	$ -	$ (14,859)	$ (26,400)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
117	Meter Repair/Replacement, Water System Equipment, Supplies	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
118	Chemicals & Monitoring	$ -	$ -	$ (249)	$ (800)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
119	Telemetry System Operating Costs	$ -	$ -	$ -	$ (2,700)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
120	Water Share Fee, Education, etc.	$ -	$ -	$ -	$ (450)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
121	Gas Heat	$ -	$ -	$ (235)	$ (1,200)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
122	Electricity	$ -	$ -	$ (5,650)	$ (7,000)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
123	Payroll Taxes - Water Masters - State & Federal 941	$ -	$ -	$ (798)	$ (4,000)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
123a	Workman's Comp Insurance for Water Master	$ -	$ -	$ (351)	$ (1,200)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
123b	Misc. Water Expenses	$ -	$ -	$ (1,977)	$ (1,500)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
123c		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
123d		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
123e	**Capital Investment in Water System**												
123f	Purchase of Generator and Installation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
123g	Pump Replacements, Telemetry System, Meter Upgrades	$ -	$ -	$ (39,271)	$ (40,000)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
124	**Repair and Maintenance**												
125	Additional Contract Services - Tank Main., Rate Studies, Consults			$ (1,506)	$ (4,000)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
126	Annual Generator Maintenance			$ (6,326)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
126a	General Water System Maintenance & Repair			$ (14,401)	$ (5,000)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Total Water Revenue Fund Expenses			**$ (161,397)**	**$ (172,525)**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
	Building Fund Expenses												
187	Refunds of Damage Deposits	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (11,500)	$ (5,000)	$ -	$ -
188	Refunds of Completion Deposits	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (6,900)	$ (3,000)	$ -	$ -
188a	Plan Review & Inspections (Town Engineer)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (7,801)	$ (12,000)	$ -	$ -
188b	Additional Contractual Services (Town Engineer)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
188c	Plan Review by Planning Commission	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (450)	$ -	$ -
	Total Building Fund Expenses	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ (26,201)**	**$ (20,450)**	**$ -**	**$ -**
	Total Expenses (General, Water Revenue, Building)	**$ -**	**$ -**	**$ (161,397)**	**$ (172,525)**	**$ -**	**$ -**	**$ -**	**$ -**	**$ (26,201)**	**$ (20,450)**	**$ (196,603)**	**$ (282,900)**
	Net Change in Balance (Revenue+Transfers+Expenses)	**$ (82,516)**	**$ (82,483)**	**$ (47,469)**	**$ (34,845)**	**$ 804**	**$ 78,355**	**$ 589**	**$ 64,600**	**$ 20,517**	**$ 6,810**	**$ 38,349**	**$ (52,070)**
	Add: Beginning Balance	$ 82,516	$ 82,516	$ 203,008	$ 203,008	$ 160,150	$ 160,150	$ 233,277	$ 233,277	$ 114,990	$ 114,990	$ 161,468	$ 161,468
	Rounding Adjustment		$ -		$ -		$ -		$ -		$ -		$ -
	Ending Balance	**$ -**	**$ 33**	**$ 155,539**	**$ 168,163**	**$ 160,954**	**$ 238,505**	**$ 233,865**	**$ 297,877**	**$ 135,507**	**$ 121,800**	**$ 199,817**	**$ 109,398**

Increase in Water System Maintenance/Repair

Interlaken Town
Statement of Revenue and Expense
July 2023 through February 2024

	Jul '23 - Feb 24	Jul '22 - Feb 23
Ordinary Income/Expense		
Income		
Miscellaneous Revenue		
60000 · Water Revenue	22,749.02	91,824.00
60100 · Summer Water overage	3,244.71	17,187.06
60101 · Road and Transportation Reve...	187,528.89	115,498.40
60102 · 1% Sales Tax Revenue	20,428.61	23,285.22
60103 · B&C Road Tax	26,035.82	11,421.33
60104 · Transfer Fees	450.00	150.00
60105 · Late Fees	225.00	625.00
60800 · Interest Income	2,003.69	1,082.34
60801 · Fines for municipal code violat	855.00	70.00
Total Miscellaneous Revenue	263,520.74	261,143.35
60200 · Building Fee		
60201 · Application Fee	1,200.00	3,350.00
60202 · Water connection Fee	700.00	500.00
60203 · Road Impact Fee	11,471.90	13,750.00
60200 · Building Fee - Other	18,722.70	9,590.16
Total 60200 · Building Fee	32,094.60	27,190.16
Total Income	295,615.34	288,333.51
Gross Profit	295,615.34	288,333.51
Expense		
Safety and Enforcement Supplies	343.66	132.86
70000 · Administrative Expenditures		
70104 · Bank Charges, Checks	279.00	0.00
70114 · Web Hosting & IT Service	1,929.26	486.52
70115 · Misc. Admin Expenses	673.92	208.23
70116 · Association Memberships	269.00	0.00
70109 · Advertising Expenses	23.13	0.00
70103 · Accounting & Bookkeeping Fees	13,997.30	8,729.75
70100 · Animal Control	1,855.00	1,839.52
70106 · Consulting Services	0.00	69.30

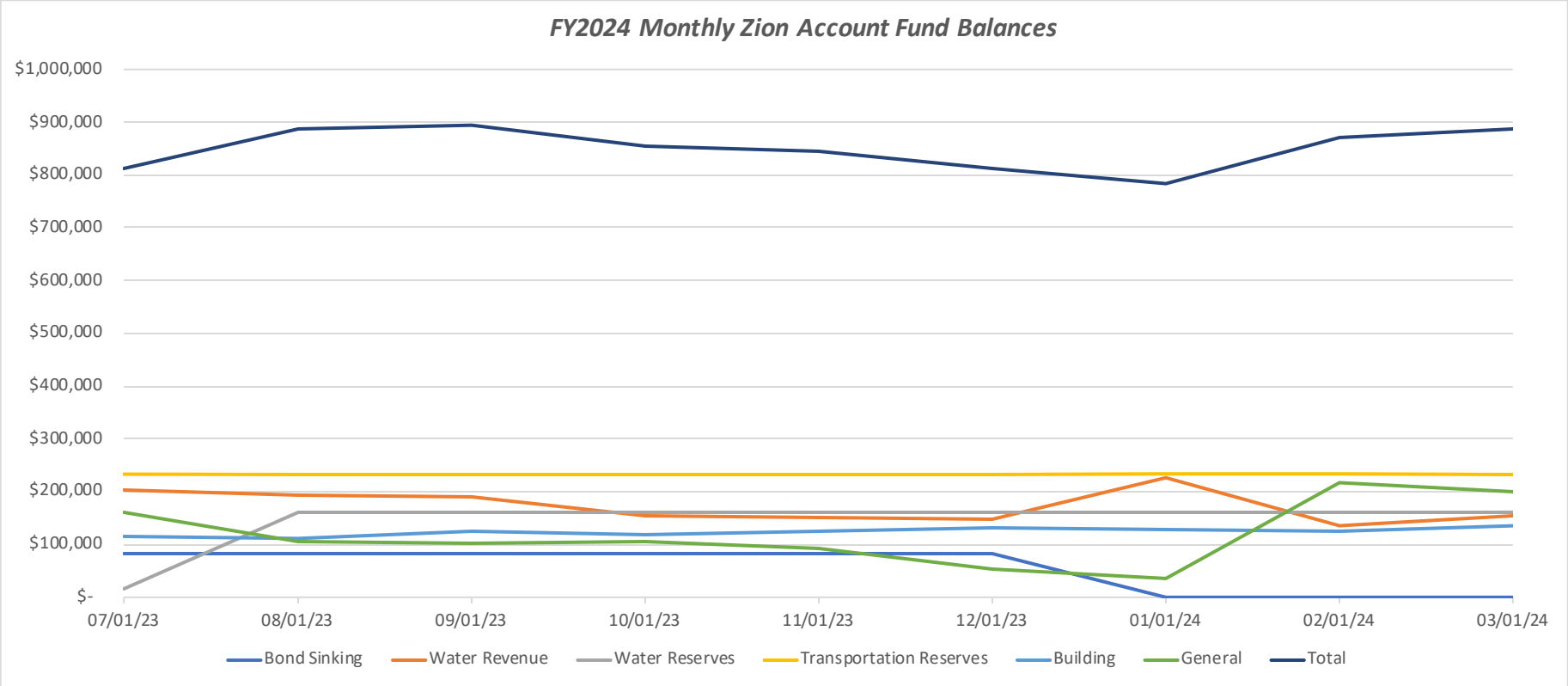
Interlaken Town
Statement of Revenue and Expense
July 2023 through February 2024

	Jul '23 - Feb 24	Jul '22 - Feb 23
70120 · Insurance	4,712.93	4,855.13
70108 · Town Attorney Legal Fees	4,537.00	0.00
70119 · Meeting Advertising	582.76	30.06
70110 · Office Expense	720.94	1,033.22
70105 · Plan Review & Inspections	8,116.25	5,948.75
70117 · Road Signage	74.23	0.00
70111 · Town Clerk	44,387.50	18,220.00
70000 · Administrative Expenditures - ...	599.00	0.00
Total 70000 · Administrative Expenditures	82,757.22	41,420.48
Road Maintenance Expenditures		
70118 · Annual DPW Site Maintenance ...	840.04	64.99
70205 · Brush Removal and Wild fire Mid	26,200.00	6,611.55
70206 · Road Signage	0.00	5,861.01
71000 · Depr. Expense-Roads	0.00	5,100.00
70207 · Additional Contract Services	2,346.74	11,134.95
70201 · Annual Road Repair	411.68	5,757.18
70203 · Supplies (Salt, Sand, Etc)	1,527.41	5,800.00
70204 · Snow Removal	56,696.54	42,000.00
Total Road Maintenance Expenditures	88,022.41	82,329.68
Water System Expenditures		
70311 · Additional Water Sys Contract S	709.76	5,500.00
70310 · Annual Memberships	0.00	421.00
70308 · Water System Maint & Repair	1,617.53	1,606.57
70309 · Misc. Water Expense	1,535.49	1,281.35
70300 · Interest Expense	1,299.28	2,690.53
70301 · Chemicals & Monitoring	248.88	1,916.00
70302 · Meter Repair/Replacement/up...	49,775.11	8,133.20
70303 · Payroll Expenses	19,442.24	19,023.32

Interlaken Town
Statement of Revenue and Expense
July 2023 through February 2024

	Jul '23 - Feb 24	Jul '22 - Feb 23
70304 · Telemetry System	0.00	1,996.10
70305 · Utilities Gas & Electric	5,885.38	5,923.05
Total Water System Expenditures	80,513.67	48,491.12
Total Expense	251,636.96	172,374.14
Net Ordinary Income	43,978.38	115,959.37
Net Income	43,978.38	115,959.37

FY2024 Monthly Zion Account Fund Balances									
Zion Fund	**07/01/23**	**08/01/23**	**09/01/23**	**10/01/23**	**11/01/23**	**12/01/23**	**01/01/24**	**02/01/24**	**03/01/24**
Bond Sinking	$ 82,516	$ 82,555	$ 82,593	$ 82,629	$ 82,669	$ 82,707	$ -	$ -	$ -
Water Revenue	$ 203,008	$ 192,705	$ 191,170	$ 154,455	$ 151,316	$ 148,883	$ 226,519	$ 135,595	$ 155,539
Water Reserves	$ 16,015	$ 160,252	$ 160,354	$ 160,449	$ 160,555	$ 160,654	$ 160,750	$ 160,858	$ 160,954
Transportation Reserves	$ 233,277	$ 233,277	$ 233,277	$ 233,571	$ 233,571	$ 233,571	$ 233,865	$ 233,865	$ 233,865
Building	$ 114,990	$ 111,476	$ 124,597	$ 119,577	$ 124,140	$ 133,225	$ 126,841	$ 124,869	$ 135,507
General	$ 161,468	$ 106,727	$ 102,276	$ 104,763	$ 91,226	$ 52,755	$ 35,658	$ 217,147	$ 199,817
Total	$ 811,273	$ 886,992	$ 894,268	$ 855,444	$ 843,477	$ 811,794	$ 783,633	$ 872,335	$ 885,682



Interlaken Town FY 2024 Water Billing			
Breakdown of Payments	**3/1/24 Collected**	**Total Invoiced**	**Balance Outstanding**
Base Usage + Paper Fees	$ 58,664.00	$ 173,654.00	$ 114,990.00
Adjustments to Above	$ -	$ (163.20)	$ (163.20)
Net Base Usage Fees	$ 58,664.00	$ 173,490.80	$ 114,826.80
Late Fees	$ -	$ -	$ -
New Owner Trf Fees	$ 150.00	$ 300.00	$ 150.00
Overage Fees Billed	$ 4,877.81	$ 9,523.55	$ 4,645.74
Overage Fees Forgiven	$ (740.74)	$ (740.74)	$ -
Adjusted Overage Fees	$ 4,137.07	$ 8,782.81	$ 4,645.74
TOTAL Payments	$ 62,951.07	$ 182,573.61	$ 119,622.54

Subject: Fwd: Updates
Date: Tuesday, March 5, 2024 at 4:17:06 PM Mountain Standard Time
From: Interlaken Planning Commission
To: Interlaken Clerk
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image001.png

Bart,

Here are the 2 updates from Ardurra. Unfortunately, once again I am unable to make the TC meeting due to a conflict with my work schedule. Should be there next month as it is end of season and I will no longer be required to close the store. thanks.

Diana

---------- Forwarded message ---------
From: **Amelia Pays** <apays@ardurra.com>
Date: Mon, Mar 4, 2024, 1:19 PM
Subject: RE: Updates
To: Interlaken Planning Commission <interlakenplanningcommission@gmail.com>

Diana,

Here are the updates I have:

338 Luzern - 4Way, Power to Panel, Gas Turn On Lehmann

287 Interlaken - Temp power Hadden

Thanks!

Amelia

Amelia Pays

Project Coordinator
O: (435) 315-3168 | M: (435) 503-4761

2175 W 3000 S, Suite 200, Heber City, Utah, 84032
apays@ardurra.com | www.ardurra.com

From: Interlaken Planning Commission <interlakenplanningcommission@gmail.com>
Sent: Monday, March 4, 2024 12:45 PM
To: Amelia Pays <apays@ardurra.com>
Subject: Re: Updates

Please send any updates that are available.

Thanks.

Diana

On Wed, Feb 21, 2024, 7:39 AM Interlaken Planning Commission <interlakenplanningcommission@gmail.com> wrote:

> Thanks.

TITLE 4 REVENUE AND FINANCE

CHAPTER 4.01 FISCAL POLICIES AND PROCEDURES
CHAPTER 4.02 PROCUREMENT
CHAPTER 4.03 SALES AND USE TAXES
CHAPTER 4.04 UTILITY TAXES
CHAPTER 4.05 FRANCHISE FEES
CHAPTER 4.06 IMPACT FEES
CHAPTER 4.07 AMOUNTS ON DEPOSIT

CHAPTER 4.01 FISCAL POLICIES AND PROCEDURES

Section 4.01.010 Capital Facilities Planning and Procedures
Section 4.01.020 Investments

Section 4.01.010 Capital Facilities Planning and Procedures

A. Definitions. In the construction of this Section the following words and phrases shall be as defined as set forth in this Section unless a different meaning is specifically defined elsewhere in this Section and specifically stated to apply:
1. Capital Facilities Project Budget. The authority to expend funds for specific capital facilities projects as authorized in the annually adopted City budget and subsequent budget resolutions.
2. Capital Facilities Project Fund. Any of the several funds created in the City's annual budget which account for financial resources to be used for acquisition or construction of capital facilities projects.
3. Capital Facilities Plan. The five-year plan approved and adopted by the City Council for the scheduling, financing and construction of capital facilities to be undertaken by the City in the next fiscal year and projected to be undertaken in the following four fiscal years. The Capital Facilities Plan is not adopted as part of the Midway City General Plan, but should be consistent with such Plan.
4. Capital Facilities Project. An activity set forth in the Capital Facilities Plan for the acquisition of property, the construction of new facilities, or the physical betterment or improvement of City property including but not limited to:
i. Design and construction of any addition to the City's physical plant, including buildings, streets, utility lines, parks, or other public facilities; or
ii. Rehabilitation or reconstruction of an element of the City's physical plant to increase capacity; and
iii. Is projected to cost more than thirty thousand dollars ($30,000).
5. Capital Facilities Reserve. Appropriations made to a capital facilities fund from estimated revenue or fund balance for the purpose of financing future specific capital facilities identified in the Capital Facilities Plan.

B. Capital Facilities Plan.
1. By December 31st of each year the Mayor, with assistance of City staff, shall prepare and submit to the City Council an annual capital facilities plan. This plan shall include a summary of each capital facilities project and, at least, the following information:

a. A statement of the purpose.
b. A description of proposed projects, including:
i. Sufficient narrative to facilitate prioritization of the project, and
ii. A vicinity map and/or description of the proposed location of the project,
c. Current status of any related projects.
d. The anticipated schedule and estimated budget for planning and design, land acquisition, construction and any other associated capital facilities needs associated with the project.
e. Proposed source of funding or other funding resources that might be available.
f. A numerical priority City staff would assign to the project as compared to other capital improvement projects.

(2011-08, Sub-section Amended, eff. 12/14/2011)

C. Budget Restrictions.
1. Capital facilities projects shall be funded only by monies appropriated in the Capital Facilities Budget.
2. Monies appropriated for a specific capital facilities project shall not be used for another capital facilities project without the approval of the City Council.
3. When a specific capital facility project is complete, any balance remaining in the applicable capital project fund shall be transferred as follows:
a. If required by debt covenants, to the appropriate debt service fund;
b. For capital facilities projects, to the appropriate capital facilities reserve fund.
4. A contingency account shall be created within the capital facilities project budget for each capital facilities fund which shall be used only for cost overruns of an authorized capital facilities project. The amount of contingency fund monies which may be used for any one capital facilities project shall not exceed 10 percent of the budgeted cost of such project unless otherwise approved by the City Council.
5. A capital facilities reserve fund shall be created for accumulation of resources needed for future capital facilities projects. Reserves may accumulate from fiscal period to fiscal period until the accumulated total is sufficient to permit economical expenditure for a particular capital facilities project. Disbursements from such reserves shall be made only by transfer to a revenue or transfer account within the capital facilities project fund, under a budget appropriation in a budget for the fund adopted in the manner provided by the Uniform Fiscal Procedures Act for Utah Cities, Utah Code. If monies are intended for specific projects, pending final design or other conditions of funding, the fund balance may be identified by a separately designated fund balance account.

D. Capital Facilities Project Reporting. No later than December 31st of each year the Mayor, with the assistance of City staff, shall submit to the City Council a report on the status of each active capital facilities project. This report shall include at least the following information:
1. Budgeted amount for the project;
2. Estimated total cost, as revised by final design estimates, actual contract amounts, or cost overruns;
3. The cost to date;
4. Description and review of anticipated cost overruns;
5. Estimated completion date;
6. Whether the project is on schedule; and

7. Changes, if any, in anticipated funding.

(2010-10, Sub-section Amended, eff. 5/26/2010; 2011-08, Sub-section Amended, eff. 12/14/2011)

E. Emergency Expenditures.
1. In the event an "emergency", as defined in Subsection 3 of this Section, occurs in the construction of a capital facilities project, which emergency requires an expenditure in excess of the amount budgeted for the project including a ten percent (10 %) contingency, the applicable city council member over the department may authorize, with approval of the Mayor, such expenditure from the following monies, subject to meeting the requirements of Subsection (2) of this Section:
a. The fund contingency account; and
b. Monies designated for other specific capital facilities projects within the applicable fund.
2. If expenditures are made for an emergency pursuant to Subsection 1 of this Section, the Mayor shall notify the City Council of such expenditure and shall within thirty (30) days submit to the City Council a report which describes the nature of the emergency and the source of additional funding. The City Council may review such budgetary action at the next available City Council meeting following submission of the report. As part of such review, the City Council may either ratify the source of funds used or take such other budgetary actions as are determined to be appropriate in order to fund the costs of such emergency.
3. As used in this Section, "emergency" shall mean any circumstance or situation not reasonably anticipated as part of the capital facilities project which:
a. Threatens immediate injury or damage to persons or property; or
b. Would delay the capital facilities project and thereby:
i. Substantially affect life, property, health or convenience of the public; or
ii. Significantly increase the project cost authorized and approved under construction contracts for the project.

F. Conflicting Provisions. To the extent provisions of this Section impose stricter requirements or higher standards than required by the provisions of the Utah Uniform Fiscal Procedures Act for Utah Cities the provisions of this Section shall apply unless prohibited by the Act.

Section 4.01.020 Investments

A. Policy. It shall be the policy of Midway City to invest public funds in a manner which will provide for safety of principal, capital, liquidity, and rate of return, respectively. It shall also be the policy of the City that all invested funds shall be made in accordance with applicable State and local statutes, specifically the Money Management Act of the State of Utah which provisions are hereby incorporated as a part of this policy.

B. Scope. This investment policy shall apply to all financial assets of the City including all component units. These fund units are accounted for in the City of Midway's Annual Financial Report. Any new fund created will also be subject to this investment policy. Additional component units shall be subject to this investment policy subject to State statute and rulings of the Money Management Council.

C. Prudence. Investments shall he made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

D. Objective. The primary objectives, in priority order of Midway City's investment activities shall be:
1. Safety. Safety of principal/capital is the foremost objectives of the investment program. Investments of Midway City shall be undertaken in a manner that seeks to ensure preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. Liquidity. The City of Midway's investment portfolio will remain sufficiently liquid to enable the City to meet all operational requirements which might be reasonably anticipated.
3. Return of Investment. The City of Midway's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

E. Delegation of Authority. Authority to manage Midway City's investment program is derived from the Utah Code. The responsibility for conducting investment transactions is hereby delegated to the City Treasurer who shall establish procedures for the operation of the investment program consistent with this investment policy, and subject to the City's organizational structure as established. No person may engage in an investment transaction except as provided under the terms of this Title and the general financial policies and procedures as adopted by the City.

F. Ethics and Conflicts of Interest. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism worthy of the public trust. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper executions of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall avoid any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further avoid any large personal financial/investment positions that could be related to the performance of the City of Midway's portfolio. It shall be the responsibility of employees and investment officials to report to the Mayor any conflicts of interest as stated in this subsection of the investment policy.

G. Authorized Investments. Investments shall be made in compliance with the Utah State Money Management Act.

H. Authorized Dealers and Institutions. The City of Midway will restrict the purchase of securities, and make investments only with dealers and institutions which are qualified by the Money Management Council and any other applicable Sections or rules as may be found in the Money Management Act.

I. Maximum Maturities. To the extent possible, Midway City will attempt to match investments with anticipated cash requirements. Unless matched to a specific cash flow, the City of Midway will not directly invest in securities maturing more than one year from date of purchase.

J. Internal Control. The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

K. Performance Standards. The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the City of Midway's investment risk constraints and cash flow needs. In keeping with State of Utah statue and Midway City's investment strategy, funds will be placed for investment and not speculation.

L. Reporting. The Treasurer will report the status of investments as requested by the Mayor and or City Council.

CHAPTER 4.02 PROCUREMENT

Section 4.02.010 Purchasing

Section 4.02.010 Purchasing

A. Purpose. The underlying purposes of this policy are:
1. To ensure fair and equitable treatment of all persons who wish to, or do conduct business with Midway City.
2. To provide for the greatest possible economy in City procurement activities.
3. To foster effective broad-based competition within the free enterprise system to ensure that the City will receive the best possible service or product at the lowest possible price.

B. Compliance – Exemptions from this Policy.
1. This policy shall not prevent the City from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
2. When the procurement involves the expenditure of federal assistance funds, the City shall comply with applicable federal law and regulations.

C. Definitions.
1. Bid. To offer a commodity for a specified price.
2. Building Improvement. The construction or repair of a public building or structure.
3. Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
4. Change Order. A written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent to order without consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.
5. Commodity.
a. a mass-produced unspecialized tangible good; or
b. a good or service whose wide availability typically diminishes the importance of factors other than price.
6. Contract. Any City agreement for the procurement or disposal of supplies, services, or construction.
7. Construction Contractor. A person or business licensed by the State of Utah who, for compensation other than wages as an employee, undertakes any work in a construction trade.
8. Cost-plus-a-percentage-of-cost Contract. A contract under which a contractor is reimbursed for the costs incurred, and is paid an agreed upon percentage of such costs as contractor's profit.
9. Cost-reimbursement Contract. A contract under which allowable and reasonable costs incurred by a contractor in the performance of a contract are reimbursed in accordance with the terms of the contract.
10. Estimate. An assessment by a potential supplier of the likely price for a commodity required by the buyer.
11. Formal Sealed Bid. Enclosed in a sealed envelope and submitted in response to a request for bids.

12. Local Contractor. A business that regularly maintains a place of operation and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by, or pays business taxes to, the State of Utah, Wasatch County, or Midway City at the time the bid or offer is submitted.
13. Long-term Contract for Professional Services. A contract for professional services for a period of one or more years with an individual or a business to provide professional services that would otherwise be rendered by a qualified City employee.
14. Person. Any business, individual, union, committee, club, other organization, or group of individuals.
15. Procurement. Buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction.
16. Professional Services. Qualification based services provided by a formally certified member of a professional body. Contracts for professional services should be negotiated by the City based on demonstrated competence at fair and reasonable prices. Cost is not the determining factor. Those who provide such services must meet Utah State mandated educational and experience requirements and must hold specific State licenses. Examples of professional services include: accountants, appraisers, architects, attorneys, and engineers.
17. Project Liaison. An individual designated by the City to act as a liaison for a specific project.
18. Purchasing Agent. The person duly authorized by the governing body of the City to administer contracts and make written determinations with respect thereto.
19. Quote. A formal written statement of promise by a potential supplier to supply the commodities required by a buyer at specified prices, and within a specified period. It may also contain terms of sale and payment, and warranties. Written acceptance of a quote by the City constitutes an agreement binding on both parties.
20. Request for Bids. All documents, whether attached or incorporated by reference, used for soliciting bids.
21. Request for Proposals (RFP). All documents, whether attached or incorporated by reference, used for soliciting proposals.
22. Requisition. A written order to the purchasing agent for a commodity or professional service.
23. Responsible Bidder or Offeror. A person who has the capability in all respects to perform fully the contract requirements and who has the integrity and reliability which will assure good faith performance.
24. Responsive Bidder. A person who has submitted a bid which conforms in all material respect to the request for bids.
25. Scope of Work. Itemized statement or division of work to be performed and the schedule to which it is to be performed under a contract or subcontract in the completion of a project.
26. Sole-source Provider. One and only one source that possesses a unique product or service having singular characteristics or performance capability.
27. Specification. Any written description of the physical or functional characteristics, or of the nature of a supply, construction item, or service. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

D. Purchasing Agent. The City Council shall appoint a Purchasing Agent. The Purchasing Agent shall be responsible to make procurements, solicit bids and proposals, administer contracts, and make written determinations for the City.

E. Source Selection. The City Council shall set forth policies for a purchase, or the encumbrance of funds for a purchase, of any commodity or professional service. These policies shall provide guidance for:
1. Small purchases that do not require formal bids or proposals.
2. Purchases or contracts that require formal competitive sealed bids.
3. Contracts for services that can be executed through a request for proposal processes.
4. Capital improvement projects.
5. Budget verification.
6. Draw requests.
7. Release of warranty funds.
8. Contract change orders.
All purchases should provide for the greatest possible economy in City procurement activities.

F. Requisitions. A requisition shall be completed and approved before any purchase, or encumbrances of funds, that has an anticipated cost of $1,500 or more and does not require formal bids or proposals.

G. Purchases not Requiring Sealed Bids.
1. Purchases not requiring sealed bids:
a. Purchases costing less than $1,500 in total shall not require bids, quotes, or estimates of any type.
b. Purchases costing more than $1,499 but less than $5,000 in total shall require 3 verbal estimates, which may be solicited by telephone.
c. Purchases costing more than $4,999 but less than $25,000 (Commodities), $40,000 (Building improvements), or $125,000 (Public works projects) in total shall require 3 written quotes, which may be solicited by telephone.
d. Purchases made through the cooperative purchasing contracts administered by the Utah State Division of Purchasing.
e. Purchases made from an approved sole-source provider.
f. Purchases required during an emergency, i.e., an imminent threat to the public's health, welfare, or safety. However, as much competition as is practical should be obtained; and, such purchases should be limited to amounts necessary to the resolution of the emergency.
g. Building improvements and public works projects where bids have twice been requested and the City determines in writing that no satisfactory bid has been submitted.
h. Building improvements and public works projects constructed using City personnel and equipment as allowed by Utah law.
i. Purchases required during extra ordinary circumstances, excluding building improvements costing $40,000 or more, public works project costing $125,000 or more, and projects using Class "C" road funds, and approved in writing by the mayor and council member responsible for the appropriate department.

H. Sealed Bids.

1. Contracts or purchases shall be awarded by competitive sealed bidding except as otherwise provided by this policy.
2. A request for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The request shall include a scope of work, specifications, and all contractual terms and conditions applicable to the procurement.
3. Legal notice of the request for bids shall be given for at least 3 weeks in a newspaper of general circulation in Midway City and at least 5 days before the opening of bids.
4. Bids shall be opened publicly in the presence of the Purchasing Agent, appropriate department head, project liaison, or their designees, at the time and place designated in the request for bids. The amount of each bid and any other relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the request for bids.
6. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the Purchasing Agent.
7. The contract shall be awarded with reasonable promptness, by written notice, to the lowest responsive, responsible bidder whose bid meets the requirements and criteria set forth in the request for bids.

I. Competitive Sealed Proposals.
1. Competitive sealed proposals are most appropriately used for professional service contracts. Those who provide such services must meet Utah State mandated educational and experience requirements for the requested professional services and must hold requisite State licenses. Thus Professional services contracts are qualification-based and may be negotiated by the City based on demonstrated competence at fair and reasonable prices as cost is not the determining factor. Competitive sealed proposals may also be used when the purchasing agent determines, and documents in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.
2. Proposals shall be solicited through a request for proposals. Legal notice of the request for proposals shall be given at least 3 weeks in a newspaper of general circulation in Midway City. The notice shall be given for a reasonable time, but not less than one week, prior to the advertised date of the opening of proposals.
3. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. All proposals, with the exclusion of proprietary information, shall be open for public inspection after contract award.
4. The request for proposals shall state the relative importance of qualifications, experience and other evaluating factors including price.
5. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

6. The proposer with demonstrated competence, professional qualifications and experience whose proposal is determined to be the most advantageous to the City shall be first considered. The City shall then review the proposal's cost. If the cost is found to be fair and reasonable the award shall be made. No factors or criteria shall be used in the evaluation other than those listed in the RFP and purchasing policy. If the City determines that the cost does not meet the fair and reasonable test the City may choose to negotiate or to select another qualified proposer for the award.

J. Long-term Contracts for Professional Services.
1. Long-term contracts for professional services are qualification-based procurements. Requests for such services should follow the procedures for a competitive sealed proposal request, as se forth in item D above, in terms of publicly announcing the solicitation, reviewing the proposals and selecting the successful offeror. Contracts should be negotiated with the successful offeror to assure a fair and reasonable price.
2. As the contract is long-term there are, however, additional considerations:
a. It can be expected that there may be three or more types of tasks associated with professionally contracted work:
i. General advisory tasks.
ii. Specific tasks associated with a defined project.
iii. Specific tasks associated with applications for development and other land use activities.
3. For each type of task and project assignment the contract must:
a. Establish a defined procedure for requesting services clarifying task assignment, project scope, schedule, and budget.
b. Define an appropriate fee structure for assigned tasks, reimbursement of costs and payment schedule.
c. Establish communication procedures, documentation and reporting requirements, and meeting attendance/presentation protocol and accountability procedures.
4. Long-term contract may be extended following review on an annual basis for up to five years.

K. Determination of Non-responsibility of Bidder or Offeror. Determination of non-responsibility of a bidder or offeror shall be made in writing. 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 non-responsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the purchasing division without prior written consent by the bidder or offeror.

L. Cancellation and Rejection of Bids, Proposals, or Other Solicitation. A request for bids, proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part, as may be specified in the solicitation, when it is in the best interests of the City. The reasons shall be made part of the contract file.

M. Cost-plus-a-percentage-of-cost Contracts. Subject to the limitations of this Section, any type of contract which will promote the best interests of the City may be used. Cost-plus-a-percentage-of-cost contracts and cost-reimbursement contracts may be used only when a determination is made in writing that such contract is likely to be less costly to the City than any

other type or that it is impracticable to obtain the supplies, services, or construction required except under such a contract.

N. Division of Cost. The cost of building improvements and public works projects shall not be divided to avoid exceeding a purchase limit.

O. Plans, Specifications, Schedule, and Itemized Estimate of Cost. Plans, specifications, schedule, and an itemized estimate of cost shall be prepared for all building improvements and public works projects.

P. Contract Formation.
1. The Mayor shall enter into contracts. All contracts shall be reviewed by the appropriate department head, appropriate city council member, and city attorney prior to approval.
2. Required contract clauses.
a. "The City has the right to order or approve, in writing, changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the scope of the contract work."
b. "The City has the right to approve variations occurring between estimated quantities of work in a contract and actual quantities."
c. "The City has the right to order the suspension of all work."
d. "(Name of Contractor/Service Provider) at its own expense, agrees to protect, indemnify, pay on behalf of, defend and hold harmless Midway City, its elected and appointed officials, employees and volunteers and their agents from all claims, demands, judgments, expenses, and all other damages of every kind and nature, made, rendered, or incurred by or in half of any person or persons whomsoever, including the parties hereto and their employees, which may arise out of any act or failure to act, work or other activity related in any way to this project under this contract, by the contractor, contractor's agents, employees, subcontractors, or suppliers in the performance and execution of this contract."
e. "Any prevention, delay, or stoppage due to strikes, labor disputes, acts of God, inability to obtain labor, materials or reasonable substitutes therefore, governmental restrictions, controls, or regulations, enemy or hostile governmental action, civil commotion, fire, or any other causes beyond the reasonable control of the parties shall not be deemed to be a breach of this Agreement and the time of performance shall be extended accordingly."

Q. Specifications. All specifications shall seek to promote overall economy and best use for the purpose intended and encourage competition in satisfying the City's needs, and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this article, local contractors and businesses holding a business license from Midway City and their products shall be given preference.

(2013-09, Sub-section Q Amended, eff. 8/14/13)

R. Appeals.
1. Appeals shall apply only to requests for competitive sealed bids and competitive sealed proposals.
2. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract, sealed bid or sealed proposal may appeal to the purchasing

agent. An appeal shall be submitted in writing within five working days after the award of a contract by the City Council.
3. The purchasing agent shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the governing body.
4. The City's governing body shall be the final appeal on the City level.
5. All further appeals shall be handled as provided in the Utah State Code.

S. Ethics in Public Contracting.
1. No person involved in making procurement decisions may derive any private benefit as a result of a procurement decision. The benefit may be direct or indirect, create a material personal gain or provide an advantage to relatives, friends or groups and associations which hold some share of a person's loyalty.
2. Any person involved in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person or organization interested in selling to the City.

Chapter 4.03 Sales and Use Taxes

Section 4.03.010 Municipal Sales and Use Tax
Section 4.03.020 Municipal Energy Sales and Use Tax
Section 4.03.030 Resort Communities Sales and Use Tax
Section 4.03.040 Road and Highways Sales and Use Tax
Section 4.03.050 Transient Room Tax

Section 4.03.010 Municipal Sales and Use Tax

A. Purpose.
It is the purpose of this section to levy and impose a local option sales and use tax, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform to the requirements of the Sales and Use Tax Act of the State of Utah.

B. Sales Tax.
1. There is levied and there shall be collected and paid a tax on every retail sale of tangible personal property, services, and meals made within the municipality at the rate of one percent (1%).
2. For the purpose of this article, all retail sales shall be collected in accordance with 59-12-107 of the Utah Code Annotated, 1953. Public utilities as defined by Title 54, Utah Code Annotated (1953), shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax 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.
3. Except as hereinafter provided and except insofar as they are inconsistent with the provisions of the Local Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated (1953, as amended), and in force and effect on the effective date of this section, insofar as they relate to sales taxes, are hereby adopted and made a part of this code as though fully set forth herein.
4. Wherever and to the extent that in Chapter 12 of Title 59, Utah Code Annotated (1953) the State of Utah is named or referred to as the taxing agency, the name of this City shall be substituted therefore. Nothing in this subparagraph (4) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.
5. If an annual license has been issued to a retailer under section 59-12-106 of the Utah Code Annotated (1953), an additional license shall not be required by reason of this section.
6. Sales as defined in 59-12-104 of the Utah Code Annotated, 1953 are exempted from the tax imposed by the ordinance.

C. Use Tax.

1. An excise tax is hereby imposed in this municipality on the storage, use or other consumption as defined in 59-12-103 Utah Code Annotated, 1953 of tangible personal property from any retailer on or after the operative date of this section at the rate of one percent (1%).
2. Except as hereinafter provided and except insofar as they are inconsistent with the provisions of
the Local Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated (1953, as amended), and in force and effect on the effective date of this section, applicable to use taxes, therein, are hereby adopted and made a part of this section as though fully set forth herein.
3. Wherever and to the extent that in said Chapter 12 of Title 59, Utah Code Annotated (1953) the State of Utah is named or referred to as the taxing agency, the name of this City shall be substituted therefore. Nothing in this subparagraph (3) 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 of Utah, nor shall the name of the City 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 ordinance.
4. Use Taxes as defined in 59-12-104 of the Utah Code Annotated, 1953 are exempted from the tax imposed by this ordinance.

D. Contract with State Tax Commission.
Heretofore, this 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 hereby confirmed and the Chief Executive Officer is hereby authorized to enter into such supplementary agreement with the State Tax Commission as may be necessary to the continued administration and operation of the local sales and use tax ordinance of the municipality as re-enacted by this article.

E. Penalties.
Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by the current fine in force or imprisonment for a period of not more than six month, or by both such fine and imprisonment.

Section 4.03.020 Municipal Energy Sales and Use Tax

A. Purpose.
The purpose of this Section is to adopt the Municipal Energy Sales and Use Tax, pursuant to, and in conformance with, Utah Code Annotated section 10-1-301 et seq., "The Municipal Energy Sales and Use Tax Act."

B. Definitions.
1. Consumer. A person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.
2. Contractual Franchise Fee:
a. A fee:

i. Provided for in a franchise agreement; and
ii. That is consideration for the franchise agreement; or
b. A fee;
i. Similar to Subsection (2)(a); or
ii. Any combination of Subsections (2)(a) or (2)(b).
3. Delivered Value. The fair market value of the taxable energy delivered for sale or use in the City 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.
c. Delivered Value does not include the amount of a tax paid under Part 1 or Part 2 of Chapter 12, Title 59 of the Utah Code Annotated.
4. Energy Supplier. A person supplying taxable energy, except for persons supplying a de minimus amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.
5. Franchise Agreement. A franchise or an ordinance, contract, or agreement granting a franchise.
6. Franchise Tax:
a. A franchise tax;
b. A tax similar to a franchise tax; or
c. Any combination of Subsections a and b.
7. Person. Any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, the State of Utah, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.
8. Sale. Any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes without limitation:
a. Installment and credit sales;
b. Any closed transaction constituting a sale;
c. Any transaction under which the right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.
9. Storage. Any keeping or retention of taxable energy in the City for any purpose except sale in the regular course of business.
10. 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.
11. Taxable Energy. Gas and electricity.

C. Municipal Energy Sales and Use Tax.
1. 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. The amount of the tax shall be 6% of the delivered value of the taxable energy to the consumer. This tax shall be known as the Municipal Energy Sales and Use Tax. It shall be levied beginning at 12:01 A.M. on July 1, 1997.
2. The tax shall be calculated on the delivered value of the taxable energy to the consumer.
3. The tax shall be in addition to any sales or use tax on taxable energy imposed by Midway City Code as authorized by Title 59, Chapter 12, Part 2 of the Utah Code Annotated, "The Local Sales and Use Tax Act."

D. Exemptions from the Municipal Energy Sales and Use Tax.
1. No exemptions are granted from the Municipal Energy Sales and Use Tax except as expressly provided in Subsections (2) and (3) below.
2. No exemption is allowed from a tax imposed under this Section for the sale or use of taxable energy that is exempt from the State Sales and Use Tax under Title 59, Chapter 12, Part 1 of the Utah Code Annotated, except that the following are exempt from the Municipal Energy Sales and Use Tax:
a. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
b. Sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution or the Utah Constitution;
c. Sales and use of taxable energy purchased or stored in the state for resale;
d. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
e. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
f. Sales or use of taxable energy for any purpose other than use as a fuel or energy; and
g. Sales of taxable energy for use outside the boundaries of the City.
3. The sale, storage, use, or other consumption of taxable energy is exempt from the Municipal Energy Sales and Use Tax levied by this Section, provided:
a. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by Title 59, Chapter 12, Part 3 of the Utah Code Annotated; and
b. The City is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this Section, if the tax due under this Section exceeds the tax paid to the other municipality.

E. No Effect upon Existing Franchises – Credit for Franchise Fees.
1. This Section shall not alter any existing franchise agreements between the City and energy suppliers.
2. There is a credit against the tax due in the amount of a contractual franchise fee paid if:
a. The energy supplier pays the contractual franchise fee to the City pursuant to a franchise agreement in effect on July 1, 1997;
b. The contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
c. The energy supplier has accepted the franchise.

F. Tax Collection Contract with State Tax Commission.
1. On or before the effective date of this section, 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 Section. This contract may be a supplement to the existing contract with the State Tax Commission to administer and collect the Local Sales and Use Tax, as provided in the Midway City Code. The Mayor, with the approval

of the City Attorney, is hereby authorized to execute agreements with the State Tax Commission that may be necessary to the continued administration and operation of the Municipal Energy Sales and Use Tax enacted by this Chapter.
2. An energy supplier shall pay the Municipal Energy Sales and Use Tax revenues collected from consumers directly to the City monthly if:
a. The City is the energy supplier; or
b. The energy supplier estimates that the Municipal Energy Sales and Use Tax collected annually from its Utah consumers equals One Million Dollars ($1,000,000.00) or more, and the energy supplier collects the Municipal Energy Sales and Use Tax.
3. An energy supplier paying the Municipal Energy Sales and Use Tax directly to the City may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by Utah Code Annotated section 10-1-307(4).

G. Incorporation of Part 1, Chapter 12, Title 59, Utah Code Annotated, Including Amendments.
1. Except as herein provided, and except insofar as they are inconsistent with the provisions of Title 10, Chapter 1, Part 3 of the Utah Code Annotated, "Municipal Energy Sales and Use Tax Act," as well as this Chapter, all of the provisions of Part 1, Chapter 12, Title 59 of the Utah Code Annotated 1953, as amended, and in force and effect on the effective date of this Chapter, insofar as they relate to sales and use taxes, excepting Sections 59-12-101 and 59-12-119 thereof, and excepting the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this Section as if fully set forth herein.
2. Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the "taxing agency," the name of 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 subparagraph 2 shall be deemed to require substitution of the name of the City for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the City be substituted for that of the State in any section when the result of such a substitution would require action to be taken by or against the City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Chapter.
3. Any amendments made to Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, which would be applicable to the City for the purposes of carrying out this Chapter are hereby incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute.

H. 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 Section is required, provided the energy supplier collecting the tax has a license issued under Utah Code Annotated section 59-12-106.

I. Penalties.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by the current fine in force or imprisonment for a period of not more than six month, or by both such fine and imprisonment.

J. Effective Date.
This Section is effective June 30, 1997. The Municipal Energy Sales and Use Tax shall be levied beginning at 12:01 A.M. on July 1, 1997.

Section 4.03.030 Resort Communities Sales and Use Tax

A. Purpose.
It is the purpose of this section to levy and impose a resort communities sales and use tax, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform to the requirements of the Sales and Use Tax Act of the State of Utah.

B. Resort Communities Sales and Use Tax
There is hereby imposed on the purchaser in all transactions listed in Utah Code Section 59-12-103(1) occurring in Midway City a sales and use tax of 1.1%. This tax shall take effect at the earliest time provided and allowed by Utah law, including but not limited to Utah Code Section 59-12-403.

C. Contract with State Tax Commission
This municipality authorizes the State Tax Commission to perform all functions incident to the administration or operation of the Resort Communities Sales and Use Tax section of this Code. The mayor is hereby authorized to enter into such agreement with the State Tax Commission as maybe necessary to the continued administration and operation of the Resort Communities Sales and Use Tax of the municipality as enacted by this section.

F. Penalties.
Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by the current fine in force or imprisonment for a period of not more than six month, or by both such fine and imprisonment.

Section 4.03.040 Road and Highways Sales and Use Tax

A. Purpose.
It is the purpose of this section to levy and impose a road and highways sales and use tax, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform to the requirements of the Sales and Use Tax Act of the State of Utah. This tax shall be known as the Road and Highways Sales and Use Tax.

B. Road and Highways Sales and Use Tax
There is hereby imposed on the purchaser in all transactions listed in Utah Code Section 59-12-103(1) occurring in Midway City a sales and use tax of 0.30%. This tax shall take effect at the earliest time provided and allowed by Utah law, including but not limited to Utah Code Section 59-12-1001, as amended.

C. Revenues
Revenues generated from this tax may be used only for the purpose of construction and maintenance of roads and highways within Midway City.

D. Collection
This municipality authorizes the State Tax Commission to perform all functions incident to the administration or operation of the Road and Highways Sales and Use Tax section of this Code. The mayor is hereby authorized to enter into such agreement with the State Tax Commission as maybe necessary for the continued administration and operation of the Road and Highways Sales and Use Tax of the municipality as enacted by this section.

E. Penalties.
Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by the current fine in force or imprisonment for a period of not more than six month, or by both such fine and imprisonment.

(2010-14, Chapter Added, eff. 5/26/2010)

Section 4.03.050 Transient Room Tax

A. Purpose.
It is the purpose of this section to levy and impose a transient room tax, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform to the requirements of the Sales and Use Tax Act of the State of Utah. This tax shall be known as the Transient Room Tax.

B. Definitions
For purposes of this section, the following definitions shall apply to terms used herein:
1. Public accommodation. A place providing temporary sleeping accommodations to the public and includes:
a. Motels;
b. Hotels;
c. Motor courts;
d. Inns;
e. Bed and breakfast establishment;
f. Condominiums; and
g. Tourist homes.
2. Rents. Includes:
a. Rents (any compensation received in exchange for providing the public accommodation); and
b. Timeshare condo fees or dues.
3. Transient. A person who occupies a public accommodation for less than 30 consecutive days.

C. Transient Room Tax
There is hereby levied a transient room tax equal to one percent (1%) of the rents charged to transients occupying public accommodations within Midway City.

D. Collection

This municipality authorizes the State Tax Commission to perform all functions incident to the administration or operation of the Transient Room Tax section of this Code. The mayor is hereby authorized to enter into such agreement with the State Tax Commission as may be necessary for the continued administration and operation of the Transient Room Tax of the municipality as enacted by this section.

E. Penalties.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by the current fine in force or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

(2010-27, Chapter Added, eff. 9/29/2010)

Chapter 4.04 Utility Taxes

Section 4.04.010 Telecommunications License Tax

Section 4.04.010 Telecommunications License Tax

A. Purpose.
It is the purpose of this section to levy and impose a telecommunications license tax, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform to the requirements of the Municipal Telecommunications License Tax Act of the State of Utah. This tax shall be known as the Telecommunications License Tax.

B. Definitions
1. Commission. The State Tax Commission.
2. Customer.
a. Subject to Subsections (2)(b) and (2)(c), means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
b. For purposes of this ordinance, means:
i. the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or
ii. if the end user is not the person described in Subsection (2)(b)(i), the end user of telecommunications service.
c. Does not include a reseller:
i. of telecommunications service; or
ii. for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.
3. End User.
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.
4. Gross Receipts Attributed to the Municipality. Those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under the Sales and Use Tax Act of the State of Utah and determined in accordance with Utah State Code.
5. 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:
i. imposed by a governmental entity;
ii. separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
iii. imposed only on a telecommunications provider;
b. sales and use taxes collected by the telecommunications provider from a customer under the Sales and Use Tax Act of the State of Utah; or

c. interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.
6. Mobile Telecommunications Service. As defined in the Mobile Telecommunications Sourcing Act of the United States.
7. Municipality. Midway City Corporation.
8. Place of Primary Use:
a. for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:
i. the residential street address of the customer; or
ii. the primary business street address of the customer; or
b. for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act of the United States.
9. Service Address. Notwithstanding where a call is billed or paid means:
a. if the location described in this Subsection (9)(a) is known, the location of the telecommunications equipment:
i. to which a call is charged; and
ii. from which the call originates or terminates;
b. if the location described in Subsection (9)(a) is not known but the location described in this Subsection (9)(b) is known, the location of the origination point of the signal of the telecommunications service first identified by:
i. the telecommunications system of the telecommunications provider; or
ii. if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or
c. if the locations described in Subsection (9)(a) or (9)(b) are not known, the location of a customer's place of primary use.
10. Telecommunications Provider:
a. Subject to Subsections (10)(b) and (10)(c), "telecommunications provider" means a person that:
i. owns, controls, operates, or manages a telecommunications service; or
ii. engages in an activity described in Subsection (10)(a)(i) for the shared use with or resale to any person of the telecommunications service.
b. A person described in Subsection (10)(a) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:
i. that person; or
ii. the telecommunications service that the person owns, controls, operates, or manages.
c. does not include an aggregator as defined in the Utah State Code.
11. Telecommunications Service:
a. telephone service, as defined in the Utah State Code, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and
b. mobile telecommunications service, as defined in the Utah State Code:
i. that originates and terminates within the boundaries of one state; and
ii. only to the extent permitted by the Mobile Telecommunications Sourcing Act of the United States.

B. Levy of Tax.

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality in accordance with the Utah State Code.

C. Rate
The rate of the tax levy shall be 4% of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality in accordance with the Utah State Code.

D. Effective Date of Tax Levy.
This tax shall be levied beginning July 1, 2004, and shall be subject to the requirements of the Utah State Code.

E. Agreement for Collection of the Tax
On or before the effective date of the ordinance, the municipality shall enter into the uniform interlocal agreement with the Commission as described in Utah State Code for the collection, enforcement, and administration of this municipal telecommunications license tax.

F. Repeal of Fees.
Nothing in this section shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with the Utah State Code and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right of way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right-of-way nor does this section limit the municipalities right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this section and locate telecommunications facilities, as defined in the Utah State Code, in this municipality.

(2010-14, Chapter Added, eff. 5/26/2010)

Chapter 4.05 Franchise Fees

Section 4.05.010 Gas Distribution Franchise

Section 4.05.010 Gas Distribution Franchise

A. That there is hereby granted to Mountain Fuel Supply Company, a Utah corporation, its successors or assigns, hereinafter called grantee, the right, privilege and franchise to construct, maintain and operate in the present and future streets, alleys and parkways, and other public places in Midway City, a system of gas mains, supply pipes and laterals with all necessary or desirable appurtenances, for the purpose of supplying gas for light, heat, power and other purposes to the Midway City, the inhabitants thereof, and persons and corporations beyond the corporate limits thereof, for the term and under the conditions hereinafter set forth.

B. All mains, pipes and laterals shall be so laid as to interfere as little as possible with traffic over the streets and alleys. The location of all mains, pipelines and laterals may be fixed under the supervision of the governing authorities of Midway City.

C. The grantee may make and enforce reasonable rules and regulations in the conduct of its business and may require before furnishing service the execution of a contract therefore. Grantee shall have the right to contract with each consumer with reference to the installation of service pipelines and the control of service pipes from the connection thereof with the supply lines of the grantee in the streets, to and including the meter located on the consumer's premises. For the purpose of securing safety and good service to the consumer and in the public interest, grantee shall have the right to prescribe the sizes and kinds of the pipe to be used by the consumer in conveying gas on consumer’s premises and shall have the right to refuse service to any consumer who neglects or refuses to comply with the rules and regulations of the grantee prescribing such conditions. Grantee shall have the right to classify the consumers of said gas in the corporate limits of said Midway City, according to the time of use, character of use, quantity of gas required, and such other conditions as may be reasonable; and subject to the regulations herein provided for, and the rights herein prescribed and such reasonable classifications, the grantee shall furnish gas without unjust discrimination and at a uniform price to all consumers of the same class, and to all persons along the established lines or mains of the grantee, who have properly observed such rules and regulations and acceded to the rights herein reserved to said grantee.

D. The right is hereby granted unto the said grantee to furnish, distribute, supply, sell and require payment for gas to all persons and corporations in said Midway City, through the said system of gas mains, supply pipes and laterals, and to do all things necessary and incident thereto, in accordance with the terms and conditions herein specified.

E. The gas furnished by the grantee shall be sold and delivered to the consumers through standard meters and Midway City reserves the right to test the accuracy of any meter in service by a competent officer or agent appointed for that purpose by the Mayor and City Council.

F. The rates and prices which the grantee, its successors or assigns, may charge for gas and gas service furnished and delivered and the conditions of service under the terms of this franchise shall be as fixed in accordance with the laws and Constitution of the State of Utah and the laws and Constitution of the United States.

G. Permission is hereby granted unto the said Mountain Fuel Supply Company, its successors or assigns, to assign this franchise and all rights hereunder, and upon assignment of this franchise in accordance herewith, said successors or assigns, whether individuals or corporations, shall become entitled to all the rights and privileges herein granted and shall assume all the obligations and duties herein provided.

H. This franchise and all the rights herein granted shall terminate at the end of fifty years after the date of passage of this ordinance, unless sooner terminated by virtue of the provisions herein contained.

I. This section and the rights herein conferred shall be null and void unless the grantee shall file with the Public Service Commission of Utah, on or before June 1, 1963,
an application for a certificate of public convenience and necessity to serve said Midway City, and unless grantee shall commence construction of its distribution system in said Midway City, within fifty (50) days after receiving final authority and approval from the Public Service Commission of Utah, and unless within ninety (90) days after the passage and posting hereof, the said grantee, its successors or assigns, shall file with the Clerk of Midway City a written instrument declaring its acceptance of the terms and conditions hereof and its intention to be bound by and perform the same.

J. This franchise is granted in consideration of the acceptance by the grantee of the terms and conditions of this ordinance as hereinbefore provided and the commencement of construction by the grantee within the time above provided of the necessary facilities to accomplish gas service to Midway City, thereby making the advantages of said service available to said City and its inhabitants, together with the payment by the grantee to the City within ninety (90) days after the passage and posting of said ordinance of the total sum of Fifty Dollars ($50.00). It is understood and agreed by and between said Midway City and the Mountain Fuel Supply Company that the considerations above provided shall be in lieu of any and all other franchise, occupation, privilege, license, excise, revenue or similar taxes, and all other exactions (except ad valorem property taxes and special assessments for local improvements) upon the revenue, property, gas mains, gas supply and distribution pipes, equipment, fixtures, or other appurtenances of said company, and all other property or equipment of said company, or any part thereof, including but not limited to any tax levies, license fees or payments imposed or which may hereafter be imposed during the term of this franchise.

K. When the grantee shall make or cause to be made excavations, or shall place obstructions in any street, alley, or other public place, the public shall be protected by barriers and lights placed, erected and maintained by the grantee; and in the event of injury to any person or damage to any property by reason of the construction, operation or maintenance of the gas distribution system of the grantee, the grantee shall indemnify and keep harmless Midway City from any and all liability in connection therewith.

Section 4.05.020 Cable Distribution Franchise

(2010-14, Chapter Added, eff. 5/26/2010; 2015-13, Section Deleted, eff. 9/9/2015)

Chapter 4.06 Impact Fees

Section 4.06.010 Parks and Recreation Impact Fee
Section 4.06.020 Streets and Transportation Impact Fee
Section 4.06.030 Trails Impact Fee
Section 4.06.040 Water Impact Fee
Section 4.06.050 Impact Fee Administrative Appeals

Section 4.06.010 Parks and Recreation Impact Fee

A. Definitions.
1. Dwelling Unit. Any building or portion thereof that is designed or used for residential purposes.
2. Equivalent Residential Unit. As defined in Title 16.
3. Lot. A parcel of land on which a single family residential building is proposed to be constructed.
4. Midway City Park and Recreation Service Area. The corporate limits of the City of Midway as determined at the time of building permit approval.

B. Purpose – Park and Recreational Facilities.
The park and recreational facilities for which payment of fees is required by this section are in accordance with the demonstrated need as indicated by actual park land facilities presently in use by the citizens of Midway City. New growth creates a need for new parks and recreational facilities. The health, welfare, safety and community atmosphere are promoted by having adequate park and recreational facilities. Accordingly, the City Council has determined that impact fees are necessary to create new parks and recreational facilities commensurate with the new growth anticipated by new development.

C. Requirements.
Every tract of land developed for residential purposes within the Midway City Park and Recreation Service Area shall be assessed a fee as set forth in this section for the purpose of providing park and recreational facilities in accordance with the standards contained in this section. This section shall not apply to alterations or additions to an existing dwelling unit; providing said alteration or addition does not create an additional dwelling unit.

D. Formula.
1. In order to satisfy increased recreation facility needs created by new development of park land, the City of Midway shall impose a fee of $1,000.00 per equivalent residential unit, to be imposed on new development and building activity throughout the City limits which may be adjusted to reflect any significant changes in the underlying data or sections upon which the fee is based.
2. The fee shall be deposited only in a designated, interest bearing account with monies expended only for planned park and recreational facilities.

E. Payment of Fees.

1. Prior to the issuance of a building permit the zoning administrator shall determine, pursuant to this section, the amount of fee to be paid by the subdivider. The fee shall be paid before a building permit is issued.
2. As required by the Utah State Code, the City Council may adjust the impact fee charged to a particular development to respond to unusual circumstances in particular cases and ensure that the impact fees are imposed fairly. In addition, a developer may submit studies and data to the City Council to justify adjustment of the impact fee charged to a particular development.

F. Land in Lieu of Fee.
1. The City Council may, at its sole discretion, require the dedication of land in lieu of some or all of the fees imposed by this chapter. Land to be dedicated may include all or a part of the proposed facility, or may include only a part of a facility. Such partial dedication may be supplemented by additional land on adjoining property not owned by the subdivider. The subdivider shall be notified prior to final plat approval if dedication of land is to be required in lieu of the fee.
2. The Council may allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, public system improvements by the developer if such improvements are part of the City's overall capital facilities plan and if the City Council requires said improvements as a condition of approving the particular development activity

G. General Land Standard.
It is determined that in the public interest, convenience, health, welfare, and safety that 0.0133 acres of property for each dwelling unit within the City be devoted to park and recreational facilities.

H. Land Dedication.
When park or recreational facilities approved for dedication are completed and accepted, the property shall be conveyed by warranty deed or dedicated by plat to the City after which supervision and maintenance shall be the responsibility of the City. When park or recreation facilities are reserved, the developer shall establish conditions as to ownership, maintenance, and use of such areas as deemed necessary by the City Council to assure preservation of the intended use.

I. Industrial and Commercial Developments.
The provisions of this section shall not apply to commercial or industrial subdivisions; however, the City Council may require, as a condition of approval, that a commercial or industrial subdivider dedicate that portion of a streambed, flood plain, or drainage canal channel within an industrial subdivision which such portions, forms, part of an open space network so designed by the City.

J. Mobile Home Parks, Planned Unit Developments and Other Dwelling Unit Groups – Applicability.
In addition to subdivisions, the provisions of this section requiring the payment of a fee, or dedication in lieu of the fee, shall apply to all planned unit developments, mobile home parks, travel vehicle parks, condominiums, and other dwelling unit groupings. The payment of the fee

for the entire development may be required prior to issuance of a building permit for the first dwelling unit.

K. Modification of Fee/Dedication – Procedure
If the subdivider or developer believes that the impact of the proposed subdivision, planned unit development, mobile home park, travel vehicle park or dwelling unit group is substantially different than that presumed by this section, the subdivider or developer may apply for a hearing before the City Council to request a modification of the fee, or dedication requirements of this section. The request for the hearing shall be made prior to final approval by the Planning Commission of the subdivision or conditional use approval of the planned unit development, mobile home park, travel vehicle park, condominium, or dwelling unit group. The City Council may grant a modification only if the subdivider or developer proves that what is required under this section is not roughly proportionate and bears no reasonable relationship to the needs for park and recreational facilities created by the subdivision. The City Council's decision may be appealed as provided by law.

Section 4.06.020 Streets and Transportation Impact Fee

A. Definitions.
1. Dwelling Unit. Any building or portion thereof that is designed or used for residential purposes.
2. Equivalent Residential Unit. As defined in Title 16.
3. Lot. A parcel of land on which a single family residential building is proposed to be constructed.
4. Midway City Transportation Service Area. The corporate limits of the City of Midway as determined at the time of building permit approval.

B. Purpose – Street and Transportation Facilities.
The streets and transportation facilities for which payment of fees is required by this section are in accordance with the demonstrated need as indicated by actual streets and transportation facilities presently in use by the citizens of Midway City. New growth creates a need for improved and new streets. The health, welfare, safety and community atmosphere are promoted by having adequate streets and transportation facilities. Accordingly, the City Council has determined that impact fees are necessary to create new streets and transportation facilities commensurate with the new growth anticipated by new development.

C. Requirements.
Every tract of land developed for residential purposes within the Midway City Transportation Service Area shall be assessed a fee as set forth in this section for the purpose of providing streets and transportation facilities in accordance with the standards contained in this section. This section shall not apply to alterations or additions to an existing dwelling unit; providing said alteration or addition does not create an additional dwelling unit.

D. Formula.
1. Midway City shall impose a streets and transportation impact fee of $2,750.00 per equivalent residential unit and $1,863.00 per unit for apartment housing, to be imposed on new

development and building activity throughout the City limits, which may be adjusted to reflect any significant changes in the underlying data or sections upon which the fee is based.

2. The fee shall be deposited only in a designated, interest bearing account with monies expended only for streets and transportation facilities.

(2012-02, Sub-section D. Amended eff. 03/14/12)

E. Payment of Fees.
1. Prior to the issuance of a building permit the zoning administrator shall determine, pursuant to this section, the amount of fee to be paid by the subdivider. The fee shall be paid before a building permit is issued.
2. As required by Utah Code Section 11-36-202, the City Council may adjust the impact fee charged to a particular development to respond to unusual circumstances in particular cares and ensure that the impact fees are imposed fairly. In addition, a developer may submit studies and data to the City Council to justify adjustment of the impact fee charged to a particular development.

F. Land in Lieu of Fee.
1. The City Council may, at its sole discretion, require the dedication of land in lieu of some or all of the fees imposed by this chapter. Land to be dedicated may include all or a part of the proposed facility, or may include only a part of a facility. Such partial dedication may be supplemented by additional land on adjoining property not owned by the subdivider. The subdivider shall be notified prior to final plat approval if dedication of land is to be required in lieu of the fee.
2. The Council may allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, public system improvements by the developer if such improvements are part of the City's overall capital facilities plan and if the City Council requires said improvements as a condition of approving the particular development activity

H. Land Dedication.
When street and transportation facilities approved for dedication are completed and accepted, the property shall be conveyed by warranty deed or dedicated by plat to the City after which supervision and maintenance shall be the responsibility of the City. When street and transportation facilities are reserved, the developer shall establish conditions as to ownership, maintenance, and use of such areas as deemed necessary by the City Council to assure preservation of the intended use.

I. Mobile Home Parks, Planned Unit Developments and Other Dwelling Unit Groups – Applicability.
In addition to subdivisions, the provisions of this section requiring the payment of a fee, or dedication in lieu of the fee, shall apply to all planned unit developments, mobile home parks, travel vehicle parks, condominiums, and other dwelling unit groupings. The payment of the fee for the entire development may be required prior to issuance of a building permit for the first dwelling unit.

J. Modification of Fee/Dedication – Procedure

If the subdivider or developer believes that the impact of the proposed subdivision, planned unit development, mobile home park, travel vehicle park or dwelling unit group is substantially different than that presumed by this section, the subdivider or developer may apply for a hearing before the City Council to request a modification of the fee, or dedication requirements of this section. The request for the hearing shall be made prior to final approval by the Planning Commission of the subdivision or conditional use approval of the planned unit development, mobile home park, travel vehicle park, condominium, or dwelling unit group. The City Council may grant a modification only if the subdivider or developer proves that what is required under this section is not roughly proportionate and bears no reasonable relationship to the needs for park and recreational facilities created by the subdivision. The City Council's decision may be appealed as provided by law.

Section 4.06.030 Trails Impact Fee

A. Definitions.
1. Dwelling Unit. Any building or portion thereof that is designed or used for residential purposes.
2. Equivalent Residential Unit. As defined in Title 16.
3. Lot. A parcel of land on which a single family residential building is proposed to be constructed.
4. Midway City Trails Service Area. The corporate limits of the City of Midway as determined at the time of building permit approval.

B. Purpose – Trails Facilities.
The trails facilities for which payment of fees is required by this section are in accordance with the demonstrated need as indicated by actual trails facilities presently in use by the citizens of Midway City. New growth creates a need for new trails. The health, welfare, safety and community atmosphere are promoted by having adequate trail facilities. Accordingly, the City Council has determined that impact fees are necessary to create new trails facilities commensurate with the new growth anticipated by new development.

C. Requirements.
Every tract of land developed for residential purposes within the Midway City Trails Service Area shall be assessed a fee as set forth in this section for the purpose of providing trails facilities in accordance with the standards contained in this section. This section shall not apply to alterations or additions to an existing dwelling unit; providing said alteration or addition does not create an additional dwelling unit.

D. Formula.
1. Midway City shall impose a trails impact fee of $802.00 per equivalent residential unit, to be imposed on new development and building activity throughout the City limits, which may be adjusted to reflect any significant changes in the underlying data or sections upon which the fee is based.
2. The fee shall be deposited only in a designated, interest bearing account with monies expended only for trails facilities.

(2012-02, Sub-section D. Amended eff. 03/14/12)

E. Payment of Fees.
1. Prior to the issuance of a building permit the zoning administrator shall determine, pursuant to this section, the amount of fee to be paid by the subdivider. The fee shall be paid before a building permit is issued.
2. As required by Utah Code Section 11-36-202, the City Council may adjust the impact fee charged to a particular development to respond to unusual circumstances in particular cases and ensure that the impact fees are imposed fairly. In addition, a developer may submit studies and data to the City Council to justify adjustment of the impact fee charged to a particular development.

F. Land in Lieu of Fee.
1. The City Council may, at its sole discretion, require the dedication of land in lieu of some or all of the fees imposed by this chapter. Land to be dedicated may include all or a part of the proposed facility, or may include only a part of a facility. Such partial dedication may be supplemented by additional land on adjoining property not owned by the subdivider. The subdivider shall be notified prior to final plat approval if dedication of land is to be required in lieu of the fee.
2. The Council may allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, public system improvements by the developer if such improvements are part of the City's overall capital facilities plan and if the City Council requires said improvements as a condition of approving the particular development activity

H. Land Dedication.
When trails facilities approved for dedication are completed and accepted, the property shall be conveyed by warranty deed or dedicated by plat to the City after which supervision and maintenance shall be the responsibility of the City. When trails facilities are reserved, the developer shall establish conditions as to ownership, maintenance, and use of such areas as deemed necessary by the City Council to assure preservation of the intended use.

I. Industrial and Commercial Developments.
The provisions of this section shall not apply to commercial or industrial subdivisions; however, the City Council may require, as a condition of approval, that a commercial or industrial subdivider dedicate a portion of the subdivision for trails facilities.

J. Mobile Home Parks, Planned Unit Developments and Other Dwelling Unit Groups – Applicability.
In addition to subdivisions, the provisions of this section requiring the payment of a fee, or dedication in lieu of the fee, shall apply to all planned unit developments, mobile home parks, travel vehicle parks, condominiums, and other dwelling unit groupings. The payment of the fee for the entire development may be required prior to issuance of a building permit for the first dwelling unit.

K. Modification of Fee/Dedication – Procedure
If the subdivider or developer believes that the impact of the proposed subdivision, planned unit development, mobile home park, travel vehicle park or dwelling unit group is substantially

different than that presumed by this section, the subdivider or developer may apply for a hearing before the City Council to request a modification of the fee, or dedication requirements of this section. The request for the hearing shall be made prior to final approval by the Planning Commission of the subdivision or conditional use approval of the planned unit development, mobile home park, travel vehicle park, condominium, or dwelling unit group. The City Council may grant a modification only if the subdivider or developer proves that what is required under this section is not roughly proportionate and bears no reasonable relationship to the needs for park and recreational facilities created by the subdivision. The City Council's decision may be appealed as provided by law.

Section 4.06.040 Water Impact Fee

A. Definitions
1. Dwelling Unit. Any building or portion thereof that is designed or used for residential purposes.
2. Equivalent Residential Unit. As defined in Title 16.
3. Lot. A parcel of land on which a single family residential building is proposed to be constructed.
4. Midway City Water Service Area. The corporate limits of the City of Midway as determined at the time of building permit approval.

B. Purpose – Water Supply, Source, Storage, Distribution, and Treatment Facilities.
The water supply, source, storage, distribution, treatment, fire protection, and other facilities for which payment of fees is required by this chapter are in accordance with the demonstrated need and projected growth in Midway City. New growth creates a need for additional water rights, source water, storage facilities, water distribution facilities, fire flow protection, and associated appurtenant works. Such adequate water supply and facilities are necessary to protect the health, welfare, safety and community atmosphere of Midway City.

The Midway City Council has determined that impact fees are necessary to develop new water supplies, water facilities, retrofit, and upgrade existing facilities to meet the demands of new residents. In addition, the Midway City Council has determined that water impact fees are necessary to ensure that existing residents who have already borne the costs of necessary and adequate water supplies in the past do not disproportionately bear the burden and impacts on the water supply and facilities of Midway City caused by new growth.

C. Requirements.
Every dwelling unit within the Midway City Water Service Area shall be assessed the standard fee as set forth in this chapter for the purpose of providing adequate water supply and distribution facilities in accordance with city standards. This chapter shall not apply to alterations or additions to an existing dwelling unit; providing said alteration or addition does not create an additional dwelling unit or require an additional water connection.

D. Formula.
1. In order to meet the water needs resulting from new and projected growth, Midway City shall impose a water impact fee, as shown in Table 1, to be imposed on new development and building

activity throughout the City limits which may be adjusted to reflect any significant changes in the underlying data or sections upon which the fee is based.
2. The fee shall be deposited only in a designated, interest bearing account with monies expended only for water rights, water supply, storage, distribution, treatment and other related facilities.

TABLE 1

Meter Size (Inches)	Flow Capacity (GPM)	ERU's	Impact Fee
0.75	30	1	$2,300
1.0	50	1.67	$3,833
1.5	100	3.33	$7,677
2.0	160	5.33	$12,267
3.0	350	11.67	$26,833
4.0	1,000	33.33	$76,667

The impact fee for meter sizes greater than 4.0 inches shall be determined by the City Engineer on a case by case basis.

E. Payment of Fees.
1. Prior to the issuance of a building permit the zoning administrator shall determine, pursuant to this section, the amount of fee to be paid by the subdivider. The fee shall be paid before a building permit is issued.
2. As required by the Utah State Code, the City Council may adjust the impact fee charged to a particular development to respond to unusual circumstances in particular cares and ensure that the impact fees are imposed fairly. In addition, a developer may submit studies and data to the City Council to justify adjustment of the impact fee charged to a particular development.

F. Dedication in Lieu of Fee.
1. The Midway City Council may, at its sole discretion, require the dedication of water rights, water sources, water storage, treatment, or distribution facilities in lieu of some or all of the fees imposed by this chapter. The subdivider shall be notified prior to final plat approval if a dedication is to be required in lieu of the fee.
2. The Council may allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, public system improvements by the developer if such improvements are part of the City's overall capital facilities plan and if the City Council requires said improvements as a condition of approving the particular development activity.

G. Dedication.
When water facilities approved for dedication are completed and accepted, the water rights, property or facilities shall be conveyed by Warranty Deed or other instrument containing warranties as required by the City. After such dedication is completed, those water rights, sources of water supply, or facilities shall be owned, operated, managed and controlled by the City and maintenance of such facilities shall be the responsibility of the City.

H. Mobile Home Parks, Planned Unit Developments, and Other Culinary Water Users – Applicability.
In addition to subdivisions, the provisions of this section requiring the payment of a fee, or dedication in lieu of the fee, shall apply to all planned unit developments, mobile home parks, travel vehicle parks, condominiums, and other culinary water users based on equivalent water usage. The payment of the fee for the entire development may be required prior to issuance of a building permit for the first dwelling unit.

I. Modification of Fee/Dedication – Procedure.
If the subdivider or developer believes that the impact of the proposed subdivision, planned unit development, mobile home park, travel vehicle park or dwelling unit group is substantially different than that presumed by this section, the subdivider or developer may apply for a hearing before the City Council to request a modification of the fee, or dedication requirements of this section. The request for the hearing shall be made prior to final approval by the Planning Commission of the subdivision or conditional use approval of the planned unit development, mobile home park, travel vehicle park, condominium, or dwelling unit group. The City Council may grant a modification only if the subdivider or developer proves that what is required under this section is not roughly proportionate and bears no reasonable relationship to the needs for park and recreational facilities created by the subdivision. The City Council's decision may be appealed as provided by law.

Section 4.06.050 Impact Fee Administrative Appeals

A. Purpose.
This section is enacted pursuant to the provisions of the Utah State Code to establish an administrative appeals procedure for challenges to Midway City's impact fees.

B. Appeal Procedure
1. Within 30 days after paying an impact fee imposed by Midway City, any person or entity who has paid the fee and wishes to challenge the fee shall:
a. File a written request for information with Midway City, requesting the City to provide a written analysis of the impact fee pursuant to the Utah State Code; and
b. File a written Petition to the City Council requesting review of the impact fee ordinance. The Petition shall be signed by the person requesting the review, or that person's representative, and shall include:
i. the names and addresses of all persons to whom a copy of the Petition is sent;
ii. the date that the Petition was mailed;
iii. a clear and concise statement of the basis for challenging the impact fee, including any legal authority;
iv. a statement of the relief or action sought from the City Council.
2. The administrative appeal procedures outlined in this ordinance are a prerequisite to filing an action challenging the impact fees in district court as provided in the Utah State Code.

C. Hearing.
1. Within twenty-five (25) days from the date the Petition is filed, and upon notice, the City Council shall hold a hearing on the Petition. At the hearing, the City Council shall accept oral or

written testimony and evidence from the petitioner. The City Council shall have the right to question and examine any witnesses called to present testimony at the hearing. The testimony and statements received at the hearing may be under oath and shall be recorded.
2. The hearing may be conducted in an informal manner and without adherence to the rules of evidence required in a judicial proceeding. The City Council shall admit all relevant and material evidence, except evidence which is unduly repetitious, even though the evidence may be inadmissible under rules of evidence in judicial proceedings. The City Council may take official notice of any facts that could be judicially noticed under the Utah Rules of Evidence or of the record of the proceedings. Upon the conclusion of the taking of evidence, the City Council may, in its discretion, permit the Petitioner to make oral arguments setting forth its position.

D. Written Decision.
Following the hearing, but no later than thirty (30) days following the filing of the Petition, the City Council shall issue a written decision on the Petition. The decision shall cite to the record and shall contain the City Council's findings.

E. Administrative Record.
1. The record of the administrative appeal proceedings shall include:
a. the Petition and any responses thereto;
b. the tape recorded transcript of the hearing; and
c. the City Council's written decision and findings.
2. If an appeal is taken in the appropriate district court of the decision of the City Council pursuant to the Utah State Code the record of the proceedings shall be transmitted to the reviewing district court.

(2010-14, Chapter Added, eff. 5/26/2010)

Chapter 4.07.010 Amounts on Deposit

Section 4.07.010 Forfeiture of Amounts on Deposit

Except as specifically provided elsewhere in this Code, funds held by the City after being paid to the City by way of any type of deposit, security or escrow requirement shall be forfeited to the General Fund eight (8) years from the time the funds become available for return to the person or entity that paid the deposit, security or escrow amount, if the funds remain unclaimed at the end of such eight-year period.

(2012-17, Chapter and Section Added, eff. 9/12/2012)

MIDWAY CITY
Municipal Code

TITLE 5 PUBLIC HEALTH AND SAFETY

CHAPTER 5.01 STATE CRIMINAL CODE
CHAPTER 5.02 NUISANCE ABATEMENT
CHAPTER 5.03 PARKS AND TRAILS
CHAPTER 5.04 NOXIOUS WEED CONTROL
CHAPTER 5.05 FLOOD DAMAGE PREVENTION
CHAPTER 5.06 RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND PERSONS WITH A DISABILITY

CHAPTER 5.01 STATE CRIMINAL CODE

Section 5.01.010 Adoption of State Criminal Code
Section 5.01.020 Failure to Appear

Section 5.01.010 Adoption of State Criminal Code

A. The Utah Code is adopted by reference and are made a part of the Midway City Code and shall take effect and be controlling within the limits of the City; provided, however, this Chapter is not intended to and does not purport to grant to the City any power or jurisdiction not specifically or by implication granted by law.

B. Any crimes specified within Titles 76 and 58 which are designated felonies are specifically excluded from inclusion in this Chapter.

Section 5.01.020 Failure to Appear

Any person who willfully fails to appear before the Court pursuant to a citation issued by the Wasatch County Sheriff's Department under the provisions of Utah Code is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which he or she was originally cited.

CHAPTER 5.02 NUISANCE ABATEMENT

Utah Code grants Municipalities the right to "declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist." Exercising this right, Midway City declares the following applies to all properties within the Midway City Corporate limits:

Section 5.02.010 Noise
Section 5.02.020 Smoke
Section 5.02.030 Heat and Associated Glare
Section 5.02.040 Vibrations
Section 5.02.050 Fly Ash, Dust Fumes, Vapors, Gases, and Other Forms of Air Pollution
Section 5.02.060 Liquid and Solid Wastes
Section 5.02.070 Odors
Section 5.02.080 Outdoor Lighting and Glare
Section 5.02.090 Junk, Rubbish, Weeds and Debris
Section 5.02.100 Junk Vehicles
Section 5.02.110 Excessive Motor Vehicle Noise
Section 5.02.120 Sale or Use of Fire Works
Section 5.02.130 Window Peeping
Section 5.02.140 Unlawful Discharge of Weapons
Section 5.02.150 Public Nuisance Enforcement and Penalty

Section 5.02.010 Noise

A. At no point on the property line shall the sound level of any individual operation / action on the property exceed the decibel levels shown Table 1.
1. Sound levels shall be measured with a sound level meter that meets the American National Standards Institute (ANSI) standard S1.4-1983 (R2006) or EIC 61672 requirements. Measurements shall be made using the "A weighted" filter of the sound level meter.
2. Impulsive type noises shall be measured using an integrating meter that complies with these standards and uses the same measurement procedure.

Table 1 Noise Limit Chart

Maximum sound pressure level in decibels as measured on the A. Scale	
6:00 AM to 10:00 PM	*10:00 PM to 6:00 AM*
70 dBA	*55 dBA*

B. Special events or other occurrences that will exceed the above noise levels may be granted a temporary use permit at the discretion of the Midway City Council.

Section 5.02.020 Smoke

No emission of smoke from any source shall be permitted to exceed a greater density than that density describe as No. 1 on the Ringlemann Smoke Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringlemann Smoke Chart, for not more than four minutes in any 30 minute period. For the purpose of grading the density of smoke, the Ringlemann Smoke Chart, with instruction for use as published in May, 1967 by the U.S. Department of Interior, Bureau of Mines, and as may from time to time be amended, shall be the standard.

Section 5.02.030 Heat and Associated Glare

Any activity or process producing intense heat and associated glare shall be performed within a completely enclosed building or behind a sight obscuring fence in such a manner as not to create a nuisance or hazard beyond the property lines.

Section 5.02.040 Vibration

No vibration, which is originated from a process or operation on a parcel or property, shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7 a.m. and 7 p.m., or of 30 seconds or more duration in any one hour during the hours of 7 p.m. and 7 a.m.

Section 5.02.050 Fly Ash, Dust Fumes, Vapors, Gases. and Other Forms of Air Pollution

No emission shall be permitted from any source whatsoever of such quantities of air contaminants or other materials which can cause damage to health, animals, vegetation, or property, or which can cause any excessive soiling.

Section 5.02.060 Liquid and Solid Wastes

No materials deemed hazardous by the Utah Department of Environmental Quality, the United States Environmental Protection Agency, or any other body having jurisdiction, shall be discharged in a public or private sewerage system, upon the ground, below the ground, into a storm drain system, or in any other manner which would endanger the normal operation of the public or private water or sewerage system, the storm drainage system, contaminate soil, or would harm the water aquifer.

Section 5.02.070 Odors

A. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner that annoys, injures, or endangers the comfort, repose, health, or safety of a person.

B. When as many as three complaints of an objectionable odor situation are registered with the City, or earlier, at the option of the City, it shall be the responsibility of the City 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.

C. When necessary to ascertain the presence or absence of an objectionable odor, the determination shall be made by the City, using a panel of five people appointed by the Mayor, consisting of not more than two members of the City Council.

D. 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 does 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.

E. 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 City to control the objectionable odor.

F. 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.

Section 5.02.080 Outdoor Lighting and Glare

A. Purpose. The purpose of this Section is to restrict the use of outdoor artificial illuminating devices emitting undesirable light rays that:
1. Have a detrimental effect on astronomical observations.
2. Create a public nuisance.

B. General Regulations.
1. The provisions of this Section shall apply to all outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights, and other fixtures used to illuminate:
a. buildings and structures
b. recreational areas
c. parking lot lighting
d. billboards and other signs (advertising or other)
e. street lighting
f. lighting for gas station canopies and other similar uses
g. general area and yard lighting (including security lighting and lighting for the convenience of customers, patrols, visitors, and so forth)
2. Every outdoor light source shall be operated so that it does not emit a beam or intense glare beyond the property boundary. Such lighting shall be operated in a way that it is directed away from and shielded from any adjacent property and shall not detract from driver visibility on adjacent streets. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.

3. All exterior illuminating devices, except those devices exempt from this Section, shall be fully or partially shielded as required in this Chapter, "Requirements for Shielding and Filtering," including requirements set forth in Table 2.
4. Those outdoor light fixtures requiring a filter according to Table 2 below shall be equipped with a filter consisting of a glass, acrylic or translucent enclosure. Quartz glass does not meet this requirement.
5. Outdoor light output total. For lamp types that vary in their output as they age (such as high pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with this Chapter, the light emitted from outdoor light fixtures is to be included in the total output as follows:
a. Outdoor light fixtures installed on poles (such as parking lot luminaries) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself as defined in b and c below, are to be included in the total outdoor light output by simply adding the lumen output of the lamps used.
b. Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminary is located at least five feet but less than ten feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.
c. Outdoor light fixtures located under the canopy and ten or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they are produced one-tenth (1/10) of the lamp's rated lumen output.
6. Total outdoor light output (excluding streetlights used for illumination of public rights-of-way) of any development project in Midway City shall not exceed 80,000 lumens per net acre, averaged over the entire project. Furthermore, no more than 5,500 lumens per net acre may be accounted for by lamps in unshielded or partially-shielded fixtures permitted in Table 2, except that lamps emitting no more than 4,720 lumens per single family dwelling unit or duplex dwelling unit for residential outdoor lighting purposes are exempt from the shielding requirements of Table 2, though they must conform to all other applicable restrictions. Single-Family attached units (e.g. townhouses), and multi-family residential units are limited to 360 lumens of unshielded lights per unit.
7. Service Station Canopy Lighting. In addition to the calculations for subsections 5 and 6 above, the following requirements apply to service station canopies:
a. All luminaries mounted on the under surface of service station canopies shall be fully shielded and utilize flat glass or flat plastic (acrylic or polycarbonate) covers.
b. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 100 lumens per square foot of canopy in all lighting mounted under the canopy, including but not limited to luminaries. mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps, is to be included toward the total.
8. Requirements for Shielding and Filtering.
a. The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following Table 2 below.
9. The provisions of this Section are not intended to prevent the use of any material or method of installation that is not specifically prohibited by this Section, if any such alternative has been approved by the Planning Director. The Planning Director may approve any such alternate as long as the proposed design, material or method:

a. Provides approximate equivalence to those specific requirements of this Section; or
b. Is otherwise satisfactory and complies with the intent of this Section.
10. All outdoor illuminating devices shall be installed in conformance with the provisions of this Section as well as with all other provisions of the Midway City Land Use and Building Codes, as these are later amended and as applicable. Any language contained in this Section that conflicts with other Sections of the Midway City Municipal Code shall be construed consistent with this Section.

TABLE 2 REQUIREMENTS FOR SHIELDING AND FILTERING

FIXTURE/LAMP TYPE	SHIELDED	FILTERED[1]
Low Pressure Sodium[2]	Partially	None
High Pressure Sodium	Fully	None
Metal Halide[3]	Fully	Yes
Fluorescent	Fully[4]	Yes[5]
Quartz[6]	Fully	None
Incandescent 100 Watt or more (per fixture)	Fully	None
Incandescent 100W or Less (per fixture)	None	None
Mercury Vapor	Fully	Yes
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Sources	AS APPROVED BY THE CITY COUNCIL	

[1]Most glass, acrylic, or translucent enclosures satisfy these filter requirements. Quartz glass does not meet this requirement.
[2] This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations
[3] Metal halide display lighting shall not be used for security lighting after 11 p.m. (or after closing hours if before 11 p.m.) unless fully shielded. lietal halide lamps shall be in enclosed luminaries.
[4] Outdoor advertising signs of the type constructed for translucent materials and wholly illuminated from within do not require shielding (nevertheless, all signs shall meet requirements in the Sign Regulations of the Zoning Ordinance).
[5] Warm White and Natural Lamps are preferred to minimize detrimental effects.
[6] For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.

C. Definitions
1. Fully Shielded. (full cut off) Fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are below a

horizontal plane running through the lowest point on the fixture where light is emitted, thus preventing the emission of light above the horizontal. This type of fixture uses a lamp that is recessed in the fixture and an internal reflector that directs the light downward, thereby eliminating the spill of light. This type of fixture provides optimum light control.
2. Foot candle. A unit of illuminance amounting to one lumen per square foot.
3. Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.
4. Illuminance. The quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or foot candles.
5. Luminance. The physical quantity corresponding to the brightness of a surface (e.g. lamp, luminaire, sky, or reflecting material) in a specified direction. It is the luminous intensity of an area of the surface divided by that area. The unit is candela per square meter.
6. Lux (lx). The SI unit of illuminance. One lux is one lumen per square meter.
7. Outdoor Light Output Total. The maximum total amount of light, measured in lumens, from all outdoor light fixtures.
8. Partially Shielded. Fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light rays above the horizontal plane. This type of fixture uses a lamp that is partially exposed and an internal reflector that directs the light downward and spill light to the side and upward. Such fixtures provide some lighting control.
9. Unshielded Fixtures. A lamp that provides no lighting control and is totally exposed with no internal reflector, allowing light to be emitted in all directions. This type of fixture provides no lighting control.

D. Prohibitions.
1. The operation of searchlights for advertising purposes are prohibited.
2. The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures less than 100 watts per fixture, fossil fuels, and/or glass tubes (see Table 2).
3. The nighttime use of white lighting or white strobe lighting for communications towers is prohibited. (Nighttime white strobe lighting is not required by the FAA). Applicants must show proof of any such FAA requirement.

E. Lighting Exemptions.
1. Light fixtures using fossil fuel (i.e. light produced directly or indirectly by the combustion of natural gas or other utility type fossil fuels) are exempt from the requirements of this Chapter.
2. Outdoor lighting on facilities and lands owned and operated or protected by the United States Government or the State of Utah are exempted by law from all requirements of this Section. Voluntary compliance with the intent of this Chapter at those facilities is encouraged.
3. The illumination of outdoor recreational facilities, public or private, shall be shielded such that the glare or beam does not emit beyond property lines, and no such facility shall be illuminated after 11 p.m. except to conclude a specific sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena or similar facilities in progress prior to 11 p.m.

4. The City Council may grant a special exemption to the City lighting requirements contained herein only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.
5. Display of an American flag not to exceed 150 watts per fixture.
6. Seasonal-holiday displays.

F. Temporary Exemptions. Any individual as defined herein may submit a written request to the City Council on a Midway City form prepared for a "temporary exemption" to the requirements. The exemption shall contain the following listed information:
1. Specific exemptions and justification for exemptions requested.
2. Type, use and hours of operation of exterior light involved.
3. Duration of time for requested exemption.
4. Type of lamp and calculated lumens.
5. Total wattage of lamps.
6. Proposed location of exterior light.
7. Physical size of exterior lights and type of shielding and/or filtering provided.
8. Previous temporary exemption, if any.

In addition to the above data, the City Council may request any additional information which would enable its member to make a reasonable evaluation of the request for temporary exemption. The City Council may grant a temporary exemption only if it finds that doing so would not be injurious to the public health, safety, or welfare and would not constitute a nuisance.

Section 5.02.090 Junk, Rubbish, Weeds and Debris

A. Declaration of Policy. The accumulation of junk, rubbish, and debris, and grass, weeds, shrubs, bushes or trees which are growing or which have grown and died, facilitates rodent, pest and vermin harborage, compromises public health resulting from dangerous and unsanitary conditions, and constitutes a fire hazard and threat to public safety and the general welfare.

(2010-23, Sub-section Amended, eff. 7/28/2010)

B. Definitions:
1. Junk. Junk includes, but is not limited to, scrap or remnant building materials; lumber or metals; discarded furniture; fixtures; appliances; motor vehicle parts and tires; inoperable, abandoned, demolished, dismantled machinery, trailers, automobiles and other goods in such condition of deterioration or disrepair so as to be unusable in their existing condition.
2. Rubbish. Rubbish and debris means all waste, refuse and rejected matter and material, whether animal, vegetable or mineral, manufactured or natural.

C. Unlawful Accumulations.
1. It shall be deemed a public nuisance and unlawful to deposit, accumulate, store, keep, abandon, or to permit the accumulation, storage, keeping or abandonment of junk, rubbish or debris on private or public property within the City, unless such area is specifically used and appropriately zoned for such deposit, accumulation, storage or keeping of junk, rubbish or debris and all applicable fencing, setback and other requirements applicable to such use meet compliance.

2. It is unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building or on any premises, improved or vacant, or on any open lot or alley so that the same shall or may afford food or harborage for rats or other vermin.
3. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any open lot or alley, any lumber, boxes, barrels, bottles, cans, containers or similar materials that may be permitted to remain thereon, unless same shall be placed on open racks that are elevated not less than twelve inches above the ground and evenly piled or stacked.

D. Weed abatement compliance shall be accomplished upon approval by the City by discing, plowing, or mowing weeds within eight (8) inches of the ground. Weeds are to be maintained less than eight (8) inches in height throughout the growing season.

(2010-23, Sub-section Added, eff. 7/28/2010, 2012-09, Section Amended, eff. 04/04/12)

E. The City may inspect properties within the city and identify those needing weed, garbage, refuse, unsightly and deleterious object abatement and then serve notice in writing upon the owner and/or occupant of such land pursuant to Chapter 2.14 of this Code. The notice shall require the owner and/or occupant, as the case may be, to abate the weeds, garbage, refuse, unsightly and deleterious objects by a specific time pursuant to Chapter 2.14 of this Code. One notice shall be deemed sufficient on any lot or parcel of property for an entire year.

(2010-23, Sub-section Added, eff. 7/28/2010)

F. It shall be a Class C misdemeanor violation for any owner or occupant of lands described herein to fail or neglect to conform to the requirements hereof relating to the eradication or destruction or removal of accumulated weeds, garbage, refuse, objects or structures, and shall be punishable both by the imposition of civil remedies as provided in this Code and by criminal sanctions.

(2010-23, Sub-section Added, eff. 7/28/2010)

Section 5.02.100 Junk Vehicles

A. Definitions.
1. Junk Vehicles. A vehicle which is inoperable, dismantled in any way, unregistered or has flat tires.
2. Vehicle. A machine propelled by power other than human power. This includes campers, trailers and other equipment designed to be carried upon, or towed behind such powered vehicles designed to travel along the ground by use of wheels, treads, runners, or slides, or upon such vehicle, and shall include without limitation, automobiles, airplanes, trucks, trailers, campers, motorcycles, motor scooters, snowmobiles, golf carts, recreational vehicles and so forth.

B. Unlawful Storage.
1. It shall be unlawful for more than one junk motor vehicle to remain on a parcel within Midway City. Said vehicle shall be covered with a commercial car cover or an opaque tarp that is securely fastened at all times. Notwithstanding the above sentence, more than one junk motor vehicle, under the ownership of the same person who owns the parcel or who has a lease for the

parcel, may be stored if placed within a completely enclosed structure. Note: Any vehicle stored in compliance with this subsection and outside of a completely enclosed structure shall be safely and properly blocked, but shall not be blocked up for a period of more than 30 days.
2. All vehicles not stored as described above must run, bear currently registered license plates, have all four tires inflated and not be dismantled in any way. Any vehicle parts must be stored inside or removed from the property.

Section 5.02.110 Excessive Motor Vehicle Noise

A. Definitions.
1. Engine Retarding Brake. A Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.
2. Abnormal or Excessive Noise.
a. Distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value.
b. Noise in excess of that permitted by Utah Code as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order.

B. Excessive Vehicle Noise.
1. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.
2. It shall be unlawful for the operator of any vehicle to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the City which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

C. Signing. Signs stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKES PROHIBITED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKES PROHIBITED" shall be installed on a state highway without a permit from the Utah Department of Transportation. The provisions of this Chapter are in full force and effect even if no signs are installed.

Section 5.02.120 Sale or Use of Fireworks

The sale or use of fireworks shall be governed in strict accordance with the provisions of Utah Code.

Section 5.02.130 Window Peeping

No person shall look, peer, or peep into or be found loitering around or within view of any window within a structure occupied as a residence of another with the intent of watching or

looking through the window to observe any person or persons or otherwise invading the privacy of the occupant(s).

Section 5.02.140 Unlawful Discharge of Weapons

A. It is unlawful for any person to discharge any firearm within the limits of Midway City, provided that this Section shall not apply to peace officers in the pursuit of official duties, persons acting in self defense, or residents residing in the RA-1-43 zone protecting their property, livestock and poultry from predators such as dogs, coyotes, rock chucks, and skunks, provided that use of such weapon shall be limited to shotguns when such discharge does not endanger persons or damage to buildings or vehicles. This Section shall not apply to persons hunting with shotguns during regularly scheduled hunting seasons, provided that any person so hunting must strictly comply with state laws and regulations concerning carrying loaded firearms and distance requirements from roads, vehicles and buildings.

B. A violation of this Section is a class B misdemeanor.

Section 5.02.150 Public Nuisance Enforcement and Penalty

A. Declaration of Penalty. Any violation of this Chapter is deemed a public nuisance and its use shall be discontinued. Violations of this Chapter shall be classified as a class C misdemeanor unless otherwise noted.

B. In addition to the penal remedy stated in this Section, the City Attorney may bring action before any competent court having jurisdiction to enjoin the continuation of any prohibited condition of nuisance and impose a civil penalty of up to $1,000.00 per day plus costs and reasonable attorney's fees.

C. Generally accepted practices associated with agriculture, farming, raising livestock, and related activities shall be exempt from the following:
1. Noise
2. Smoke
3. Vibration
4. Solid and Liquid Waste. Nevertheless, this exemption shall apply only to animal waste, fertilizers when legally and properly applied, and other generally accepted practices. It shall not apply to spills and other releases of chemicals such as fuels, solvents, and other such materials that are harmful to the groundwater, humans, animals, and so forth.

CHAPTER 5.03 PARKS AND TRAILS

Section 5.03.010 Protection of Trees, Plants, and Structures.
Section 5.03.020 Regulation of Traffic.
Section 5.03.030 Commercial Transactions.
Section 5.03.040 Signs Restrictions.
Section 5.03.050 Restricted Areas.
Section 5.03.060 Miscellaneous Activities.
Section 5.03.070 Animals.
Section 5.03.080 Permits for Exclusive Park Use.
Section 5.03.090 Golf Prohibited
Section 5.03.100 Water Activities.
Section 5.03.110 Tobacco Products, Alcoholic Beverages and Controlled Substances in Parks and on Trails.
Section 5.03.120 Enforcement.

Section 5.03.010 Protection of Trees, Plants, and Structures

A. No person shall, within or on any of the parks or trails within Midway City, do any of the following:
1. Climb any trees, or pluck any flowers or fruit, whether wild or cultivated;
2. Break, cut down, or trample upon or remove, or in any manner injure or deface any statue, ornament, tree, plant, shrub, flower bed, curb, or any of the buildings, fences, bridges, playground equipment, benches, rock or stones, other structures, or construction within such parks or park trails.

Section 5.03.020 Regulation of Traffic

A. No person shall drive, ride, or operate any bicycle, motorcycle, horse or other animal used for riding or pulling a vehicle, or any other vehicle upon any part of the park or trail, except upon the streets or drives within a park, or upon such other trails, sidewalks, paths or other places specifically designated for such purpose.

B. No person shall park or leave a vehicle at any location other than at such places designated for such purpose.

C. No person shall ride or drive a bicycle, automobile or other vehicle within the parks or upon park trails at a speed that may pose a risk to other trail or park users.

D. Midway City, in its discretion, may forbid any automobile, motorcycle, bicycle or other vehicle from entering upon or traveling over any of the parks or trails, or upon or over any portion of the same, whenever the City deems the restriction necessary for the safety of the public or preservation of public property. The City may call for the erection or use of signs, barricades, or other devices to prevent such entry or travel. No person shall enter upon or travel over such designated areas.

Section 5.03.030 Commercial Transactions

No person shall engage in the commercial sale or display of goods, merchandise, or any other articles in the parks or upon any drive therein, without having first obtained a permit for such activity. Permits for commercial sale and display shall be issued by the City under the direction of guidelines and criteria established by the City.

Section 5.03.040 Signs Restrictions

No person shall post or affix any printed or written bill, sign, placard, notice or other paper upon any tree, structure or thing within the parks or trails, or upon any gate, fence, or enclosure within the limits thereof, except that park notices and other authorized bulletins or signs may be put up at the direction of the City.

Section 5.03.050 Restricted Areas

The parks and trails and every part thereof are for the use and enjoyment of the public, subject to such restrictions as may be lawfully made for their orderly government. All visitors are free to go upon the grass, lawn or turf of any park or trail except in any space indicated by visible lines of enclosure on which is posted a sign prohibiting such entry.

Section 5.03.060 Miscellaneous Activities

A. No person shall, within any park or upon any trail, do any of the following:
1. Play any music in a manner that violates the Midway City Code.
2. Keep or offer for sale, or post or display any sign or placard, flag, target, transparency, advertisement or device of business, unless by the permission of the City, and subject to such rules and regulations as the City shall prescribe.
3. Publicly solicit or beg.
4. Utter loud, threatening or abusive or indecent language or any language tending to cause a breach of the peace.
5. Engage in any indecent, obscene or disorderly conduct.
6. Make any oration or harangue on such trail, park or parkway without the written permission of the City.
7. Metal detecting except as permitted under the direction of the City.
8. Camp in any park, unless upon issuance of a permit by the City.

Section 5.03.070 Animals.

A. No person shall take, ride, drive or conduct into a park or upon any trail, any quadruped or other animal except the following:
1. Dogs that are under control of the person by a maximum six foot leash, chain, cable or suitable enclosure.
2. All dog owners will be responsible for cleaning up and properly depositing any waste left by their animals.
3. Horses that are being used for carriage rides pursuant to a permit issued by the City.

4. Such other animals as shall be permitted under the direction of the City.
5. No animals of any kind will be allowed on the Town Square except as permitted under the direction of the City.

Section 5.03.080 Permits for Exclusive Park Use

A. Athletic games, sports, picnics and other forms of recreation or amusement sanctioned by the City may be held or practiced in such parts of the parks as shall be designated for such use, subject to such regulations as may be made by the City.

B. Permits for the exclusive use of any picnic shelter or park area for any specified date or time, may be granted at the discretion of the City, and no person shall in any manner disturb or interfere with any club or party occupying the ground under such permit without their consent.

Section 5.03.090 Golf Prohibited

No person shall play or practice golf, or otherwise hit any golf balls within the limits of any park or trail.

Section 5.03.100 Water Activities

No person shall swim, bathe, fish or float watercraft in the waters of any park or in any other public waters within the limits of the City's parks, except in places designated by the City. No person shall kill, injure, molest or unnecessarily disturb the fish in said waters, or any water fowl or other birds, or any animal properly within any park.

Section 5.03.110 Tobacco Products, Alcoholic Beverages and Controlled Substances in Parks and on Trails

It is unlawful for any person to bring upon, sell, possess or consume in a park or on a trail any tobacco products, alcoholic beverages, or controlled substances.

Section 5.03.120 Enforcement

Violation of any provision of this Chapter shall be punishable as a class C misdemeanor unless otherwise specified. In addition, all other legal remedies, both criminal and civil, may be pursued by the City to enforce this Chapter.

CHAPTER 5.04 NOXIOUS WEED CONTROL

Section 5.04.01 Adoption of Management Plan
Section 5.04.02 Requirements
Section 5.04.03 Definition
Section 5.04.04 Duty to Comply
Section 5.04.05 Notice of Violation
Section 5.04.06 Failure to Comply
Section 5.04.07 (Deleted)

Section 5.04.01 Adoption of Management Plan

In an effort to comply with the Utah State Strategic Plan for the management of noxious and invasive weeds, Midway City adopts the Wasatch County Noxious Weed Law Enforcement Procedures and the Coordinate Noxious Weed Management Plan for Wasatch County.

(2012-08, Section Added, eff. 03/14/2012)

Section 5.04.02 Requirements

An owner, agent or occupant of real estate within Midway City shall not permit or maintain on any such real estate any growth of noxious weeds in violation of the Utah Noxious Weed Act, as said Act may be amended from time to time. Violation of this provision shall be punishable as a Class C misdemeanor.

(2010-25, Section Amended, eff. 7/28/2010)

Section 5.04.03 Definition

Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah Commissioner of Agriculture.

Section 5.04.04 Duty to Comply

It shall be the duty of the owner, agent or occupant of real estate within Midway City to cut and remove or destroy by lawful means all such noxious weeds and grass as often as may be necessary to comply with the provisions of this Chapter.

Section 5.04.05 Notice of Violation

Upon discovering a parcel of real estate containing noxious weeds, the City may give the owner, agent or occupant of the real estate a written notice to remove and eliminate the noxious weeds, pursuant to Chapter 2.14 of this Code.

(2010-25, Section Amended, eff. 7/28/2010)

Section 5.04.06 Failure to Comply

Pursuant to Utah Code Section 4-17-8, as amended from time to time, if the owner or person in possession of the property fails to take action to control or prevent the spread of noxious weeds within five working days after the property is declared a public nuisance Midway City will give a copy of the notice of violation to Wasatch County for enforcement.

(2010-25, Section Amended, eff. 7/28/2010) (2012-08, Section Amended, eff. 03/14/2012)

Section 5.04.07
(2010-25, Section Amended, eff. 7/28/2010) (2012-08, Section Deleted, eff. 03/14/2012)

CHAPTER 5.05 FLOOD DAMAGE PREVENTION

Section 5.05.010 Statutory Authorization, Findings of Fact, Purpose, and Objectives
Section 5.05.020 Definitions
Section 5.05.030 General Provisions
Section 5.05.040 Administration
Section 5.05.050 Provisions for Flood Hazard Reduction
Section 5.05.060 Penalties for Noncompliance

Section 5.05.010 Statutory Authorization, Findings of Fact, Purpose, and Objectives

A. Statutory Authorization. The Legislature of the State of Utah delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses and facilitate homeowner participation in the National Flood Insurance Program (NFIP). Therefore, the City Council of Midway City does ordain as follows:

B. Findings of Fact.
1. The flood hazard areas of Midway City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

C. Statement of Purpose. It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this Chapter uses the following methods:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 5.05.020 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter it's most reasonable application.

A. Alluvial Fan Flooding. Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

B. Apex. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

C. Area of Shallow Flooding. A designated AO, AH, or VO zone on Midway City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

D. Area of Special Flood Hazard. Land in the floodplain within Midway City subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

E. Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

F. Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

G. Critical Feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

H. Development. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

I. Elevated Building. A non-basement building:

1. built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and
2. adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

J. Existing Construction**.** For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

K . Existing Manufactured Home Park Or Subdivision**.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Midway City.

L. Expansion To An Existing Manufactured Home Park Or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

M. Flood or Flooding**.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

N. Flood Insurance Rate Map (FIRM). FIRM is an official map of Midway City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Midway City.

O. Flood Insurance Study. Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

P. Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Q. Floodplain Management**.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

R. Floodplain Management Regulations**.** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

S. Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within Midway City subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

T. Flood Proofing**.** Is any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

U. Floodway (Regulatory Floodway). Is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

V. Functionally Dependent Use. Is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

W. Highest Adjacent Grade**.** Is the highest natural elevation of the ground surface next to the proposed walls of a structure.

X. Historic Structure. Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
a. by an approved state program as determined by the Secretary of the Interior or;

b. directly by the Secretary of the Interior in states without approved programs.

Y. Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Z. 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.

AA. Lowest Floor. The lowest floor of the lowest enclosed area (including basement).An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

BB. Manufactured Home**.** A manufactured home is a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

CC. Manufactured Home Park or Subdivision**.** Is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

DD. Mean Sea Level**.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on Midway City 's Flood Insurance Rate Map are referenced.

EE. New Construction. For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by Midway City and includes any subsequent improvements to such structures.

FF. New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Midway City.

GG. Recreational Vehicle. A vehicle which is:
1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;

3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

HH. Start of Construction. For new construction or substantial improvement, except for new construction or substantial improvement subject to the Coastal Barrier Resources Act (Pub. L. 97-348), start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

II. Structure**.** A structure is a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

JJ. Substantial Damage**.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

KK. Substantial Improvement. A substantial improvement is a reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

LL. Variance. A variance is a grant of relief to a person from the requirement of this Chapter when specific enforcement would result in an unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

MM. Violation. The failure of a structure or other development to be fully compliant with Midway City 's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section

44 CFR 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.

NN. Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 5.05.030 General Provisions

A. Lands to which this Chapter applies. The Chapter shall apply to all areas of special flood hazard within the jurisdiction of Midway City.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Midway City" dated March 15, 2012 or thereafter, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter.

(2012-07, Sub-section Amended, eff. 3/14/2012)

C. Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this Chapter.

D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning and Disclaimer or Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This Chapter shall not create liability on the part of Midway City or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

Section 5.05.040 Administration

A. The Zoning Administrator is hereby appointed as the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR 60.3 Floodplain Management Criteria for Flood-prone Areas.

B. The Duties & Responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
2. Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this Chapter.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the Utah Department of Public Safety, Division of Homeland Security prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with this Chapter, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of this Chapter.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on Midway City 's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Midway City.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, Midway City may approve certain development in Zones A1-30, AE, AH, on Midway City's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that Midway City first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

C. Permit Procedures.
1. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing

and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of this Chapter.
d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
e. Maintain a record of all such information in accordance with this Chapter.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
a. The danger to life and property due to flooding or erosion damage;
b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
c. The danger that materials may be swept onto other lands to the injury of others;
d. The compatibility of the proposed use with existing and anticipated development;
e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
h. The necessity to the facility of a waterfront location, where applicable;
i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
j. The relationship of the proposed use to the comprehensive plan for that area.

D. Variance Procedures
1. The Appeal Board, as established by Midway City, shall hear and render judgment on requests for variances from the requirements of this Chapter.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in C(2) of this Section have

been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter.
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
b. Variances shall only be issued upon:
i. showing a good and sufficient cause;
ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
c. Any applicant to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by Midway City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria outlined in this Chapter are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Section 5.05.050 Provisions for Flood Hazard Reduction

A. General Standards. In all areas of special flood hazards the following provisions are required for all new construction and all structures undergoing substantial improvements:
1. Shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Shall be constructed by methods and practices that minimize flood damage;
3. Shall be constructed with materials resistant to flood damage;
4. Shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Unit Construction Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this Chapter the following provisions are required:
1. Residential Unit Construction. In new construction, or any substantial improvement of any residential structure, the lowest floor (including basement) shall be elevated18 inches or more above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Chapter is satisfied.
2. Nonresidential Unit Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated by 18 inches or more above the base flood level or, together with attendant utility and sanitary facilities, shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.
3. Enclosure Construction. New construction, or substantial improvement, of any enclosure with fully enclosed areas below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area, other than a basement, which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
b. The bottom of all openings shall be no higher than one foot above grade.
c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes. This sub-section requires that all manufactured homes to be placed within Zone A on Midway City 's FHBM or FIRM:
a. shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
b. requires that any manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on Midway City's FIRM on sites;
i. outside of a manufactured home park or subdivision,

ii. in a new manufactured home park or subdivision,
iii. in an expansion to an existing manufactured home park or subdivision, or
iv. in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as a result of a flood,
be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 18 inches or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
c. requires that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on Midway City's FIRM that are not subject to the provisions paragraph 4 of this subsection be elevated so that either:
i. the lowest floor of the manufactured home is elevated to18 inches or more above the base flood elevation, or
ii. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational Vehicles. This sub-section requires that recreational vehicles placed on sites within Zones A1-30, AH, and AE on Midway City's FIRM either:
a. be on the site for fewer than 180 consecutive days,
b. be fully licensed and ready for highway use, or
c. meet the permit requirements of Section 5.05.040 subsection C1, and the elevation and anchoring requirements for "manufactured homes" in paragraph 4 of this Subsection.
A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. Design standards for proposed Subdivision or Planned Unit Development (PUD), including those that are designed for the placement of manufactured homes, shall:
1. Be consistent with the requirements of Section 5.05.010 Subsections B, C, and D of this Chapter.
2. Meet the Development Permit requirements of Subsections 5.05.030 C, 5.05.040 C, and 5.05.050 of this Chapter.
3. Generate base flood elevation data for all subdivision, PUD's, manufactured home parks and any other proposed development of 5 acres or more in area or contain 50 or more lots or pads if not otherwise provided pursuant the to requirements of Sections 5.05.030 B or 5.05.040 B8 of this Chapter.
4. Assure that adequate drainage is provided to reduce exposure to flood hazards.
5. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones). Land located within the areas of special flood hazard established in Section 5.05.030 B of this Chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet and where a clearly defined channel does not exist, where the path of flooding is unpredictable or where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction, or substantial improvement, of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade by a height at least equal to the depth number specified in feet on Midway City's FIRM plus 18 inches.
2. All new construction, or substantial improvement, of non-residential structures;
a. have the lowest floor (including basement) elevated above the highest adjacent grade by a height at least equal to the depth number specified in feet on Midway City's FIRM plus 18 inches or;
b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads resulting from the effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Chapter Section 5.05.040 C are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. Floodways. Located within areas of special flood hazard established in this Chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within Midway City during the occurrence of the base flood discharge.
2. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, Midway City may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that Midway City first applies for a conditional FIRM and floodway revision through FEMA
3. If encroachments are permitted under 1and 2 above all associated new construction and / or substantial improvements shall comply with all applicable flood hazard reduction provisions of this Subsection.

Section 5.05.060 Penalties for Noncompliance

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

B. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $750 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case.

C. Nothing herein contained shall prevent Midway City from taking such other lawful action as is necessary to prevent or remedy any violation.

(2009-14, Chapter Added, eff. 11/25/2009; 2010-01, Chapter Replaced, eff. 4/14/2010)

CHAPTER 5.06 RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND PERSONS WITH A DISABILITY

Section 5.06.010 Statement of Purpose and Scope
Section 5.06.020 Definitions
Section 5.06.030 Permitted Uses and Termination
Section 5.06.040 Development Standards
Section 5.06.050 Reasonable Accommodation
Section 5.06.060 Parking Requirements

Section 5.06.010 Statement of Purpose and Scope

A. Statement of Purpose. The purpose of this chapter is to set forth land use and permitting procedures that:
1. Comply with Sections 10-9a-520 of the Utah Code; and
2. Avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the federal Fair Housing Act as interpreted by courts whose decisions are binding in Utah.

B. Scope. If any facility, residence, congregate living or other housing arrangement meets the definition of a residential facility for persons with a disability or a residential facility for elderly persons as set forth in this Title, the requirements of this Chapter shall govern the same notwithstanding any conflicting provision of this Title or the Midway City Code. Except as provided herein, the requirements of this Chapter, shall not be construed to prohibit or limit other applicable provisions of this Title, the Midway City Code or other laws.

Section 5.06.020 Definitions

A. Adult Day Care Facility. A facility that furnishes care, supervision and guidance for 3 or more adults unaccompanied by a guardian for periods of less than 24 hours per day.

B. Assisted Living Facility. A residential facility, licensed by the State of Utah, with a homelike setting that provides an array of coordinated supportive personal and health care services, available 24 hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:
1. specified services of intermittent nursing care; administration of medication; or
2. support services promoting resident's independence and self-sufficiency. An assisted living facility does not include:
3. a residential facility for persons with a disability, or
4. adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

C. Boarder. A person living in a rented room in a boarding house. The boarding house operator, or a member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.

D. Boarding House. A building or a portion thereof, operated by a person residing on the premises where, for compensation, rooms are rented together with meals for not more than 15 boarders who generally do not directly utilize kitchen facilities. "Compensation" shall include money, services or, any other thing of value. A boardinghouse does not include:
1. a residential facility for the elderly or persons with a disability, or
2. any non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling; medical, protective or other similar services to the occupants thereof.

E. Building. A permanently located structure, including but not limited to dwelling units, designed, intended or used for occupancy by any person or for storage of property of any kind.

F. Community Correctional Facility. A facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons 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.

G. Correctional Facility. A prison, jail, juvenile detention facility, or juvenile secure facility.

H. Disability. A physical or mental impairment which substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or successor law. As used in this definition,
1. "Physical or mental impairment" includes:
a. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
b. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
c. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness; drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
2. “Major life activities” means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
3. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
4. "Is regarded as having an impairment" means:
a. has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as constituting such a limitation;

b. has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or
c. has none of the impairments defined in paragraph (i) of this definition but is treated by another person as having such an impairment.

I. Domestic Staff. Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.

J. Dwelling. Any building or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families.

K. Dwelling Unit. One or more rooms in a building or portion thereof designed, occupied or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation provided within the dwelling unit.

L. Dwelling, Multiple Family: A building arranged or designed to include three or more dwelling units, each to be occupied by one family.

M. Dwelling, Single Family: A building arranged or designed to include only one dwelling unit occupied by one family.

N. Dwelling, Two-Family/Duplex: A building arranged or designed to include two dwelling units, each to be occupied by one family.

O. Educational Institution. A public elementary or secondary school, seminary, parochial school or private education institution having a curriculum similar to that ordinarily provided in grades one through twelve in a public school system. The term educational institution for the purpose of this Title does not include post high school educational facilities or educational facilities which include residential facilities for its students.

P. Educational Institution With Housing: A public or private educational institution with on-site residential facilities for its students and/or staff.

Q. Elderly Person: A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

R. Family: One or more persons related by blood, marriage, adoption, or guardianship or a group of not more than five unrelated persons living together as a single housekeeping unit, together with any incidental domestic or support staff who may or may not reside on the premises. "Family" does not exclude the care of foster children.

S. Fraternity or Sorority House. A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.

T. Homeless Shelter. Charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. It may also include a kitchen and cafeteria.

U. Hospital. An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

V. Hotel. A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

W. Jail. A facility established and operated by the County, either directly or under a contract with a private provider, for confinement of persons in lawful custody.

X. Juvenile Detention Facility. A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for temporary detention of delinquent juveniles.

Y. Juvenile Secure Facility. A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for incarceration of delinquent juveniles.

Z. Nursing Home. Convalescent Home, and Rest Home: An intermediate care/nursing facility or a skilled nursing facility, licensed by the State of Utah, for the care of individuals who due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four hour per day basis. Such facility does not include an adult day cart facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

AA. Prison. A facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by a private provider pursuant to the provisions of the Private Correctional Facilities Act, Chapter 13c, Title 64, Utah Code Annotated, as amended.

BB. Protective Housing Facility. A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, non-profit organization, where, for no compensation, temporary, protective housing is provided to:
1. abused or neglected children awaiting placement in foster care;
2. pregnant or parenting teens;
3. victims of sexual abuse; or
4. victims of domestic abuse.

CC. Reasonable Accommodation. A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:
1. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
2. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
3. "Equal opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

DD. Rehabilitation/Treatment Facility. A facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol & drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A Rehabilitation/Treatment Facility does not include a residential facility for persons with a disability.

EE. Residence. A place where an individual is actually living at a given point in time and not. a place of temporary sojourn or transient visit.

FF. Residential Facility for Elderly Persons. A dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident and is voluntarily occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "residential facility for elderly persons" does not include any facility:
1. operated as a business; provided, that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
2. where persons are placed:
a. for alcoholism or drug abuse treatment; or
b. as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility,
3. which is a healthcare facility as defined by the Utah Health Code, as amended; or
4. which is a residential facility for persons with a disability.

GG. Residential Facility for Persons with a Disability. A dwelling unit or other place in which more than one person with a disability resides and, if required by State law, is licensed or certified by:
1. Title 62A, the Utah Department of Human Services, Division of Services for People with Disabilities Chapter, of the Utah Code, or
2. Title 26, Department of Health, under the Health Care Facility Licensing and Inspection Act Chapter, of the Utah Code.

HH. Sheltered Workshop. A non-residential facility providing supervised educational or vocational training facility for persons with a disability.

II. Support Staff. Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide. on-site treatment, rehabilitation, or habilitation services.

JJ. Trade or Vocational School. A post-high school educational or vocational training facility.

KK. Transitional Housing Facility. A facility owned, operated or contracted by a governmental entity or a charitable, non-profit organization which provides free temporary housing to homeless persons for at least 30 days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:
1. a homeless shelter;
2. a dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than 30 days; and
3. a residential facility for persons with a disability.

Section 5.06.030 Permitted Uses and Termination

A. Permitted Uses. Notwithstanding any contrary provision of this Title, and subject to the development standards in section 5.06.040, a residential facility for persons with a disability shall be a permitted use in any zone where a dwelling is allowed as a permitted or conditional use; and a residential facility for elderly persons shall be a permitted use in any zone where residential dwellings are allowed except as are zoned to permit exclusively single-family dwellings.

B. Termination. A use permitted by this Chapter is nontransferable and shall terminate if
1. the facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability, or
2. any license or certification issued by the Utah Department of Health or the Department of Human Services for such facility terminates or is revoked, or
3. the facility fails to comply with requirements set forth in this Chapter.

Section 5.06.040 Development Standards

The development standards set forth in this Section shall apply to any residential facility for persons with a disability or residential facility for elderly persons.

A. Building, Safety and Health Regulations. The facility shall comply with building, safety, and health regulations applicable to similar structures.
1. Except as otherwise provided in this Chapter, each facility shall be subject to the same development standards applicable to similar structures located in the same zoning district in which the facility is located.
2. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located.

B. No Dangerous Persons Permitted. No facility shall be made available to an individual whose tenancy would:
1. constitute a direct threat to the health or safety of other individuals, or
2. result in substantial physical damage to the property of others.

C. License and Certification. Prior to occupancy of any facility, the person or entity operating the facility shall:
1. provide to the City a copy of any license or certification required by the Utah State Department of Health or the Utah State Department of Human Services, and
2. certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:
a. constitute a direct threat to the health or safety of other individuals, or
b. result in substantial physical damage to the property of others.

Section 5.06.050 Reasonable Accommodation

A. Reasonable Accommodation Required. None of the requirements of this Chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

B. Application. Any person or entity wanting a reasonable accommodation shall make application therefore to the Zoning Administrator and shall articulate in writing the nature of the requested accommodation and the basis for the request.

C. Decision. The Zoning Administrator shall render a decision on each application for a reasonable accommodation within 30 days.

D. Appeal. If a reasonable accommodation request is denied, the decision may be appealed to the City Council in the manner provided for appeals of administrative decisions set forth in this Code.

Section 5.06.060 Parking Requirements

Residential Facilities for elderly persons shall have two off-street parking stalls. Residential facilities for persons with a disability shall have one visitor parking space per three resident beds, plus one parking space for each employee that works in the facility during daylight hours.

(2010-05, Chapter Added, eff. 4/14/2010; 2012-12, Section Amended, eff. 04/11/12)

MIDWAY CITY
Municipal Code

TITLE 9 ANNEXATION

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CHAPTER 9.01 PURPOSE

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Section 9.01.010 Annexation Ordinance Plan

This Ordinance shall be the Midway City annexation policy plan and shall replace in full all prior versions of an annexation policy plan adopted by Midway City.

Section 9.01.020 City Purposes for Ordinance

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the Midway City municipal community ("City" or "Midway City") by assuring the orderly growth and development through: coordinating and planning utilities and public services; preserving open space, enhancing parks and trails; ensuring environmental quality; protecting entry corridors, view sheds and environmentally sensitive lands; preserving historic and cultural resources; creating buffer areas; protecting public health, safety, and welfare and ensuring that annexations are approved consistent with the Midway City General Plan, the Midway City Vision and applicable laws of the state of Utah.

Section 9.01.030 Duration of Plan

In meeting the goals of Midway City's annexation policy plan, contained herein, the Planning Department and City Council shall strive to avoid gaps between or overlaps with the expansion areas of other municipalities; consider the population growth projections for Midway City and adjoining areas for the next 20 years; consider current and projected costs of infrastructure, urban

services, and necessary public facilities; facilitate full development of areas within Midway City; expand infrastructure, services, and facilities into the area being considered for inclusion in the expansion area when practical and feasible; consider, in conjunction with Midway City's General Plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; consider the reasons for including agricultural lands, forests, recreation areas, and wildlife management areas in Midway City; and be guided by the following principles:

Section 9.01.040 Policy Declaration Area Map

The areas into which Midway City may be expanded are depicted by the current version of the Midway City Annexation Declaration Map which is incorporated herein by reference. The lands within the expansion area are presently outside the City limits and are mostly within the Midway Sanitation District and Wasatch County Fire District boundaries. In addition, the Midway City culinary water system extends beyond the City limits and serves parts of the surrounding unincorporated area.

Section 9.01.050 Annexation Area Boundary Policy

If practical and feasible, the boundaries of an area proposed for annexation shall be drawn:

A. To eliminate islands and peninsulas of territory that are not receiving municipal type services.

B. To facilitate the consolidation of overlapping functions of local government.

C. To promote the efficient delivery of services.

D. To encourage the equitable distribution of community resources and obligations.

Section 9.01.060 Intent

It is the intent of this Chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the rural, resort image which is critical to the economic viability of the community, and that the potential fiscal effect of an annexation does not impose an unreasonable burden upon City resources and tax base.

Section 9.01.070 Utah State Law Incorporated by Reference

This Chapter hereby incorporates by reference all applicable provisions of the Utah Code.

CHAPTER 9.02 GENERAL REQUIREMENTS

Section 9.02.010 Logical Extension of City Required
Section 9.02.020 Consistent with General Plan and the Chapter
Section 9.02.030 Efficiency of Proposal Required
Section 9.02.040 Individual Small Parcel Proposals Discouraged
Section 9.02.050 Islands, Peninsulas and Irregular Boundaries of annexation Areas Discouraged
Section 9.02.060 City Must Be Able to Serve Area at Consistent Level of Service
Section 9.02.070 Annexations to be Scrutinized
Section 9.02.080 Annexation for Preservation Allowed
Section 9.02.090 Applications for Annexation Must be Within Annexation Policy Declaration Area
Section 9.02.100 Consideration of Other Municipal Boarders
Section 9.02.110 Annexation Conditions

Section 9.02.010 Logical Extension of City Required

Property under consideration for annexation must be considered a logical extension of the City boundaries.

Section 9.02.020 Consistent with General Plan and the Chapter

Annexation of property to the City must be consistent with the intent and purpose of this Chapter and the Midway City General Plan, in addition to the Master Plan for water, sewer, and roads.

Section 9.02.030 Efficiency of Proposal Required

Every annexation shall include the greatest amount of contiguous property area, which is also contiguous to the City's municipal boundaries.

Section 9.02.040 Individual Small Parcel Proposals Discouraged

Piecemeal annexation of individual small properties shall be discouraged if larger contiguous parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

Section 9.02.050 Islands, Peninsulas, and Irregular Boundaries of Annexation Areas Discouraged.

Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be strongly discouraged.

Section 9.02.060 City Must be Able to Serve Area at Consistent Level of Service

In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed areas:

A. Law enforcement protection.

B. Snow removal on public streets, subject to standard City snow removal policies.

C. Maintenance of existing public streets, provided that such streets have been constructed or reconstructed to City street standards or are acceptable to the City Engineer and City Council.

D. Planning, zoning, and municipal code enforcement.

E. Access to municipal sponsored parks and recreational activities and cultural events and facilities.

F. Water and sewage waste disposal services as the area is developed. Existing facilities for water treatment, storage and delivery, and/or for sewage removal and treatment, may be inadequate to provide water and sewer services to a proposed annexation area. The City shall determine the timing of and necessary capacity for the extension of water and sewer service to a proposed annexation area. New development in an annexation area shall pay the cost of improvements necessary for the extension and connection of new developments to City water and sewer lines and systems, as well as contribute to the cost of additional capital improvements, including but not limited to, storage and distribution facilities as necessary for safe, reliable, and efficient water flows and waste removal.

Section 9.02.070 Annexations to be Scrutinized

Before considering requests for annexation, the City shall carefully analyze the impacts of annexation of an area, taking into consideration whether the area will create negative impacts on the City and considering whether the City can economically provide services to the annexed area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in wildfire/wild land interface areas, usable open space and recreation areas, protection of sensitive lands, conservation of natural resource, protection of view corridors, protection and preservation of historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation area shall be considered.

Section 9.02.080 Annexation for Preservation Allowed

Situations may exist where it is in the public interest to preserve certain lands from development in flood plains, where geologic hazards exist, where slopes are severe, or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexations may occur as a means of retaining those lands in a natural state.

Section 9.02.090 Applications for Annexation Must be Within Annexation Policy Declaration Area

Midway City shall consider annexation of unincorporated areas of Wasatch County that are within the Annexation Declaration Area on its own initiative in order to promote the policies set forth in this Title.

Section 9.02.100 Consideration of Other Municipal Borders

In general, the annexation of unincorporated territory which should be located within another municipality is not favored, nor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, nor for retarding the capacity of another municipality to annex.

Section 9.02.110 Annexation Conditions

Annexation conditions and agreements that support the Midway City Vision that Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family oriented, aesthetically pleasing, safe, walk able and visitor friendly. It is a community that proudly enhances its small town character, Swiss heritage and natural environment, as well as remaining fiscally responsible. Preserving environmentally sensitive lands and providing significant public open space and/or community facilities are preferred.

CHAPTER 9.03 PROPERTY OWNER INITIATION OF ANNEXATION

Section 9.03.010 Petition Criteria
Section 9.03.020 Petition Attachment Requirements
Section 9.03.030 Petition Zoning Requests
Section 9.03.040 Water Disclosure Required
Section 9.03.050 Conflicting Annexation Requests Not Allowed
Section 9.03.060 Land considered for Municipal Incorporation Not Eligible
Section 9.03.070 Petition Copy Recipients

Section 9.03.010 Petition Criteria

When initiated by a property owner, an annexation shall be initiated by filing a petition with the City Recorder, which shall contain and comply with the following:

A. The petition shall meet the criteria and format established by the City, as well as comply with the statutory enactments set forth in the Utah Code.

B. The signatures of property owners whose real property covers a majority of the private land area within the proposed annexation area, which is also equal in value to at least one-third of the value of all private real property within said area.

C. If the area is within an Agriculture Protection Area created under the Utah Code, 100 percent of the private land area within the area proposed for annexation must be included.

D. If the property is owned by a public entity other than the federal government, the signature of the owner of all of the publicly owned property within the area proposed for annexation.

E. The designation of up to five of the petitioners as sponsors, one of whom shall be designated as the contact sponsor, along with the mailing address of each sponsor.

F. Certification that a notice of intent to annex, with accurate map of the proposed annexation area attached, has been hand delivered or mailed to all owners of real property within the annexation area and all owners of real property located within 300 feet of that area.

Section 9.03.020 Petition Attachment Requirements

Attached to and as part of the petition shall be:

A. An accurate certified survey plat of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed.

B. A representation as to the anticipated timetable for development, if applicable, of the property being annexed.

C. If the proposed area is intended for development, a complete copy of the development concept plan, which shall also be filed at the same time (or earlier) with the City Planner. The petition shall also identify and depict any requested zoning designation on the plan or a suitable map. Impact mitigation considerations in the annexation agreement will be based on the density permitted under the requested or applied zone requirements.

D. Depending on the scope and intensity of proposed development of the annexation area and the anticipated impact on adjacent lands, a review and analysis of the surrounding property, as provided in this Chapter.

Section 9.03.030 Petition Zoning Requests

Zoning requests are subject to independent review and recommendation by the Planning Commission, with final approval by the City Council concurrent with public hearings on the proposed annexation.

Section 9.03.040 Water Disclosure Required

There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the property to be annexed.

Section 9.03.050 Conflicting Annexation Requests Not Allowed

The annexation petition shall not propose annexation of any land area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.

Section 9.03.060 Land Considered for Municipal Incorporation Not Eligible

The annexation petition shall not propose annexation of any land area being considered for incorporation under Utah State law.

Section 9.03.070 Petition Copy Recipients

On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the Clerk of the county or counties in which the annexation area is located and to the chair of the City Planning Commission.

CHAPTER 9.04 PROCEDURE FOR CONSIDERATION OF PETITION AND PLAT

Section 9.04.010 Annexation Petition and Proper Plat
Section 9.04.020 Annexation Petition and Plat Review
Section 9.04.030 Annexation Petition to City Recorder
Section 9.04.040 Annexation Petition Certification
Section 9.04.050 Planning Commission Recommendation
Section 9.04.060 Public Hearing for Proposed Annexation
Section 9.04.070 Land Use Code
Section 9.04.080 Annexation Agreement
Section 9.04.090 Action After Adopting Annexation Ordinance

Section 9.04.010 Annexation Petition and Proper Plat

A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Utah Code, together with such other information as may be required by the City Planner to enable the staff to prepare an annexation impact report.

Section 9.04.020 Annexation Petition and Plat Review

Prior to City Council action on the petition, the petition and plat shall be reviewed by the City Planner, who shall evaluate the feasibility of the subject expansion of the City's boundaries and who shall prepare a written recommendation for consideration by the City Council.

Section 9.04.030 Annexation Petition to City Recorder

If the City Council determines that the annexation petition provides the information and representations required by this Title, the petition may be accepted for further consideration under this Title and delivered to the City Recorder for consideration of certification pursuant to Utah Code.

(2011-07, Section Amended, eff. 12/14/2011)

Section 9.04.040 Annexation Petition Certification

The City Recorder shall determine, within the time frame and according to the provisions of the Utah Code, whether the petition should be certified. If the petition is certifiable, the City Recorder shall publish notification thereof in accordance Utah Code.

Section 9.04.050 Planning Commission Recommendation

If certified by the City Recorder, the Planning Commission, upon referral from the City Planner, may determine to hold a public hearing and thereafter make a recommendation on the annexation proposal, including any requested zoning designation, to the City Council.

Section 9.04.060 Public Hearing for Proposed Annexation

After receipt of the Planning Commission's recommendation, completion of the review and evaluation provided for by Section 15-8-5, and after giving notice pursuant to Section 10-2-407 of the Utah Code, the City Council shall hold a public hearing on the proposed annexation. Following public hearing, the City Council may either grant the petition, with or without conditions, or deny it. If granted, and upon compliance with all conditions, an ordinance affirming the annexation shall be enacted. Provided, however, that protests to an annexation petition shall be dealt with as set forth in the Utah Code. Denial of or granting the petition while a protest is pending is subject to the Utah Code.

Section 9.04.070 Land Use Code

All applicable zoning and Land Use Code provisions shall apply to the annexed property.

Section 9.04.080 Annexation Agreement

As a condition to recordation of the annexation ordinance, the City may require the execution of an annexation agreement pursuant to this Chapter.

Section 9.04.090 Action After Adopting Annexation Ordinance

Within 30 days after enacting an ordinance annexing an unincorporated area or adjusting a boundary, the City shall:

A. Record with the Wasatch County Recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the City, showing the new boundaries of the affected area.

B. File with the Lieutenant Governor of the State of Utah the amended articles of incorporation reflecting the annexation or boundary adjustment, as provided in the Utah Code.

C. Comply with the notice requirements of the Utah Code.

CHAPTER 9.05 ANNEXATION PETITION REVIEW

Section 9.05.010 Staff Review Team
Section 9.05.020 Annexation Evaluation and Staff Report
Section 9.05.030 Conditions of Annexation and Annexation Agreement
Section 9.05.040 Amendments to Annexation Agreement
Section 9.05.050 Review and Analysis of Surrounding Property

Section 9.05.010 Staff Review Team

After the acceptance of a petition by the City Council and certification thereof by the City Recorder, the procedure for annexation shall comply with the Utah Code; provided, however, the City Council shall not take final action on any petition until the same has been reviewed by the City Planning Commission and by the staff review team. For purposes of annexation petition review, the staff review team shall be composed of at least the following, or their designees:

A. City Engineer, Planning and Zoning Administrator, Director of Public Works, Fire Marshall, County Sheriff, Representatives from Applicable Utility Providers, Midway Sanitation District, Midway Irrigation Company, and Wasatch County School District Superintendent.

Section 9.05.020 Annexation Evaluation and Staff Report

The staff review team will review each annexation and zoning request. The Planning Department will prepare a staff report based thereon and with recommendation to the Planning Commission. The staff report shall include an evaluation of the proposed annexation and shall include at least such of the following information as deemed necessary and appropriate in consideration of the scope of the proposed annexation:

A. The ability to meet the general annexation requirements set forth in this Title.

B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridge line areas, wildfire/wild land interface areas, and other environmentally sensitive lands.

C. Identification of current and potential population of the area and the current residential densities.

D. Land uses presently existing and those proposed.

E. Character and development of adjacent properties and neighborhoods.

F. Present zoning and proposed zoning.

G. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Midway City General Plan and Midway City Vision.

H. Assessed valuation of the properties within the annexation area.

I. Potential demand for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from existing utility lines, special requirements for sensitive lands review and fire protection in wildfire or wild land areas, location within hazardous soils areas, and feasibility of snow removal from public streets.

J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas.

K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid.

L. Comparison of potential revenue from the annexed properties with cost of providing services thereto.

M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed.

N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.

O. Location and description of any historic or cultural resources.

Section 9.05.030 Conditions of annexation approval and annexation agreement

The following conditions must be met prior to approval of an annexation, unless the City Council determines that the particular circumstances of a proposed annexation do not require the imposition of some, or all, of such conditions. These conditions shall be applied consistently for each proposal; however, unusual or unique circumstances may exist which require the imposition of additional, special conditions. The conditions of approval may be required to be formalized by written annexation agreement. The annexation agreement shall be approved by the City Attorney, signed by the City Council, and recorded with the Wasatch County Recorder.

A. Identification of useable water rights to be transferred to Midway City to serve the proposed development.

B. Additional improvements as necessary which may be required in order to improve the water system.

C. Dedication of necessary streets, trails, utilities, and rights-of-way consistent with the subdivision or PUD standards of this Code.

D. Phasing of the development and the annexed area to insure adequacy of public facilities may be required.

E. Payment of park land acquisition fees, dedication of open space or conservation areas, and payment of development impact fees.

F. Provision of affordable housing in accordance with any affordable housing resolution as may be in effect at the time of petition filing.

G. Submittal of site plans and architectural plans for review.

H. Flood plain management or preservation of environmentally sensitive lands including compliance with the any sensitive lands provisions of the City Code.

I. Analysis and survey of any historic and cultural resources located on the property.

J. Analysis of the fiscal impacts of the development as determined necessary by the City. The fiscal impact analysis format, including the revenue and cost assumptions, shall be approved by the City. If necessary, the City may retain a qualified consultant to perform the fiscal impact analysis, at the expense of the applicant.

K. Fees paid in lieu of satisfying certain conditions, as may be approved by the City Council.

L. Review of surrounding property as described below in this Chapter.

M. Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the annexation and any proposed development thereof.

Section 9.05.040 Amendments to the Annexation Agreement

Subsequent amendments to an annexation agreement which are substantive in nature shall be subject to review and approval by the Planning Commission and then City Council, following reasonable public notice. Substantive amendments shall also be recorded with the Wasatch County Recorder.

Section 9.05.050 Review and Analysis of Surrounding Property

A. Upon consideration of the impact of the proposed annexation, the City Planner may require that a land use review and analysis of surrounding property be submitted with the annexation petition. This analysis of surrounding property shall be in sufficient detail for the City to determine the long term community impacts of the proposed annexation on these properties. This analysis may include, but is not limited to, all property within one-half mile of the boundaries of the proposed annexation. The City Planner may modify the study area one-half mile more or less to achieve a suitable and logical study area.

B. The review and analysis of surrounding property shall be performed by a qualified land use planner with assistance from other professionals, such as traffic engineers, civil engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the applicant. The review and analysis shall include, but is not limited to a study of the following:

1. Slope, wetlands, vegetation, wildlife habitat, view corridors, existing Historic and cultural resources, and significant geological features.
2. Existing and proposed road systems.
3. Existing and proposed utilities and major utility extension plans.
4. Location of existing and proposed open space, recreational areas and trail systems.
5. Existing and proposed land uses including type and density of residential areas.
6. Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc.

CHAPTER 9.06 MUNICIPAL INITIATION OF ANNEXATION

Section 9.06.010 Criteria for City Sponsored Annexation
Section 9.06.020 City Proposed Annexation Authorization
Section 9.06.030 County Approval of City initiated Annexations
Section 9.06.040 Effect of Written Protest to City Initiated Annexation

Section 9.06.010 Criteria for City Sponsored Annexation

It shall be the policy of Midway City to annex on its own initiative such areas which meet all of the following criteria:

A. The area is an island within or a peninsula contiguous to the City.

B. The majority of each island or peninsula consists of residential or commercial development.

C. The area requires the delivery of municipal-type services.

D. The City has provided most or all of the municipal-type services to the area for more than one year.

E. Annexation of the area is supported by the goals of the Midway City General Plan, including open space, land use, affordable housing, recreation, growth management and economic development.

Section 9.06.020 City Proposed Annexation Authorization

Such annexations shall be processed as provided under Utah Code, including all noticing and public hearing requirements. This review shall be in addition to the review required in this Title herein.

Section 9.06.030 County Approval of City Initiated Annexations

The City may not adopt an annexation ordinance based on its own initiative unless the Wasatch County Commission has previously approved the annexation.

Section 9.06.040 Effect of Written Protest to City Initiated Annexation

If written protest to such annexation is timely filed and complies with Utah Code, the City may not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this Title shall be considered terminated.

CHAPTER 9.07 ANNEXATION DECLARATION AREA MAP

Section 9.07.010 Preservation of Map
Section 9.07.020 Criteria for Excluded Land

Section 9.07.010 Preservation of Map

The current Annexation Declaration Area Map shall be kept by the City Recorder. The Map may be altered to change the proposed annexation boundaries of Midway City upon action by the City Council upon recommendation by the Planning Commission and following public hearing duly noticed.

(2011-07, Section Amended, eff. 12/14/2011)

Section 9.07.020 Criteria for Excluded Land

The following criteria were used as justification to exclude lands from the expansion area:

A. Topography and other physical constraints to efficient delivery of basic services.

B. Overlapping utility services already being supplied by other providers.

C. Level of existing services, or quality of construction and condition of existing roads and habitable structures below City standards, requiring expensive upgrades.

D. Other negative fiscal consequences to the City.

MIDWAY CITY
Municipal Code

TITLE 10 WATER

CHAPTER 10.01 GENERAL PROVISIONS
CHAPTER 10.02 DEFINITIONS
CHAPTER 10.03 CROSS-CONNECTION CONTROL
CHAPTER 10.04 WATER SYSTEM EXTENSIONS
CHAPTER 10.05 ADDITION OF OTHER FACILITIES
CHAPTER 10.06 FOREIGN WATER
CHAPTER 10.07 DEVELOPMENT WITHIN THE CITY
CHAPTER 10.08 WATER SERVICE OUTSIDE CITY LIMITS
CHAPTER 10.09 MIDWAY WATER ADVISORY BOARD

CHAPTER 10.1 GENERAL PROVISIONS

Section 10.01.010 Water Department
Section 10.01.020 Duties of Water Department
Section 10.01.030 Water System
Section 10.01.040 Water Service
Section 10.01.050 Rates and Fees
Section 10.01.060 Board of Equalization
Section 10.01.070 Billings and Discontinuance of Service
Section 10.01.080 Use after Service Is Disconnected
Section 10.01.090 Access to Premises
Section 10.01.100 Separation of Utilities
Section 10.01.110 Water Connections
Section 10.01.120 Water Meters
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Section 10.01.140 Multiple Connections
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Section 10.01.190 Water System
Section 10.01.200 Tampering with water meters prohibited
Section 10.01.210 Penalty

Section 10.01.010 Water Department

There shall be a Water Department under control of the City Council and consisting of such City employees as provided for by the City Council.

Section 10.01.020 Duties of Water Department

The Water Department shall be responsible for the proper care and efficient operation of the water works system. It shall have charge of the City water tanks, water mains, fire hydrants, and all equipment and appurtenances of the water system. It shall direct the laying of water mains, the installation of all service lines, and the regulation of the supply of water. The Water Department or others authorized by the City shall inspect all water system plumbing installations in accordance with the International Plumbing Code, and may condemn and order removed any water system plumbing installation or fixture which violates any provision of state law or City ordinance.

Section 10.01.030 Water System

The water system constructed or otherwise acquired by the City to supply culinary water is the property of the City and shall be under the sole and exclusive control and jurisdiction of the City. The Water Department may, at the direction of the City Council, make alterations and repairs to said system. The City Council may also from time to time by resolution make such rules and regulations as it deems necessary for the operation and control of said system.

Section 10.01.040 Water Service

All connections to the City's Culinary Water System will comply with the following conditions for water service:

A. Application for Water Service.
1. Any person desiring, or who is required, to secure water service from the Water Department, when such service is available, shall first obtain a building permit before applying to the City Treasurer for water service. The applicant shall file an agreement with the City as approved by the City Council and Water Department, which shall be, at a minimum, require proof of identification and be in substantially the following form:
2. "The undersigned hereby applies to Midway City for water service at (address) and agrees to be governed by the rules, regulations, and ordinances applicable to the City water system. The undersigned further agrees to pay promptly, when due, the rate fixed by the City for the use of such water service, and in the event of failure to pay for water service, the applicant agrees that the water service may be discontinued by the City."

B. Limit On Time For Connection. If a building is not constructed and a connection made to the city water system within one year of the date of the application for water service, the application shall be invalid and the connection fee forfeited. Water rights, water shares, and paid impact fees shall not be forfeited. The City Council may grant one one-year extension on the time limit for connection to the water system upon request.

C. Transferability of Water Connections.
1. Unused Water Connections. Unused water connections are defined as Midway City water connections that have been purchased from the City but have never been used. Owners of these connections are required to pay standard base monthly water rates even though they are not actually using any water in order to hold capacity in lines and reservoirs for these connections when used. Current record owners of these unused connections shall be allowed to transfer them

to third-party purchasers. The purchase of the connection in the past satisfies the City's requirement of tendering water rights to the City in order to establish a connection. End users (current owners or third party purchasers) who desire to establish a connection using these unused hookups previously purchased from the City therefore are not required to tender any water rights. Furthermore, the impact fee requirement for establishing a water connection shall not apply to these connections. However, the actual end-users of these connections shall be required to pay the then-existing connection fee (the fee for actual physical connection to the City's pipes) at the time that connection is made.

2. Double Water Connections. A double water connection is defined as a Midway City water connection that is currently serving, or has previously served, property which is being serviced or had previously been serviced by another already-existing City water connection. Typically, the double connection was acquired by the property owner to use for irrigation purposes while the property owner simultaneously continued to use the property's original connection for culinary purposes. Owners of a double water connection are not allowed to transfer either of the connections to a third party for use at a different location. Owners of double water connections have the following options:

a. Continue using both connections and continue to pay all associated fees; or

b. Request that the City cap one of the connections and then cease using it, in which case the owner will be excused from paying any further fees associated with the capped connection; or

c. Use the double connection for another lot or structure or unit at the same location if the applicable zoning allows for such additional lot to be subdivided or structure or unit be built.

D. Temporary Service Disconnection and New Service Reconnect.

When service is temporarily discontinued at the owner's request, or when a home or business changes owners, a service fee will be assessed when services are resumed or ownership transfers. This fee may be changed from time to time by resolution of the City Council.

E. Buried Lines. All buried water lines must be accompanied with an acceptable tracer line to be placed on top of the water line to allow identification of the line position from the surface.

F. No Temporary Water Service During Construction or at Other Times. All use of City water shall be through a City-approved water line and water meter. No person shall use City water prior to installing an approved water line and water meter and inspection of the same by City personnel. No jumpers shall be allowed. Persons found in violation of this provision shall be fined with the current fee in force per each day of violation and, in addition, shall be required to pay all costs, fees, and expenses incurred by the City in enforcing this provision and removing the unauthorized connection.

Section 10.01.050 Rates and Fees

The City Council shall from time to time by resolution, establish such rates and fees as it deems proper for the water service provided by the City and the uses made thereof by the users. In establishing rates, the City Council may classify the type of service provided and the uses made of the water system and provide different rates for the classifications so made. Use of water on property outside the Midway City limits is subject to this Title. All rates and fees promulgated

by the City Council shall be made of public record, filed with the City Recorder, and be available for inspection by any person during normal business hours.

Section 10.01.060 Board of Equalization

The City Council is hereby constituted as the Board of Equalization of water rates and fees, to hear complaints and make correction of any assessments deemed to be illegal, unequal, or unjust. The City Council may, as it sees fit, rebate all or any part of a water bill for just cause.

Section 10.01.070 Billings and Discontinuance of Service

A. The City Treasurer shall mail a written statement to each user of water service at a determined interval for the base water rate and for water used over the base allowed gallons during periods when the water meters are read. Said statement shall specify the amount to be paid for water service, the place of payment and the date due. If any person fails to pay billed water charges within ninety days after the billing date, the City Treasurer shall notify the person by registered mail or a notice attached to the premises that water service will be discontinued within three days if payment in full is not received or acceptable arrangement made to pay any charges. At the end of the three days, the City Treasurer shall notify the water department to turn off the water service to the premises involved. For the first time this happens to an account holder, the account holder will be charged a one-time fee in an amount set from time to time by the City Council, which fee must be paid, together with all past-due charges, before water service will be re-established, and in any case, must be paid within thirty days after shut-off. For a second time, and any subsequent time, this happens to an account holder, if full payment of all past due amounts is not made during the requisite three-day period after notice as set forth above, (or if the one-time fee and charges are not paid within thirty days of shut-off for a first-time violator), the water connection to the property shall be forfeited and a new reconnection fee must be paid at the then-existing reconnection fee rate in order to re-establish service. Forfeiting of an active connection in this manner does not extinguish water rights or water shares previously tendered to, or recognized by, the City. In such cases, before service to the premises shall again be provided or recognized, all delinquent water charges must have been paid to the City Treasurer, together with such reconnection fee as the City Council may by resolution from time to time authorize the City Treasurer to collect. The legal owner of rented property shall be responsible to satisfy the foregoing. The City Treasurer is hereby authorized and empowered to request the City Attorney to enforce the payment of all delinquent water service charges by an action of law in the name of the City.

B. A water customer of the City who has any reason to believe that the customer's water lines, pipes or fixtures are leaking shall contact the City offices on the business day immediately following the date on which the customer learns the reason to believe there is a leak. Reason to believe there is a leak may include, but shall not necessarily be limited to, receiving an unusually high water bill or noticing the discharge of water on or at the water service address. City staff shall inspect the property for water leaks as soon as possible after this contact by the customer. If City staff determines there is a water leak on the customer's premises, staff shall immediately deliver written notice of the leak to the customer, along with a written explanation of the requirements and policies contained in this section (as applicable). The customer shall sign a document acknowledging receipt of the written notice of leak and the applicable requirements and policies. The customer shall repair the leak, at the customer's expense, within ten (10) calendar days from the delivery of such notice. City staff shall verify that the necessary repairs

have been made. If a customer has received a water bill that the customer believes is unusually high as a result of a leak, the customer may contact the City offices to seek relief pursuant to this ordinance. If, and only if, the customer has fully complied with the above requirements, the customer may receive relief according to the following policy: City staff shall calculate the average monthly water usage for the property address (regardless of ownership) during the prior three (3) years, or the life of the service to the property address, whichever is shorter. For the period during which the leak existed, the customer shall be billed at the calculated monthly average usage rate.

(Section Amended 2012-21 eff. 12/17/12)

Section 10.01.080 Use After Service Is Disconnected

It shall be unlawful for any person, after the water has been turned off from the premises for non-payment of service fees or other violation of the rules, regulations, or ordinances pertaining to the water system, to turn on the water or allow it to be turned on or used, without authorization from the City Treasurer and the water department.

Section 10.01.090 Access to Premises

Free access to premises supplied with service from the water system shall at all reasonable times be allowed to the employees of the Water Department or other authorized person(s) to examine the apparatus, the amount of water used, the manner of use, and to perform such duties as they must provide under this Title. It shall be unlawful to obstruct in any way the ability of authorized personnel to gain access to the premise's water meter. It shall also be unlawful to place any material in the water meter barrel without the written approval of the water department.

Section 10.01.100 Separation of Utilities

It shall be unlawful for any person to place any utility within five feet of the centerline of a water system line in a public right-of-way, except for right angle crossing, without first obtaining approval from the water department. The water department shall establish the conditions and standards under which such crossings may take place and shall approve all right angle crossings of water system lines.

Section 10.01.110 Water Connections

Upon payment of the fees for a water connection in such amount as may be established from time to time by resolution of the City Council, it shall be the responsibility of the Water Department to make such connection or connections, but only on condition that all applicable City ordinances and rules and regulations have been complied with. The responsibility for providing labor or materials for water connections shall be governed by such policies and regulations as may be promulgated from time to time by the Water Department and such policies and regulation may require the person for whom the connection is made to make such connection under such supervision and standards as the Department may require or to furnish all or a portion of the labor and materials necessary to make the connection. It shall be unlawful for any person to connect any water line with the public water main unless such person has received a permit to

do so and unless such connection is inspected and approved by the Water Department or other authorized City inspector. The costs of such inspection and approval shall be paid by the applicant and shall be at the hourly rate established by Midway City.

Section 10.01.120 Water Meters

All structures, dwelling units, and establishments using water from the City culinary water system must have such number and size of water meters connected to their system as necessary to meet the requirement of the International Plumbing Code. The City will furnish meters, with meter and installation costs at the expense of the property owner. Access to meters by Water Department employees must be available at all times and it shall be unlawful for meters to be located under or in driveways, sidewalks, or fences, etc. Meter readings shall be taken at regular intervals as determined by the Water Department and shall be submitted to the City Treasurer for the purpose of making necessary billings for water service.

Section 10.01.130 Service Lateral

A separate and independent service lateral for water service shall be provided for every building used as a dwelling except in cases of undue hardship where the City Council deems it necessary to make an exception. All service laterals shall be inspected and approved by the Water Department or other City authorized inspector prior to backfilling to ensure that the service laterals meet City standards. The applicant shall be responsible to pay the hourly costs for such inspection at the rate established by Midway City. It shall be unlawful for meters and waterlines to be placed under driveways and interior sidewalks and the property owner shall be responsible for all damage to driveways and interior sidewalks as a result of improper location of meters or waterlines. The water user shall bear full responsibility for the upkeep and maintenance of all water system lines and fixtures beyond the water meter.

Section 10.01.140 Multiple Connections

Where two or more families or premises have been supplied from the same service pipe and meter since on or before August 21, 1998, the failure on the part of any of the said parties to comply with the provision of this Title shall be grounds for the City to withhold the supply of water through said service pipe and meter until a separate meter and service pipe is installed for each user under a separate application. Beginning with connections made after August 21, 1998, all dwelling units and premises shall be served by individual water meters except in cases of undue hardship and/or special circumstances as approved by the City Council.

Section 10.01.150 Use of Water Only On Connected Premises

It shall be unlawful for any water user to permit any person from other premises, or unauthorized persons, to use or obtain water regularly from such premises or water fixtures, either outside or inside said building.

Section 10.01.160 Waste Prohibited

It shall be unlawful for any water user to waste water, or allow it to be wasted, by imperfect stops, taps, valves, leaky joints or pipes, or allow tanks or water troughs to leak or overflow or to wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks, or apparatus or to use water in violation of the rules, regulations, or ordinances for controlling the City water system.

Section 10.01.170 Fire Hydrants

All public fire hydrants shall be under the control of the City and shall be kept in good repair by the Water Department. In case of fire, the fire department shall have free access to said hydrants. No other person shall open or operate any fire hydrant, or attempt to draw water there from without a permit from the Water Department superintendent.

A. The security deposit for use of a City fire hydrant shall be $2000 or an amount as set by City Council from time to time.

B. The Public Works Crew Chief Leader will designate which fire hydrant may be used. No other fire hydrants are authorized to be used. The fire hydrant to be used will be checked by the Crew Chief leader prior to use to determine if there is any pre-existing damage. The usage charge for fire hydrant usage shall be $10.00 per calendar day or an amount as set by City Council from time to time.

Section 10.01.180 Scarcity of Water

In times of scarcity of water, if it is judged by the Mayor and City Council to be vital, the Mayor shall by proclamation limit the use of water for other than domestic purpose to such extent as may be necessary for the public good. It shall be unlawful for any person by himself, family, servants, or agents, to violate any proclamation made by the Mayor in pursuance of this section.

Section 10.01.190 Water System

A. The water system shall be considered as made up of two parts: the utility system and the customer's system.

B. Water Purveyor's System shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the purveyor, up to the point where the consumer's system begins.

C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

D. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

E. The customer's system shall include those parts of the facilities beyond the termination of the water purveyor's distribution system that are utilized in conveying utility-delivered domestic water to points of use.

Section 10.01.200 Tampering with Water Meters Prohibited

It is a civil infraction for any customer or his agent or representative, other than a person employed by or representing a public water system, remove, relocate, replace, alter, damage, bypass, or otherwise tamper with any water meter or water measurement device or components thereof, including but not limited to the meter face, dials, or other water usage indicators. It is illegal for any unauthorized person to reconnect a water meter after Midway City personnel have disconnected it.

Section 10.01.210 Penalty

Any water service user violating any of the rules, regulations or ordinances controlling the water system, shall pay for all damages, forfeit all payments made and the rights to the use of said service, and service to the premises of such user shall be discontinued. In addition to the foregoing penalty, any person who shall violate any of the provisions of this Ordinance shall be guilty of a class C misdemeanor, or by imprisonment for a term not to exceed six months, or both such fine and imprisonment.

CHAPTER 10.02 DEFINITIONS

For the purpose of this Title, the following words and phrases shall, unless defined differently in a particular section, have the meanings respectively ascribed to them:

A. Auxiliary Water Supply. Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, etc, or used waters or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

B. Backflow. Undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See terms Backsiphonage and Backpressure.

C. Backpressure. Any elevation of pressure in the downstream piping system (by pump, elevation or piping or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

D. Backsiphonage. A form of backflow due to a reduction in system pressure which causes a sub-atmospheric pressure to exist at a site in the water system.

E. Backflow Preventer. An assembly or means designed to prevent backflow.
1. Air gap. A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case less than 1 inch (2.54 cm).
2. Reduced Pressure Backflow-Prevention Assembly. An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e. pollutant) or a health hazard (i.e. contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.
3. Double Check Valve Backflow Prevention Assembly. **A**n assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. (See Specifications, Section 10 for additional details.) This assembly shall only be used to protect against a non-health hazard (i.e. pollutant).

F. Contamination. An impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

G. Cross-Connection. Any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.
1. Direct Cross-Connection. A cross-connection which is subject to both backsiphonage and backpressure.
2. Indirect Cross-Connection. A cross connection which is subject to backsiphonage only.

H. Cross Connections - Controlled. A connection between a potable water system and a non-potable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

I. Cross Connection Service Protection Control . The appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer's potable water system.

J. Hazard, Degree of. Either a pollution (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

K. Hazard - health. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

L. Hazard - plumbing. An internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollution or contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected
by an appropriate type of backflow prevention assembly.

M. Hazard – pollution. An actual or potential threat to the physical properties of the water system or the physical properties of the water system or the pot ability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenance.

N. Hazard - system. An actual or potential threat of severe danger to the physical properties of the public or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

O. Industrial Fluids. Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc; oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

P. Pollution. An impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use. (*compare with M*)

Q. Water - Potable. Any public potable water supply which has been investigated and approved by the Utah Division of Drinking Water and Midway City Water Department to be of sufficiently high quality so that it can be consumed or utilized without risk of immediate or long term harm. The system must be operating under a valid health permit

R. Water – Non-potable. A water supply which has not been approved for human consumption by the health agency having jurisdiction.

S. Water - Used. Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

CHAPTER 10.03 CROSS-CONNECTION CONTROL

Section 10.03.010 Responsibility
Section 10.03.020 Cross Connection Control Policy
Section 10.03.030 Backflow Preventers
Section 10.03.040 Backflow Preventers Testing and Maintenance

Section 10.03.010 Responsibility

The Midway City Water Department shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Midway City Water Department an approved backflow prevention assembly is required at the customer's water service connection or, within the customer's private water system for the safety of the water system, the Midway City Water Department or its designated agent shall give notice in writing to said customer. The customer shall schedule an installation of said device with the City, which installation the City will perform upon payment by the customer of the applicable fee. Failure or refusal on the part of the customer to schedule and cooperate with such installation shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met

Section 10.03.020 Cross Connection Control Policy

A. No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by Midway City laws and regulations and this Cross Connection Control Policy. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this Cross Connection Control Policy is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. All water connections for new construction shall be required to have installed a thermal expansion device and a pressure reducing valve approved by the City.

C. The consumer's system should be open for inspection at all reasonable times to authorized representatives of the Midway City Water Department to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Midway City Water Department shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the Midway City ordinances and standards statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

D. An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being

served but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:
1. In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Midway City Water Department, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.
2. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of processed waters and waters originating from the utility system that have been subject to deterioration in quality.
3. In the case of premises having one internal cross connections that cannot be permanently corrected and controlled, or two intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

E. The type of protective assembly required in this section shall depend upon the degree of hazard that exists as follows:
1. In the case of any premises where there is an auxiliary water supply as: stated in this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly.
2. In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
3. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
4. In the case of any premises where there are unprotected cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.
5. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.

Section 10.03.030 Backflow Preventers

A. Any backflow-prevention assembly required herein shall be a model and size approved by the Midway City Water Department. The term "Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled:
1. AWWA C510-89 - Standard for Double Check Valve Backflow-Prevention Assembly;
2. AWWA C511-89 - Standard for Reduced-Pressure Principle Backflow-Prevention Assemblies;
3. And have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USCFCCCHR) established in: Specification of Backflow-Prevention Assemblies - Section 10 of the most current issue of the Manual of Cross-Connection Control.
4. Said AWWA and FCCHR standards and specifications have been adopted by the Midway City Water Department. Final approval shall be evidenced. by a "Certificate of Compliance" for the said AWWA standards; or "Certificate of Approval" for the said USCFCCCHR Specifications; issued by an approved testing laboratory.

B. The following testing laboratory has been qualified by the Midway City Water Department to test and certify backflow preventers:
1. Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 90089
2. Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Midway City Water Department.

C. Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.

Section 10.03.040 Backflow Preventers Testing and Maintenance

A. It shall be the duty of the consumer at any premises where backflow-prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once every five years. In those instances where the Midway City Water Department deems the hazard to be great enough, the City may require field tests at more frequent intervals. These tests shall be performed by Midway City Water Department personnel, or by a certified tester approved by the Midway City Water Department to see that these tests are made in a timely manner. The customer-user shall notify the Midway City Water Department in advance when the tests are to be undertaken so that an official representative may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the Midway City Water Department.

B. All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements in this section, be excluded from the requirements of these rules so long as the Midway City Water Department is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Midway City Water Department finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

CHAPTER 10.04 WATER SYSTEM EXTENSIONS

Section 10.04.010 Water System Extensions
Section 10.04.020 Water System Extensions Reimbursement Agreement

Section 10.04.010 Water System Extensions

A. Any person desiring to extend the water system inside or outside the City limits may make application to the City Council. Such application shall be considered by the City Council on a case by case basis and the City Council shall approve such applications if:
1. The proposed extension is to be constructed consistent with the City's extension standards.
2. Adequate water rights are provided to supply said need.
3. The existing distribution system is adequate to supply the needed water to the point of the beginning of the extension.

B. The application shall contain a description of the proposed extension accompanied by a map showing the location thereof. Detailed engineering drawings showing the location and size of all lines, mains, service laterals, appurtenant facilities, anticipated water pressures and fire flows shall be included. A development agreement signed by the applicant upon final approval by which the applicant agrees to construct the facilities, both on-site and off-site.

C. Before any such application is approved, the City Council shall refer it to the City Engineer and Water Department for their review and comment. The application may also be referred to the Planning Commission for similar review and recommendation.

D. The design, location, materials and methods and standard of construction of water line extension shall be in accordance with City standards and specifications as approved by the City Council. To meet state standards for fire flow protection, the minimum pipeline size for all water line extensions shall be 8" in diameter or as specified in the current plumbing code.

E. All waterline extensions, including service laterals, shall be inspected and approved by the Midway City Water Department or other authorized City personnel prior to the backfilling of trenches. The applicant shall be responsible to pay the hourly costs of such inspections.

F. The City Council may require the construction of over-sized facilities as a condition of the approval of any application governed by this section. In the event the City requires over-sized facilities to be constructed, applicant may apply to the City to have the City pay the cost of the over sizing on an equitable basis. Such decision shall be made in the sole discretion of the City Council.

Section 10.04.020 Water System Extensions Reimbursement Agreement

A. A person who intends to extend a City water line may apply to the City to obtain a written line extension reimbursement agreement to help future development contribute to the cost of the extension. All such agreements shall be subject to the following conditions and such other conditions as the City Council may reasonably impose:

B. Only off-site improvements are eligible for reimbursement.

C. Only water lines greater than 8-inches in diameter or greater are eligible for consideration for reimbursement.

D. In calculating the capacity to determine the reimbursement formula, 1,000 gallons per minute is deducted to account for required fire flow.

E. Velocity is considered to be 7.0 feet per second (fps).

F. The number of equivalent residential units (ERUs) per 8-inch line shall therefore be considered to be 174.

G. To establish the reimbursable cost per ERU, the total off-site cost of the line shall be determined. This cost shall then be divided by 174 to arrive at a cost per ERU. This cost per ERU shall then be multiplied by the number of ERUs for which the applicant is applying to arrive at the "non-reimbursable cost." Reimbursement may be allowed by the City for all costs of the line extension excluding the non-reimbursable cost. EXAMPLE: Applicant's proposed ERUs: 25. Cost to install off-site line: $185,000. Cost per ERU: $185,000 / 174 = $1,063.22. Non-reimbursable cost = $1,063.22*25 = $26,580.50. Total reimbursable cost = $185,000 - $26,580.50 = $158,419.50.

H. The reimbursement allowed by the agreement shall last no longer than ten years, regardless of how much of the cost has been reimbursed.

I. No guarantee is or shall be made by the City that all or any amounts will be reimbursed to applicant.

J. The City may agree to collect a fixed amount per ERU from subsequent applicants who wish to use the line and reimburse that amount to the person or entity who paid for the installation.

K. The City shall not be liable for any amounts it neglects or fails to collect, or incorrectly collects, from future users of the extended line.

CHAPTER 10.05 ADDITION OF OTHER FACILITIES.

The addition of culinary water storage facilities, pumps, water sources, or other major appurtenances shall comply with the provisions of this section.

A. Any person desiring to construct a water storage facility, pumps, water sources or other major appurtenances to the City's water system whether inside or outside City limits shall make application to the City Council. Such application shall be considered by the City Council on a case by case basis based on, but not limited to, the following criteria and other criteria contained in this Title:
1. The proposed addition is to be constructed consistent with City standards.
2. Adequate, appropriate, and acceptable water rights, of a quality similar to that contained in the existing City water system, will be provided to supply said need.
3. Adequate, appropriate, and acceptable wet water, of a quality similar to that contained in the existing City water system, will be provided to supply said need.
4. The existing distribution system is adequate to supply water to the point of the new facilities.
5. The applicant will be required, and is able, to construct facilities to physically deliver adequate, appropriate and acceptable wet water into the existing City water system.
The applicant must formally transfer to the City ownership of all water, and of all wells, tanks, delivery system lines and equipment, and/or other appurtenances at the time of obtaining final approval. The applicant shall provide to the City title insurance for said transfers.

B. The application shall contain a description of the proposed water storage facility, pumps, water sources or other major appurtenances accompanied by a map showing the location thereof. Detailed engineering drawings shall be supplied showing the location and size of water storage facility, pumps, water sources or other major appurtenances and the connection of these improvements to the existing City water facilities and area to be served.

C. Prior to approval of the application, the applicant shall sign a Major Water System agreement in a form approved by the City Council by which the applicant agrees to construct the water storage facility, pumps, water sources or other major appurtenances and any on-site or off-site connecting water lines. The agreement shall also specify the cost to be borne by the applicant and by other sources as determined by the City Council, and the time in which, and conditions under which ownership will be transferred to the City.

D. Before any such application is approved, the City Council shall refer it to the City Engineer and Water Department for review and comment. The application may also be referred to the Planning Commission for similar review and recommendation.

E. The design, location, materials and methods and standards of constructions of water storage facilities, pumps, water sources or other major appurtenances shall be in accordance with City standards and specifications as approved by the City Council. All such facilities shall be inspected and approved by the Midway City Water Department or City authorized personnel prior to connection to the Midway City water system. The applicant shall be responsible to pay the hourly costs of such inspections at the rate established by Midway City.

F. The City Council may require the construction of over-sized water storage facilities, pumps, water sources or other major appurtenances as a condition of the approval of any application governed by this section, subject to provisions contained in this and other City ordinances.

G. Upon completion of a water storage facility, pumps, water sources or other major water appurtenances, the applicant's share of the actual cost of construction shall be verified by the City Engineer from as-built drawings to be provided by the applicant.

CHAPTER 10.06 FOREIGN WATER

Section 10.06.010 Definition
Section 10.06.020 Criteria for Acceptance of Foreign Water by Midway City for Use in Development
Section 10.06.030 Facilities and Appurtenances
Section 10.06.040 Expenses
Section 10.06.050 Foreign Water Fee
Section 10.06.060 Title to Foreign Water
Section 10.06.070 Use of Foreign Water

Section 10.06.010 Definition

Foreign water. Water represented by water rights, water shares, or other titled or certificated form of ownership proposed for use within the area currently served by Midway City water to satisfy the City's requirements that water be supplied to proposed development that has not historically been used within the area currently served by the Midway City water system and is divertible to the area currently served by the Midway City water system.

Section 10.06.020 Criteria for Acceptance of Foreign Water by Midway City for Use in Development

A. The City Council, upon recommendation from the Midway Water Advisory Board, shall consider requests to allow foreign water to be used in the City water system based on, but not necessarily limited to, the following requirements:

B. The applicant must complete an application on a form approved by the City.

C. The applicant must provide satisfactory title documentation of the ownership of the foreign water.

D. The applicant must provide evidence to the City's satisfaction of the historical places of use and points of diversion of the foreign water.

E. The applicant must provide evidence to the City's satisfaction that the foreign water can be used safely, efficiently and acceptably in the City's water system, based on (but not limited to) the following considerations:
1. The time of year the water is available.
2. The quality, mineral content and temperature of the water.
3. Return flow and transportation loss requirements.
4. The ability of existing facilities in use by the City to service the proposed development.
5. The impact that use of the foreign water may have on the City's existing sources and delivery mechanisms.
6. The elevation of the proposed source in relation to the City's current sources.
7. The need for treatment of the foreign water.

F. Foreign water will not be accepted by Midway City unless that water has been approved to be used in the City's Culinary Water Source as a year round municipal water right in sufficient quantity and quality to serve the use for which the water is intended. The applicant must obtain approval from the Utah State Engineer's Office for change applications authorizing the change in point of diversion, changing the type of use to municipal use, and/or changing the quantity of use necessary for the proposed development.

Section 10.06.030 Facilities and Appurtenances

If required by Midway City upon recommendation from the Midway Water Advisory Board, the applicant must construct wells, tanks, delivery systems and/or other appurtenances at the applicant's own expense to facilitate the use of the foreign water at the site of the proposed development, under the standards set forth in this Title.

Section 10.06.040 Expenses

The applicant must pay all expenses incurred by the City in investigating, processing and deciding upon the applicant's request, including but not limited to legal, engineering, and consultant fees.

Section 10.06.050 Foreign Water Fee

If approved, the applicant must pay to the City a foreign water system development fee in addition to the City's standard water impact fee. The purpose of the Foreign Water System Development Fee is to meet the costs of offsite improvements necessary for the City to incorporate foreign water into the City's water system on an ongoing basis. The Foreign Water System Development Fee shall be set by the City Council by ordinance, and shall be paid by the applicant at the time of final approval of the development by the City.

Section 10.06.060 Title to Foreign Water

If approved, the applicant must formally transfer to the City ownership of all foreign water, and of all wells, tanks, delivery system lines and equipment, and/or other appurtenances at the time of obtaining final approval. The applicant shall provide to the City title insurance for said transfers.

Section 10.06.070 Use of Foreign Water

The City Council, upon recommendation from the Midway Water Advisory Board, shall have discretion to determine and decide how the foreign water will be used and/or accounted for in the City's water system, subject to this and other City ordinances regulating planning and development.

CHAPTER 10.07 DEVELOPMENT WITHIN THE CITY

Section 10.07.010 Water Needs
Section 10.07.020 Amount of Water Required
Section 10.07.030 Additional Requirements
Section 10.07.040 Existing Wells
Section 10.07.050 Leasing of Water from City
Section 10.07.060 Time of Conveyance
Section 10.07.070 Conveyance Agreement
Section 10.07.080 Secondary Water Management and Delivery Agreement

Section 10.07.010 Water Needs

Because Midway City does not have sufficient culinary water rights to supply the needs of new connections within the City limits, those who apply for new connections to the City water system on land not located within a previously-approved subdivision or other large-scale development or on an original lot of the lots and blocks survey of Midway, Utah, will be required to convey to the City water rights sufficient to accommodate the needs of the new connection or enter into an approved lease thereof. For purposes of this requirement, each existing lot within an approved subdivision or other large-scale development shall be entitled to one connection, and each of the eight lots within the original 21 blocks of Midway City shall be considered existing lots within an approved subdivision and shall be entitled to one connection without a contribution of water.

Section 10.07.020 Amount of Water Required

A. All persons not excepted above who desire to connect to the City water system shall convey to the City title to water rights in the approximate quantities shown in Table I. The City Council, upon recommendation from the Midway Water Advisory Board, shall determine and decide, in its reasonable discretion, the adequacy, appropriateness, sufficiency, quality, and precise quantity of water to be provided by each applicant.

B. The City recognizes that development of a particular project may be constructed in phases. The City requires a Master Plan be approved prior to submission for Preliminary Approval. During this Master Plan approval process the City Council will review the recommendations of the Midway Water Advisory Board to determine the amount of water required for the entire project. The developer must show evidence of ownership, or control, of sufficient water which can be approved by the State Engineer to provide adequate water for the entire project. This submittal must also show how the water is protected so that it cannot be alienated from the project sponsors without City approval. Before preliminary application can be approved by the City Council for any phase, the applicant must show a completed application that has been submitted to the State Engineer to provide sufficient water rights to be dedicated to the City for use of that particular phase.

C. No phase of any project shall be granted Final Approval by the City Council until a showing has been made that the water rights proposed to be dedicated to the City for the use of that phase of the project has been first approved by the State Engineer for this purpose. The City Council

shall not accept any recommendation for Final Approval of any development unless the Water Advisory Board has first given its recommendation about the water rights to the City Council.

TABLE 1
MIDWAY CITY
WATER REQUIRED FOR ANNEXATION,
USERS OUTSIDE OF THE CITY, AND
USERS INSIDE OF THE CITY

NOTE: The following formula will be used in determining the required number of acre feet of water. The city will utilize its own experience and Division of Drinking Water Standards in allocating water requirements. The city recognizes that the Midway Irrigation Company will not divide Midway Irrigation Company shares into units smaller than ½ (1.5 acre feet). Accordingly, the city will round up to the nearest ½ share in calculating water needs for proposed uses that utilize Midway Irrigation Company shares as their water source. The city will deduct building pads, roadways and driveways in calculating outside irrigation requirements of proposed uses, but not out-buildings.

EQUIVALENT RESIDENTIAL UNITS (ERU)
Outside Use:
Three (3) acre feet/irrigated acre
One (1) acre foot/ERU. The Calculation includes current return flow requirements. Quantification in ERU's will be based on house and lot size.

COMMERCIAL UNITS: Water requirements will be established on a case-by-case basis utilizing among other things, Division of Drinking Water standards.

SINGLE UNITS DEVELOPED ON 1 ACRE OR LESS: Single lots up to ½ acre, require 1.5 acre feet for both inside and outside use.
Lots of 1/2 to 1 acre requires three (3) acre feet

Section 10.07.030 Additional Requirements

In addition to furnishing water rights, the applicant, subject to this section and other provisions contained in this Title and other City Titles, may be required to pay all costs required to construct the needed facilities to supply, store and distribute the water. Items of construction may include, but not be limited to, wells, and storage reservoirs, spring development, pumps, pressure regulating stations, distribution lines, etc.

Section 10.07.040 Existing Wells

Property owners with an existing municipal grade well within the Midway City water service area that has a recognized water right accepted by the State Engineer may transfer that right to

Midway City for use of Midway City culinary water service on an equal exchange basis. The minimum amount of water required by this Title must be transferred.

Section 10.07.050 Leasing of Water from City

When Midway City has at its disposal water that is available for lease to water users or prospective water users, said water may be leased by the City on the following terms:

A. The City Council may enter into a lease of water, from any and all sources, only after the Midway Water Advisory Board has first met with the applicant and made a recommendation to the applicant and to the City Council as to the availability of sources of water for the proposed use and the terms of the proposed lease.

B. To qualify to lease any quantity of water, the applicant must first provide to the City an amount of water already owned by the applicant at least equal to the amount that is proposed to be leased. This matching water already owned by the applicant must meet, or be adapted to meet, all Midway City standards, policies and ordinances required for water intended to be used in development. This matching water requirement may not be waived without formal amendment of this Chapter by the City Council.

C. The applicant must enter into a written lease agreement with the City for lease of the water.

D. The cost of the leased water will be a fixed amount per acre foot per year, as determined from time to time by the City Council upon recommendation from the Water Advisory Board. The lease and lease payments will continue in perpetuity, but the amount of the lease payments may be adjusted during the term of the lease as necessary by the City Council upon recommendation from the Water Advisory Board based on the cost of the water sources supplying all water leased by the City. The first lease payment will be required at the time the land use is approved by the City. The required lease payments are in addition to required water impact fees.

E. Under no circumstance is any person or applicant guaranteed that some or any quantity of water will be awarded or available for lease. Available water will be assigned for lease by the City in its sole and reasonable discretion.

Section 10.07.060 Time of Conveyance

The conveyance of title to the required water rights, or execution of a lease, shall occur before the plat can be filed with Wasatch County or major construction begun on the development project (subdivision, planned unit development, etc.) or upon the granting of a building permit when not included in such a development. If the development has multiple phases, the City will only require those rights which are needed to complete the approved phase to be conveyed.

Section 10.07.070 Conveyance Agreement

Prior to conveyance of title of water rights to the City, the City and the developer/owner shall enter into a written agreement that shall identify all the terms of such conveyance, and which

shall be subject to this Chapter, set forth above. Such agreement shall include, but shall not be limited to:

A. The type of rights to be given to the City (including share numbers or water right numbers, if available).

B. The amount of water conveyed by said rights.

Section 10.07.080 Secondary Water Management and Delivery Agreement

The City may enter into an agreement with another party pursuant to which such party will manage the City's water rights or water shares held by the City for secondary (irrigation) use and deliver such water to the City's water customers through a distribution system that is not owned by the City. The terms of such a management and delivery agreement shall be as approved by the City Council. The existence of such a management and delivery agreement shall not diminish or otherwise affect the City's ownership of the water rights or water shares that are subject to management and delivery under the agreement.

(Section Added 2013-03, eff. 4/10/13)

CHAPTER 10.08 WATER SERVICE OUTSIDE CITY LIMITS

City may, but need not, upon such terms and conditions as it deems advisable, agree to provide culinary water service to users outside of its municipal bounds. Such users will be subject to all City water requirements to which City residents are subject, plus such other reasonable conditions as the City Council may impose from time to time. Out-of-city users will be required to pay all impact fees and other fees in the same amounts as City users. Non-resident applicants must, prior to receiving water from the City, covenant in writing that they will sign and/or file an annexation petition to annex their property into the City when requested to do so by a third party or by the City, provided the petition complies with Midway City and Utah annexation laws and policies.

CHAPTER 10.09 MIDWAY WATER ADVISORY BOARD

Midway City has entered into an agreement with Midway Irrigation Company, a private non-profit corporation registered under the laws of the State of Utah, to jointly convene the Midway Water Advisory Board. Due to the geographic location of the Midway City limits, Midway Irrigation Company currently supplies all secondary (irrigation) water to all land within the City, through a distribution system owned by Midway Irrigation Company. The Midway City Council has determined that the current public interest requires, and benefits from, this arrangement. The Midway Water Advisory Board therefore convenes as a non-public entity solely to allow the City and Midway Irrigation Company to coordinate the provision of water to property located within the City through the City's and Midway Irrigation Company's distribution systems. All recommendations of the Midway Water Advisory Board are advisory only. The Midway City Council has ultimate authority and control of the water requirements imposed by the City.

MIDWAY CITY
Municipal Code

TITLE 14 INFRASTRUCTURE STANDARDS

CHAPTER 14.01 EXCAVATION PERMIT REQUIREMENTS FOR WORK IN THE PUBLIC RIGHT-OF-WAY
CHAPTER 14.02 PROCEDURES

CHAPTER 14.01 EXCAVATION PERMIT REQUIREMENTS FOR WORK IN THE PUBLIC RIGHT-OF-WAY

Section 14.01.010 Purpose
Section 14.01.020 Policies
Section 14.01.030 General Conditions

Section 14.01.010 Purpose

The purpose of this section is to describe Midway City's Department of Public Work's policies for issuing permits and to control any excavation and construction operations in the public right-of-way in Midway City. All contractors and utility companies proposing to construct, repair or replace any facility within the public right-of-way, shall contact the Midway City Department of Public Works and complete all permit requirements prior to commencing proposed work as outlined in this section.

Section 14.01.020 Policies

A. Permittee must be licensed with the State of Utah. It is the Policy of Midway City that contractors desiring to perform work in the City's public right-of-way shall be properly licensed in the State of Utah.

B. Policy for determining when "permit waivers" can be granted. Working within the public right-of-way without a permit violates Midway City Code unless the permit is waived by the Public Works Department. Waivers can be granted by the Public Works Department when any of the following conditions occur:
1. When routine maintenance work which is being done by the City, State and utility personnel does not involve excavations in the City's public right-of-way, i.e., crack sealing, street resurfacing and repair, snow plowing, sanding, sweeping, garbage collection, storm drain cleaning, leaves pickup, above grade work, etc.
2. When a permittee allows other contractors or utility companies to perform work in the permitted trench limits.
3. When utilities must be relocated or adjusted in conjunction with a City Public Works Department sponsored project provided the utility work is being accomplished within one week of the time the City or its Contractor is scheduled to begin construction at that location and provided the work is coordinated and approved by the City's Public Works Department.

C. Policy for issuing no fee permits. The Public Works Department reserves the right to issue "no fee permits" for work in the public right-of-way when the following conditions are met:
1. When abutting property owners are repairing or replacing in kind any existing public facilities such as drive approaches, curb, gutter or sidewalk, construction of new facilities or any combination thereof.
2. When utility companies are doing excavation work, and such work is required in conjunction with a City Public Works Department project, and the work is required to be accomplished prior to the execution of the Public Works Department contract.
3. When the City Public Works Department is repairing or maintaining public right-of-way facilities such as curbs, gutters, cross drains, storm drains, traffic facilities, driveway, sidewalk, etc., and such work requires excavation.
4. When frames and lids in paved surfaces are raised or lowered providing the work does not disturb the underlying road base material.

D. Policy for revoking "Permit Waivers" and "No Fee Permits." "Permits Waivers" and "No Fee Permits" will be revoked by the Public Works Department if the work is defective or requires action or supplemental inspection by the Public Works Department. In the revocation proceedings, the Public Works Department shall serve written notice which defines the problems encountered and the time (at least one day) the Permittee has to correct the problem. If the work is not satisfactorily completed within the time specified, the "Permit Waiver" or the "No Fee Permit" shall be revoked. The Permittee will be required to secure a Fee Permit before proceeding to complete the work.

E. Policy for extending permit construction time limits. Subject to the Public Works Department's approval, permits which expire may be extended by paying a permit extension fee as set by City Council from time to time. The length of the extension determined by the Permittee shall be subject to the approval of the Public Works Department.

Section 14.01.030 General Conditions

A. Permit. When the work is in progress, the Permittee shall have at the work site a copy of the permit and the Contractor's License Number under which the work is being performed.

B. Emergency work. Maintenance of pipelines or facilities in the public right-of-way may proceed without a permit when emergency circumstances demand the work be done immediately, provided a permit could not reasonably and practicably have been obtained beforehand. In the event that emergency work is commenced on or within any public right-of-way of the City, the Public Works Department shall be notified within one-half hour when the work commences or as soon as possible from the time the work is commenced. If emergency work is commenced during off business hours, the Public Works Department will be notified within one (1) hour of the start of work on the first regular business day on which City offices are open after such work commences, and, at the discretion of the Public Works Department, a permit may be issued which shall be retroactive to the date when the work was begun. Before commencing and while conducting emergency work, all necessary safety precautions for the protection of the public and the direction and control of traffic shall be taken. None of the

provisions of these regulations are waived for emergency situations except the prior permit requirements.

C. Private access. Temporary, all weather roadways, driveway, walks, and right-of-ways for vehicles and pedestrians shall be constructed and continuously maintained where required.

D. Existing utilities. The contractor shall use extreme caution to avoid a conflict, contact or damage to existing utilities, such as power lines, sewer lines, storm drains, street lights, telephone lines, television lines, water lines, gas lines, poles or other appurtenances during the course of construction of this project. Any such conflict, contact or damage shall be immediately communicated to the Public Works Department.

E. Preconstruction pictures of existing public right-of-way improvements. The Permittee may secure pictures of the conditions of the existing public right-of-way improvements such as curbing, sidewalk, landscaping, asphalt surfaces, etc. In the event that public right-of-way improvements are damaged and no pictures are taken, the Public Works Department will assume the correction of the damage is the responsibility of the Permittee.

CHAPTER 14.02 PROCEDURES

Section 14.02.010 Compliance With City Standards
Section 14.02.020 Excavation Permit Requirements
Section 14.02.030 Excavation Operations
Section 14.02.040 Enforcement

Section 14.02.010 Compliance With City Standards

All work performed in Midway City shall be in accordance with the most recent version of the Midway City Standard Specifications and Drawings.

Section 14.02.020 Excavation Permit Requirements

A. No excavations or street cuts shall be performed within the public right-of-way without first obtaining a permit from the City. Cut permits shall be valid for a period of 60 days. Such permits shall be issued by the City upon the applicant meeting the conditions and making the commitments outlined below:

1. Show proof that a competent, responsible, and licensed contractor will do the work.
2. Present evidence of public liability insurance in an amount of not less than $250,000.00.
3. Post a cash bond, an adequate performance bond, or a blanket license and permit bond. The cash bond or performance bond will be held by the City to guarantee that the required improvements, restoration work, surface and every part thereof, will remain in good condition for a period of two years after final acceptance.
4. Agree, at no cost to the City, to make all repairs and to maintain the improvements, the trench, the surface, and every part thereof in good condition during the two year warranty period.
5. Provide proper traffic signage in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and provide for and maintain through traffic in a form approved by the City Engineer at all times throughout the duration of the work.
6. Obtain approval from the Public Works Department for any required road closures and provide 48 hours notice to those responsible for emergency services; e.g. school authority, law enforcement and fire protection officials.
7. Properly backfill or plate all cuts and excavations at the end of each working day. All cuts will be back filled within 24 hours of cutting the asphalt.
8. Obtain City inspection of the work. Calls for inspection need to be made 24 hours in advance.
9. Repair roadway surfaces with temporary bituminous surfacing, two inches thick, if permanent paving cannot be completed within 72 hours of backfilling the trench. Temporary surfacing must be smooth and flush with the road surface and repaired as necessary by the contractor to maintain the condition until permanent paving is complete.
10. Backfill with untreated base course material, drain rock, or material as approved by the engineer and compacted to 95 percent of the maximum dry density, starting from the pipe bedding and continuing up to the bottom of the pavement. Excavated material is not to be placed back under paved surfaces unless approved by the City Engineer. Excavated material is not to be used for back fill unless contractor can provide density testing, and material is in compliance with section 02225-5 item 3.08 of the Midway City Standard Specifications and Drawings.

11. Permanent resurfacing shall be a minimum of 3 inches thick as per the Midway City Standard Specifications and Drawings. Paving width shall extend to 12 inches beyond each side of the re-compacted width of the trench. Existing pavement edges shall be saw-cut to form a clean line. Asphalt edges shall be tacked and rolled with a steel drum roller to achieve a smooth level surface.
12. Fees. The application for a permit authorizing excavation and street cuts shall be accompanied by the fee established by the most current Midway City fee schedule that has been approved and adopted by the Midway City Council.
13. Temperatures must be warm enough to avoid the risk of frost damage to existing utilities and assure proper compaction. Road cut permits will be allowed between April 1 and October 15. Written permission from the City Engineer must be obtained if a cut is to be made outside of these dates. A road cut will not be allowed once the temperature drops below 32 degrees night or day, ground is frozen, or compaction cannot be obtained. Restrictions apply to area 5 feet out of the edge of asphalt. This does not apply to borings, emergencies, and excavations beyond the 5 feet from edge of asphalt.

Section 14.02.030 Excavation Operations

A. Blue stakes. Before commencing excavation operations, the Permittee shall call "Blue Stakes" and Midway City Public Works Department.

B. Midway City requires that the contractor/or developer working in the City right-of-way, pot hole for any existing utilities that may be in the area before any other excavations begin.

C. Traffic control devices. Traffic control devices such as barricades, signs, and cones must be in place before excavation begins and in accordance with the MUTCD.

D. Protection of paved surfaces outside of excavation area. In order to avoid unnecessary damage to paved surfaces, backhoes, outriggers, track equipment or any other construction equipment that may prove damaging to asphalt shall use rubber cleats or paving pads when operating on or crossing said surfaces.

Section 14.02.040 Enforcement

Violators of these regulations of working within the public right-of-way shall be subject to the provisions of Midway City Ordinances.

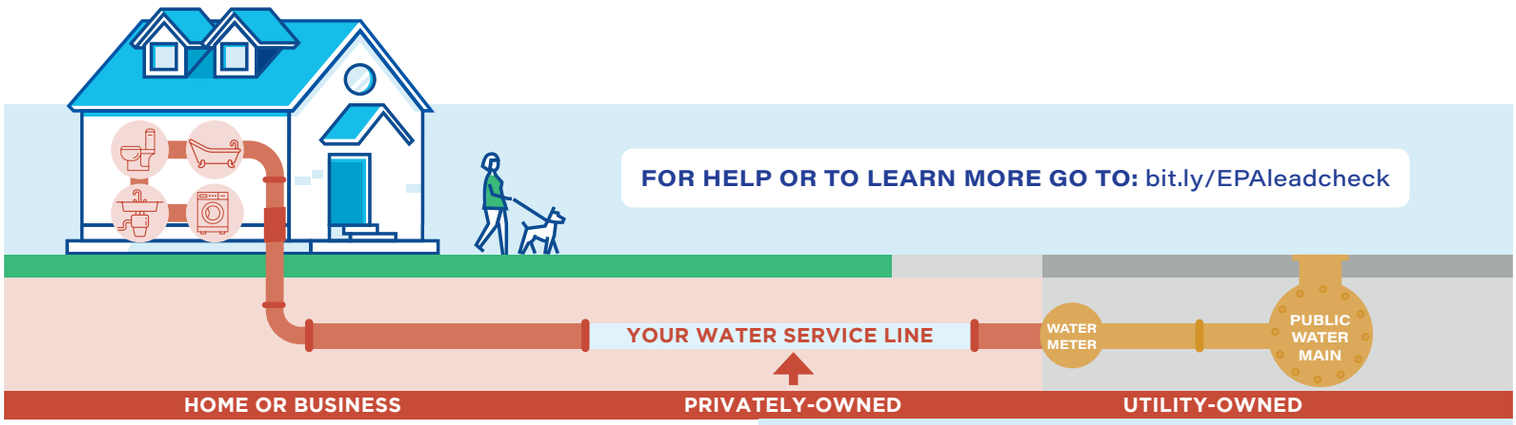
TAKE THIS SHORT SURVEY
TO HELP US PROTECT YOUR DRINKING WATER

Interlaken requests your help in completing this important survey to document the material of your water service line from the water meter to just outside of your house or business. The town is asking this information to determine if there is any lead in the resident's side of the service line and for the completion of a service line inventory map.

Thank you for your response

This survey may be completed through one of the following methods:

- **MAIL:** Back of this postcard
- **PHONE:** (800) 674-7961
- **EMAIL:** support@120water.com
- **ONLINE:**



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BUSINESS REPLY MAIL
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POSTAGE WILL BE PAID BY ADDRESSEE

120WATER
PO BOX 19783
INDIANAPOLIS IN 46209-1994

TAKE THIS SHORT SURVEY

TO HELP US PROTECT YOUR DRINKING WATER

NAME

ADDRESS

CITY, STATE, ZIP

PHONE

EMAIL

My water service line—from the water meter to just outside of my home or business—is best described as one of the following:

- ☐ Lead
- ☐ Galvanized steel
- ☐ Copper
- ☐ Plastic
- ☐ Other: _____
- ☐ Unknown
- ☐ **I am unsure and would like someone from Interlaken Town to assist me in identifying the material.**

I have determined my service line material as follows:

- ☐ I have observed the material and know what it is.
- ☐ I have been provided some form of documentation of the water service line material.
- ☐ It is my best guess.
- ☐ Other _____

My house or business was built in one of the following time periods:

- ☐ Prior to 1960
- ☐ 1960 to 1989
- ☐ After 1989
- ☐ I am unsure

Account ID:
Location ID:

Complete. Tear. Mail.

Interlaken requests your assistance in completing this survey. At your convenience, please answer all questions and detach the survey along the perforated edge. Once completed, simply place the detached survey in your nearest postal drop box.

If you have questions regarding this survey

PLEASE CALL
1-800-674-7961

Interlaken Town
PARTNERED WITH 120WATER
PO Box 1256
Midway, UT 84049

POSTAL CUSTOMER

******************ECRWSSEDDM****

ECRWSS

PRESORT STD.
U.S. POSTAGE
PAID
MIDWEST
COMMUNICATIONS

Subject: Lead Service Line Inventory
Date: Tuesday, March 5, 2024 at 4:35:06 PM Mountain Standard Time
From: Devan J. Shields
To: interlakenclerk@gmail.com
CC: Joshua Reidhead

Bart -

Thanks for reaching out on this earlier. It looks like the small systems program would be a great fit for your system. I've copied Josh Reidhead on this email, he is working with several other systems in your area and will be coordinating with you on yours once we are able to get started. The application for the state's small systems program is here:

LSL Expedited Application - Open Enrollment - Formstack

If you can complete and submit this at your earliest convenience the DDW folks can turn it around and get us a green light to start working with you on your inventory pretty quickly. The application is pretty basic and should only take a few minutes. Don't stress about exact numbers for anything, but fill it out to the best of your knowledge and submit, and we'll get it going.

Feel free to reach out with any additional questions you might have.

Thanks -
Devan

DEVAN J SHIELDS
Project Engineer

dshields@sunrise-eng.com
25 East 500 North, Fillmore, Utah 84631
TEL 435.743.1123 CELL 435.253.1221
sunrise-eng.com

Backflow Prevention Device used for Cross Connection Control

https://deq.utah.gov/drinking-water/water-system-tools#websites-organizations

REQUIRED ELEMENTS OF A CROSS-CONNECTION CONTROL PROGRAM

R309-105-12 requires that every public drinking water system establish and actively enforce a cross connection control program. An effective cross connection control program consists of components which when properly administrated are designed to prevent contamination from entering your water distribution system.
The FIVE components of an effective cross connection control system are:

1- Local Authority:

This would consist of an ordinance, bylaw, or some other type of legal provision established by the council, board, or governing legal body, that would authorize the drinking water system to carry out a cross connection control program. Specific items to be covered in this ordinance would include: authority to require inspections or surveys; authority to require testing of assemblies and/or devices; authority to discontinue service to connections that refuse to comply; and individuals responsible for program and enforcement.

2 - Public Awareness:

A good public awareness program will provide information to the public concerning: what cross connections are; how they can be prevented; what types of protection are available; and the concerns associated with thermal expansion where protection is required.

3- Trained Staff:

It is recommended, but not necessary, that at least one member of the water systems staff be trained as a backflow technician or specialist. It is imperative though that at least one member of the systems staff have some training in cross connection control. This training is being made available to managers and operators throughout the state through organizations such as the Rural Water Association of Utah and the Utah Chapter of the American Backflow Prevention Association. Division of Drinking Water staff are also available to provide training in cross connection control. ***A certified CCC Program Administrator is required for Community water systems population 500 and above by December 31, 2020, and population below 500 by December 31, 2022.***

4 - Record Keeping:

Once a water system has an ordinance and has began to establish a program, an efficient and detailed record keeping program must be established and maintained. Records should be made and kept concerning the following: all surveys or inspections; locations of assemblies and high hazard air gaps with testing and inspection records; and any backflow incidents and corrective actions taken as well as any compliance actions.

5 - On-going Enforcement Program:

The program will only be as effective as the individuals who are authorized to carry it out. Ideally this would extend to the building inspection and or plumbing inspection departments where possible but as a minimum someone in the water department should be authorized to administrate the program and take the necessary compliance actions. Testing and inspections may be done by system personnel or the responsibility for it may be delegated to the building or site ownership as is usually the case. Either way someone must be authorized to administrate the program and must have the time and necessary support to do so.

CROSS CONNECTON CONTROL AND BACKFLOW PREVENTION

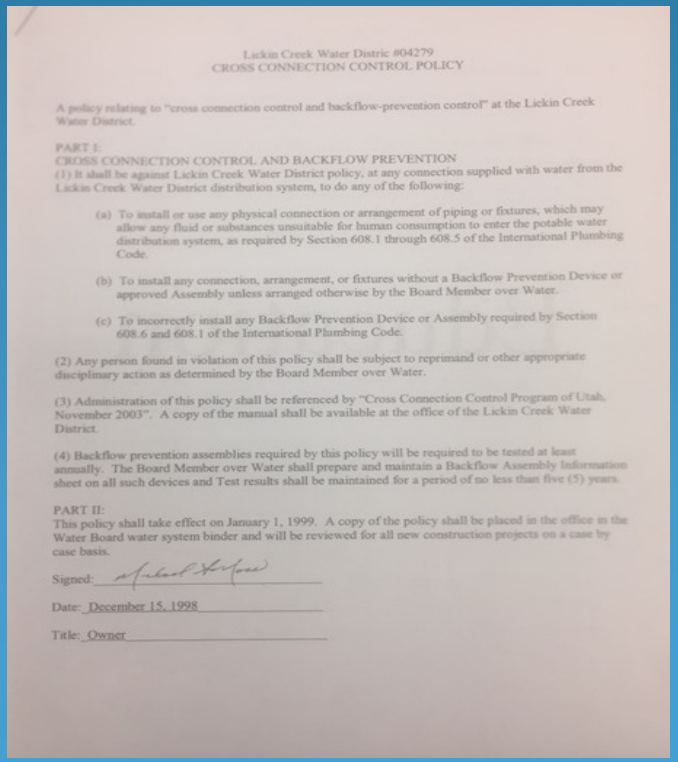
Starting and Maintaining a Program for your Water System

DEVELOPING CCC PROGRAM

DRINKING WATER

Gary Rager
Utah Division of Drinking Water
801-536-4498
grager@utah.gov

LOCAL AUTHORITY



Lickin Creek Water Distric #04279
CROSS CONNECTION CONTROL POLICY

A policy relating to "cross connection control and backflow-prevention control" at the Lickin Creek Water District.

PART I:
CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION
(1) It shall be against Lickin Creek Water District policy, at any connection supplied with water from the Lickin Creek Water District distribution system, to do any of the following:

(a) To install or use any physical connection or arrangement of piping or fixtures, which may allow any fluid or substances unsuitable for human consumption to enter the potable water distribution system, as required by Section 608.1 through 608.5 of the International Plumbing Code.

(b) To install any connection, arrangement, or fixtures without a Backflow Prevention Device or approved Assembly unless arranged otherwise by the Board Member over Water.

(c) To incorrectly install any Backflow Prevention Device or Assembly required by Section 608.6 and 608.1 of the International Plumbing Code.

(2) Any person found in violation of this policy shall be subject to reprimand or other appropriate disciplinary action as determined by the Board Member over Water.

(3) Administration of this policy shall be referenced by "Cross Connection Control Program of Utah, November 2003". A copy of the manual shall be available at the office of the Lickin Creek Water District.

(4) Backflow prevention assemblies required by this policy will be required to be tested at least annually. The Board Member over Water shall prepare and maintain a Backflow Assembly Information sheet on all such devices and Test results shall be maintained for a period of no less than five (5) years.

PART II:
This policy shall take effect on January 1, 1999. A copy of the policy shall be placed in the office in the Water Board water system binder and will be reviewed for all new construction projects on a case by case basis.

Signed: _____

Date: December 15, 1998

Title: Owner

LOCAL AUTHORITY

- Statement of Authority (Ordinance, Policy, By-law)
  - Established and approved by water system governing body
  - Require protection of all cross connections
  - Require periodic hazard assessment inspections
- Require notification of an installed assembly
  - Require testing of all installed assemblies
  - Identify and document enforcement methods
- Create, adopt and maintain by rule for the duration of the systems operation.
- Recommend review every 3 to 5 years and update as necessary.

TRAINED STAFF

TRAINED STAFF

- Documentation of training received at a State sponsored training class.
  - The water system management or operations staff member.
  - Time required is one half day or evening.
  - May take a refresher anytime to refocus for program needs.
- A trained person shall be maintained by rule for the duration of the systems operation.
- When staff or management changes, new person needs to be identified and trained.
- ***A certified CCC Program Administrator is required for Community water systems population 500 and above by December 31, 2020, and population below 500 by December 31, 2022.***

Utah Water System Requirement for Cross Connection Control Program Administrator Certification

WATER SYSTEM	POPULATION	COMPLIANCE DATE
COMMUNITY	500 AND ABOVE	BY DEC 31, 2020
COMMUNITY	BELOW 500	BY DEC 31, 2022
ALL OTHER WATER SYSTEMS Non-Transient Non-Community & Transient Non-Community (If complex health risks are present)		AT DIRECTORS DISCRETION

Backflow.utah.gov for detailed information

TRAINED STAFF

- Should at a minimum:
  - Know the rules and regulations
  - Be able to identify a Cross Connection
  - Understand what backflow is and what causes it to occur.
  - Know how to protect a cross connection against backflow
  - Participate in continuing education to improve and keep updated on changes

PUBLIC AWARENESS

PUBLIC AWARENESS

- Documentation of providing information to consumers or employees
  - Required on an annual basis.
- What are cross connections?
  - How can they be prevented?
  - How can they be protected?
  - What is thermal expansion?
  - Is thermal expansion a concern?
- Document each flyer sent and/or record of meeting minutes.
- Recommend maintain records for a minimum period of 5 years.

WRITTEN RECORDS

RECORD KEEPING

- Record of hazards connected to the water system.
  - Recommend that these records be maintained for the duration of the systems operation.
- Record existing protection to cross connections found.
- Document test histories and inspections.
  - By rule maintain records for a minimum period of 5 years.
- Record all surveys and inspections in the water system.
- Document any backflow incidents.
  - Who, What, When, Where, Why and How
  - Recommend document and maintain these records for a minimum period of 5 years.
- Document all staff training

ONGOING PROGRAM

ON-GOING ENFORCEMENT PROGRAM

- Document annual information supplied to consumers and employees.
- Document annually a review of the water system for cross connections.
- Documentation that cross connections are protected.
- Document that backflow assemblies are tested annually, correctly and timely.
- Document annually all test report records and histories.
- Document any backflow incidents.
- Recommend that these records be maintained for a minimum period of 5 years.

ON-GOING ENFORCEMENT

- The program will only be as effective as the individuals who are authorized to carry it out.
  - This should be extended out to those involved in building and plumbing inspection departments
  - At a minimum, water system personnel shall be authorized to administer the cross connection control program and take the necessary compliance actions.