

Note that this title is new content in the current Leamington Code.

TITLE 2: DEFINITIONS

2.1 Interpretation	1
2.2 Applicability and Definitions in Other Ordinances	1

2.1 Interpretation

For purposes of this subchapter, the following definitions shall apply so long as they are consistent with the definitions of the same terms found in the state's Open and Public Meetings Act, being Chapter 4 of Title 52 of the Utah Code, UCA §§ 52-4-101 et seq. If a term is defined differently in the state's Open and Public Meetings Act, the definition found in that act shall apply.

2.2 Applicability and Definitions in Other Ordinances

The words and terms defined in these ordinances shall have the meanings indicated. Words used in the present tense include the future, and words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the Town ordinances shall be construed as termed therein. The word "shall" is mandatory.

ACCESS STRIP. A strip of land that is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

ACCESSORY DWELLING UNIT. A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one (1) lot.

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ADVERSELY AFFECTED PARTY. A person other than a land use applicant who owns real property adjoining the property that is the subject of a land use application or land use decision or will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of a land use decision.

AGRICULTURE. The tilling of the soil, the raising of crops, horticulture, and gardening, ~~but not including keeping or raising of domestic animals and fowl~~, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, mass livestock operations, animal hospitals or similar uses.

APPROVED BACKFLOW ASSEMBLY. Accepted by the state's Department of Health, Bureau of Drinking Water/Sanitation, as meeting an applicable specification or as suitable for the proposed use.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and extends beyond the face of an exterior wall of a building but shall not include signs.

AREA OF FUTURE CONDITIONS FLOOD HAZARD. The land area that would be inundated by the one percent annual chance (100-year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD RELATED EROSION HAZARD. The land within a community which is most likely to be subject to severe flood related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community that is subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. For the purposes of these regulations, the term "special flood hazard area" is synonymous with the phrase "area of special flood hazard."

ASSISTED LIVING FACILITY. A residential facility, licensed by the state of Utah, available twenty-four (24) hours per day to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services rules to need any of these services. These facilities provide supervision or assistance with activities of daily living (ADLs), coordination of services by outside healthcare providers, and monitoring of resident activities to help ensure their health, safety, and well-being.

AT-LARGE. Off the premises of the owner and not under the control of the owner or a member of his immediate family, either by lease, cord, chain, or within immediate view of the above mentioned persons.

AUTHOR. Where a nuisance exists upon the property and is the outgrowth of the usual, natural, or necessary use of the property, the landlord or his or her agent, the tenant or his or her agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the AUTHORS.

AUTHORIZED RECEPTACLE. A public or private litter storage and collection receptacle.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an AUXILIARY WATER SUPPLY. These

AUXILIARY WATERS may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, harbor, and the like, or "used waters" or "industrial.

BACK PRESSURE. The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.

BACK SIPHONAGE. The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than the intended source is caused by the reduction of pressure in the potable water supply system.

BACKFLOW. The reversal of the normal flow of water is caused by either back pressure or back siphonage.

BACKFLOW PREVENTION ASSEMBLY. An assembly or means designed to prevent backflow.

BASE FLOOD. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). The water surface elevation of the one percent (1%) annual chance of flood. The height (in relation to mean sea level) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT. A story partly or fully underground, also known as a cellar.

BLANKETING. hen applied to signs or sign structure, the term "blanketing" or "blanket," shall mean the partial or complete shutting off of the face of one sign by another sign.

BOARDING HOUSE. A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons. It may also be referred to as a bed and breakfast inn.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

BRUSH PILE. An accumulation of cuttings or dead portions of trees and shrubs.

BUILDING. Any structure other than a boundary wall or fence.

BUILDING, ACCESSORY. A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of a primary or principal building.

1. Standard Accessory Building - any detached accessory building or structure that does not require a building permit per the adopted International Building Code.
2. Class A Accessory Building - any detached accessory building or structure requiring a building permit per the adopted International Building Code but not more than four hundred and fifty (450) square feet in area.

3. Class B Accessory Building - any detached accessory building or structure requiring a building permit per the adopted International Building Code having at least four hundred and fifty (450) or more square feet in area or exceeding sixteen (16) feet in height.

BUILDING, DETACHED. A building surrounded by open space on the same lot.

BUILDING ENVELOPE. The separation of the interior and exterior of a building.

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BUILDING FAÇADE. That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

BUILDING FAÇADE FACING. A resurfacing of an existing façade with approved material illuminated or non-illuminated.

BUILDING, HEIGHT OF. The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

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BUILDING, MAIN. A building in which is conducted the principal use of the lot on which it is located.

BUILDING OFFICIAL. The Official or duly authorized deputy charged with the administration and enforcement of the provisions of this Ordinance pertaining to the construction, alteration, and use of buildings and other structures.

Building, Public. A building owned and operated (or owned and intended to be operated) by a public agency of the United States of America, of the State of Utah, or any of its political subdivisions.

CANVASSER or SOLICITOR. Any individual, whether or not a resident of the town, traveling either by foot, wagon, motor vehicle, or another type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he or she is collecting advance payments on such sales; provided that, such definition shall include any person who, for himself or herself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.

COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing;

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged, or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety, and good order; provided that, nothing contained in this clause shall be deemed to authorize the holding, giving or taking the place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of the state, or under any ordinance of the town; or

(4) While containing reading matter other than advertising matter, it is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as an advertiser or distributor.

CONDITIONAL USE. Land use that, because of the unique characteristics or potential impact of the land use on the Town, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONTAMINATION. Degradation of the quality of the potable water supply by non-potable water, sewage, industrial fluids, waste liquids, compounds, or other materials.

CROSS-CONNECTION. Any physical connection or arrangement of piping or fixtures that may allow non-potable water industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multi-port tubes, or other plumbing arrangements.

CROSS-CONNECTION, CONTAINMENT. The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system, or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

CROSS-CONNECTION, CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly is properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

CONVENING. The calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

COVERAGE, LOT. The percent of the lot area covered by the main and accessory buildings.

DAY CARE CENTER. A building or structure where six (6) or more children are regularly cared for during the day for compensation.

DEPARTMENT. The term “department” shall pertain to and can also refer to an assigned “responsibility” in managing town property or services by ~~of~~ an individual such as a council member or town employee.

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

DISABILITY. A physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such 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.

DITCH. Any channel, either human-made or natural, can carry water for drainage or irrigation, including its access and/or maintenance easements on either side.

DOG. Any male or-female ~~or spayed female~~ dog of any age.

DWELLING. A building or portion thereof is designed or used as a living quarter for one or more individuals or families.

DWELLING UNIT. A single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING UNIT (IADU), INTERNAL ACCESSORY. A second dwelling unit that is part of the primary dwelling on a parcel (i.e., “mother-in-law” apartment).

DWELLING UNIT (DADU), DETACHED ACCESSORY. A second dwelling unit that is a self-contained dwelling unit located on an owner-occupied lot or parcel. It is in a detached building that maintains complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a separate kitchen on a year-round basis. DADUs may be part of an accessory building.

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DWELLING, GROUP. Two (2) or more dwellings placed upon a single lot.

DWELLING, MULTIPLE-FAMILY (ALSO MULTI-FAMILY). A building arranged or designed to be occupied by three (3) or more families.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, TWO-FAMILY. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

EDUCATIONAL INSTITUTION. A public elementary school, secondary school, college, or university or a private educational institution having a curriculum similar to that ordinarily given in public schools.

EQUIPMENT ENCLOSURE. A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.

EROSION. The process of the gradual wearing away of land masses. This peril is not covered per se by the program.

EXISTING CONSTRUCTION (For the purpose 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.”

EXISTING MANUFACTURED HOME PARK OR SUBDIVISIONS. A manufacturer home park of subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). ~~is completed before the effective date of the floodplain management regulations adopted by a community.~~

FAMILY. One or more persons related by blood, marriage, or operation of law, plus domestic servants employed for service on the premises, or a group of bachelors or bachelorettes of not more than four (4) persons who need not be so related, living together as a single nonprofit housekeeping unit.

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FAR PART 77. Federal aviation administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and may be amended from time to time. Part 77 regulations may also affect lands located outside the boundaries of the defined airport influence area.

FENCE. A tangible barrier or obstruction of any material, with the purpose or intent of having the effect of preventing passage or view across the fence line. It includes hedges and walls.

FLAG LOT. Plots that have a long, slender strip of land (the pole) extending from the street to the typically rectangular main part of the lot (the flag).

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FLOOD ELEVATION DETERMINATION. A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY OR FLOOD ELEVATION STUDY. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslides (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD PRONE AREA. Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

FLOOD PLAIN. Land that is within the 100-year flood plain designated by the Federal Emergency Management Agency (FEMA) or has not been studied or designated by FEMA but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by FEMA.

FLOOD PROOFING. Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

FLOODWAY ENCROACHMENT LINES. The lines marking the limits of floodways on federal, state, and local floodplain maps.

FLOOR AREA. The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

FLOOR-LOT AREA RATIO (FAR). The total floor area of a building divided by the area of the lot on which it is located.

FRONTAGE. The side of a building lot abutting a public street; lot width is the straight line distance from where the minimum setback meets the two side lot property lines. ~~At any point, it is at the minimum setback of thirty (30) feet from the edge of the right of way.~~

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GARAGE, CARPORT. A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

GARAGE, PRIVATE. An enclosed space or accessory building for the storage of one or more motor vehicles provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common or are connected structurally by a physical connection such as a wall, trellis, or solid fence.

GARAGE, PUBLIC. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

GARBAGE. Waste from the preparation, cooking, or consumption of food, condemned food products, and all refuse and waste from the handling, storage, preparation, and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels, and other places where food is handled, stored, sold, cooked, and consumed.

GRADE. The average level of the finished surface or the ground adjacent to the exterior walls of those buildings is more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, the Town Engineer may establish the grade.

Commented [4]: Need a better definition: no town engineer or sidewalks.

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HOME OCCUPATION. Any business conducted entirely within a dwelling and carried on by persons residing in the dwelling unit whose use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display nor stock in trade. The home occupation business shall not include the sale of commodities beyond those which are produced on the premises, except where such sale of commodities is clearly incidental and limited to the main commodity that is produced on the premises. The home occupation business shall not involve employees or the use of any accessory building, yard space, activity, or additional parking outside the main building. Permitted home occupations, home occupations requiring conditional use permits, and prohibited home occupations are listed in each residential zone of this Ordinance.

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HOTEL. A building designed for or occupied as the more- or- less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged with or without meals.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, canaries, ~~etc., but not including a sufficient number of dogs or cats to constitute a kennel, as defined in this Ordinance.~~

IMPOUNDED. Having been received into the custody of the town pound or into the custody of any authorized agent or representative of the town.

INOPERABLE MOTOR VEHICLE. Any motor vehicle that does not have a current license plate and validation sticker lawfully affixed thereto or that is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purpose for which it was originally constructed.

JUNK YARD. The use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment or junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles, or machinery or parts thereof provided that this definition shall not be deemed to include such uses which are clearly incidental to and accessory to any agricultural use permitted in the zone.

KENNEL. The land or buildings used ~~to keep fivethree (5m3) or more dogs at least four (4) months old for in the keeping of fivethree (53) or more dogs at least four (4) months old for the purpose of breeding; does not include boarding facilities.~~

LAND USE AUTHORITY. A person, board, commission, agency, or body, including the Town Council, designated by the Town Council to act upon a land use application or, if the Town Council has not designated a person, board, commission, agency, or body, the Town Council.

LAND USE PERMIT. A permit issued by a Land Use Authority.

LANDSCAPING. Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development. Preferred landscaping includes “water wise” principles as outlined in UCA 57-8a-231

LEGISLATIVE BODY. The Town Council of Leamington, Utah.

LITTER. “Garbage,” “refuse,” and “rubbish,” as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare, or appearance of the town.

LOT. A recognized subdivision of property with a written legal description that addresses permissions or constraints upon its development. Listed as a parcel by the county as an identification for taxation purposes.

LOT, CORNER. A lot abutting on two intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

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LOT, INTERIOR. Any lot other than a corner lot.

LOT OWNER OR PURCHASER and **GRAVE OWNER OR PURCHASER.** The owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.

MANUFACTURED HOME. A structure, transportable in one or more sections, built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

MAP, OFFICIAL. Any map adopted by the Town Council under the provision of the Utah Code.

MEETING.

(1) The convening of a public body, with a quorum present, including a workshop or an executive session, whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about or acting upon a matter over which the public body has jurisdiction or advisory power.

(2) MEETING does not mean:

(a) A chance meeting;

(b) A social meeting; or

(c) The convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the public body is convened, and:

1. The public body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the public body is required or

2. The public body is convened solely for the discussion or implementation of administrative or operational matters that would not come before the public body for discussion or action.

MEETING CLERIC. The Town Clerk (or acting deputy) for the Town Council, or shall mean the person assigned by a public body other than the Town Council, to record and to take the written minutes of a meeting of a public body of Leamington.

MINUTES OF A MEETING. A written record of the meeting that shall include:

(1) The date, time, and place of the meeting;

(2) The names of members present and absent;

(3) The substance of all matters proposed, discussed, or decided by the public body, which may include a summary of comments made by members of the public body;

(4) A record, by individual member, of each vote taken by the public body;

(5) The name of each person who:

(a) Is not a member of the public body; and

(b) After being recognized by the presiding member of the public body, provided testimony or comments to the public body.

(6) The substance, in brief, of the testimony or comments provided by the public **under 3.2(E) of these ordinances**; and

(7) Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

MIXED USE, HORIZONTAL. It consists of single-use buildings that allow for a range of land uses in a single development or project. This type of mixed-use provides for a variety of complementary and integrated uses that are walkable and within a given neighborhood, tract of land, or development project.

MIXED USE, VERTICAL. Combines different uses within the same building and typically provides for more public uses on the lower floor, such as retail shops, restaurants, or commercial businesses, and more private uses on the upper floors, such as residential units, hotel rooms, or office space.

MOBILE HOME. A movable living unit designed to be transportable after fabrication on its own wheels, attached wheels, or low boy, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, plumbing, and electric connections

provided for attachment to appropriate external systems. Pre-sectionalized, modular, or prefabricated housing not placed on a permanent foundation shall also be regarded as a mobile home, whether or not such units meet the Town's building and housing codes.

A mobile home, as defined in the preceding paragraph, that meets the Town's applicable building and housing codes and that is placed on a permanent foundation is controlled by the Zoning Ordinance and other applicable ordinances, the same as dwelling units constructed in the conventional manner.

MODERATE INCOME HOUSING. Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Cache County.

MOTEL. Any building or group of buildings containing sleeping rooms designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit.

MOTOR VEHICLE. Any self-propelled vehicle that, as originally built, contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-the-road vehicles.

MUNICIPALITY. For the purpose of this Code, the term "municipality" refers to the Town of Leamington.

NATURAL WATERWAYS. Those areas, varying in width, along streams, creeks, gullies, springs, or washes, which are natural drainage channels as determined by the Chief Building Official and in which areas no buildings shall be constructed.

NEIGHBORHOOD COMMERCIAL. Neighborhood commercial is defined as small format retail sales that occupy buildings or spaces within buildings of less than five thousand (5,000) square feet. Neighborhood commercial is intended to enhance residential neighborhoods by promoting a place for businesses that provide goods and services used frequently by local residents in an appropriate scale and character which is complementary to the residential neighborhood. Uses in this category include but are not limited to, apparel and accessory stores; art, education, craft, or office supply stores; bakeries, small restaurants, cafes or specialty food markets; bicycle sales and repair; book, magazine and newspaper stores, hardware or garden supply stores; camera, photo or copy stores; convenience or grocery stores; pharmacy or optical goods, florists, gift or souvenir shops; music, musical instrument repair and sales stores; pet and pet supply stores.

NEW CONSTRUCTION (For the purposes of determining insurance rates). Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEWSPAPER. Any newspaper of general or local circulation or any periodical or current magazine is regularly published with not less than four issues per year and sold to the public.

NON-COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

NONCOMPLYING STRUCTURE. A structure that legally existed before the structure's current land use designation and, because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

NONCONFORMING LOT. A parcel that does not meet the minimum requirements of a legal lot.

NONCONFORMING USE. Use of land that legally existed before its current land use designation has been maintained continuously since the time the land use ordinance governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

NOTICE, PUBLIC. A "Class A" or "Class B" public notice as defined by 63G-28-101 and -102.

NUISANCE. Whatever is dangerous to human life or health and whatever renders soil, air, water, or food impure or unwholesome is declared to be a nuisance and unlawful.

OWNER. When applied to the proprietorship of a dog, it shall mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog.

PARK. A park, reservation, playground, beach, recreation center, or any other public area in the town, owned or used by the town.

PARKING LOT. An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PEDDLER. Any person, whether or not a resident of the town traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall see or offer the same for sale from a wagon, motor vehicle, railroad car or other vehicle or conveyance; and, further provided that, one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of **these ordinances** shall be deemed a PEDDLER subject to the provisions of these ordinances. The word PEDDLER shall include the words HAWKER and HUCKSTER.

PERSON. An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PLOT. The partial ~~grave~~ gravesite ~~lots~~ or single graves in the town cemetery.

POUND. An animal shelter, lot, premises, or building maintained by, or authorized or employed by, the town for confinement or care of dogs seized either under the provisions of these ordinances or otherwise.

POUND MASTER. The custodian selected by the Town Council to be responsible for the operation of the dog pound.

PRIMARY DWELLING. A dwelling that is occupied as the primary residence. The primary dwelling includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.

PROPERTY. The owner's lot or tract of land, whether improved or vacant, including the area to the center of an alley abutting the lot or tract of land, if any, all easements of record, and the sidewalk, curb, gutter, and parking area of any street abutting such lot or tract of land.

PROPERTY MANAGEMENT COMPANY. The owner's agent for renting the property, if any.

PROPOSED MINUTES. The written minutes prepared by the meeting clerk that have been given to the members of a public body for their review and approval.

PUBLIC AGENCY. The federal government, the State of Utah, a county, municipality, school district, local district, special service district, or other political subdivision of the State of Utah, or a charter school.

PUBLIC BODY. Any administrative, advisory, executive, or legislative body of the town that:

- (1) Is created by the State Constitution, statute, rule, ordinance or resolution;
- (2) Consists of ~~three~~ three or more persons;
- (3) Expends, disburses, or is supported in whole or in part by tax revenue; and
- (4) Is vested with the authority to make decisions regarding the public's business.

RECEPTION CENTER. An establishment that is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, and other similar celebrations or gatherings. Such use may or may not include on-site kitchen/catering facilities.

REFUSE. Putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which more than one person with a disability resides and which is licensed or certified by the Department of Human Services under §62A-2 of Utah State Code (as amended) or which is licensed or certified by the Department of Health under §26-21 of Utah State Code (as amended).

RUBBISH. Non-putrescible solid wastes consisting of both combustible and non-combustible waste, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

RURAL REAL PROPERTY. A group of contiguous tax parcels, or a single tax parcel, that: (A) are under common ownership, (B) consist of no less than 1,000 total acres, (C) are zoned for manufacturing or agricultural purposes, and (D) do not have a residential unit density greater than one unit per acre. "Rural real property" includes any portion of private real property if the private real property: (A) qualifies as rural real property under Subsection (1)(j)(i); and (B) consists of more than 1,500 total acres.

SETBACKS. The distance from a property line, other buildings, and/or public property.

→ graphic

SHORT-TERM RENTAL (STR). The use, occupancy, rent, or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for a single-household in a residential zone for an effective term of thirty (30) consecutive days or less.

SIGN. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise or announce the purpose of a person or entity or to communicate information of any kind to the public.

SIGHT TRIANGLE. Areas at the corners of intersections of roads and driveways where views of approaching traffic should not be obstructed.

→ graphic

SITE DEVELOPMENT STANDARDS. Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space, and any other special regulations deemed necessary to accomplish the purpose of this Ordinance.

START OF CONSTRUCTION (for other than new construction). The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs 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 cleaning, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of 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

Commented [7]: This definition comes from UCA 17B-2a-1107. It relates to large parcels and how they can't be forced in to a municipal service district. It was in the Oak City code for some reason. Recommend deletion because you don't have that kind of parcels inside city limits.

Commented [8]: https://le.utah.gov/xcode/Title17B/Chapter2A/17B-2a-S1107.html?v=C17B-2a-S1107_2015051220150512

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.

STORY. The space within a building, other than a cellar, is included between the surface of any floor and the surface of the ceiling next above.

STORY, HALF. A story with at least two (2) of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET. A public thoroughfare, dedicated, abandoned, condemned, or duly accepted for public use, which affords the principal means of access to abutting property and is more than ~~twenty (20)~~ fifty (50) feet wide, developed in accordance with Town standards, and maintained by the Town on a regular basis.

STRUCTURE. An object, including a mobile object constructed or installed by man, includes but is not limited to buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

STRUCTURAL ALTERATIONS. Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

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 fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. A reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that 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 that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living 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.”

TELECOMMUNICATIONS EQUIPMENT. Equipment used in a telecommunications facility other than the antenna, antenna support structure, or equipment enclosures. Telecommunications equipment may include but is not limited to electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies, and emergency generators.

TELECOMMUNICATIONS FACILITY. An unmanned structure that consists of antennas, antenna support structures, telecommunications equipment, and equipment enclosures that transmits and/or receives voice and/or data communication through radio signals such as, but not limited to, “cellular” or “PCS” (Personal Communications System) communications and paging systems, whether commercial or privately operated.

TELECOMMUNICATIONS TOWER. A structure typically higher than its surroundings and used to support and/or hold telecommunications facilities including telephone, telegraph, fiber optic signals, cellular services for both analog and digital signals, radio, television, etc.

TINY HOUSE. A dwelling that is four hundred (400) square feet or less in floor area, excluding lofts. (IRC2018, Section AQ102).

TOWN CLERK and TOWN RECORDER. The terms “Clerk” and “Recorder” are considered interchangeable terms and are considered the same person.

TRANSIENT MERCHANT, ITINERANT MERCHANT, or ITINERANT VENDOR. Any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether or not a resident of the town, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the town and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley or other places within the town, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of **these ordinances** merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer or by conducting such transient business in connection with as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

UNLICENSED DOG. A dog for which the license for the current year has not been paid or to which the tag provided in **these ordinances** is not attached.

USE. The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY. A subordinate use is customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

USE, PERMITTED. Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.

USE CONDITIONAL. Use or occupancy of a building or use of land, permitted only when authorized upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein as provided in the currently adopted land use code of the jurisdiction.

UTILITY STRUCTURE AND RELATED FACILITIES. May include a building/structure that is constructed so as to provide assistance such as electrical power, light, and forms of communication including telephone, telegraph, fiber optic signals, cellular service for other analog and digital signals, radio, television, etc.

VARIANCE. A grant of relief by a community from the terms of a floodplain management regulation.

VEHICLE. Every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

VICIOUS DOG. A dog that has bitten without provocation or a dog that has a known propensity to attack or bite.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Zoning Ordinance is presumed to be in violation until such time as that documentation is provided.

WATER OPERATOR, ~~SUPERVISOR, or PURVEYOR~~. The person designated to be in charge of the town's water department is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this [ordinance](#) and state law and regulations.

WEEDS. Weeds shall include any vegetation commonly referred to as a weed or which shall have been designated a noxious weed by the state's Commissioner of Agriculture.

WIDTH OF LOT. The distance between the side lot lines, measured at the distance back from the front lot line required for the depth of the front yard. On lots with frontage on cul de sacs, the lot width shall be the distance between the side lot lines at the actual setback of the primary structure or dwelling, providing that the front yard setback of the primary structure or dwelling exceeds the standard required front yard setback requirement.

YARD. The open space between buildings and property lines at the front, rear, and sides of a property.

→ [graphic](#)

ZONE. The geographical area of the Town within which the zoning regulations are uniform.

ZONING MAP. A map, adopted as part of a land use ordinance, that depicts land use ones, overlays, or districts.