



Staff Report

Coalville City
Community Development Director

To: Coalville City Planning Commission
From: Don Sargent, Community Development Director
Date of Meeting: June 16, 2026
Re: Proposed Amendments to the City Development Code
Action: Continued Public Hearing and Possible Recommendation

Proposed Amendments to the City Development Code

REQUEST

The purpose of this continued public hearing is to review, discuss, and receive public comments and input on proposed update amendments to the Development Code for a possible recommendation to the City Council.

This item is scheduled for public hearing and possible action.

BACKGROUND

It has come to the attention of the City that the current Development Code contains language provisions and references that should be addressed, clarified, and corrected related to administrative review and approval processing for administrative applications consistent with current State statutes.

The City is also proposing various amendments to the Code to address several regulatory requirements and provide clarity, correctness, and possible changes related to temporary signs, commercial campgrounds, business licenses, special events, and other provision clarifications.

Existing Health and Safety and Noise Disturbance Regulations are also being proposed to include in the Code that were inadvertently omitted in the published web version of the Code.

In addition, the planning commission provisions in the code are being updated consistent with recent State Code amendments.

Planning Commission Review

On May 18, 2026, the Planning Commission initially reviewed the draft code amendments and provided directions to Staff on the proposed language and continued the public hearing and review of the code amendments to the next meeting.

ANALYSIS

According to Chapter 03-080 of the Development Code, any development code text amendment must first receive a recommendation from the Planning Commission and then be adopted by the City Council through an ordinance. When reviewing proposed amendments to the Development Code, the following Standards for Decision of Section 03-080.E are to be considered as applicable:

1. Is the amendment consistent with the goals, objectives, and policies of the General Plan.
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
4. Will the proposed amendment adversely affect adjacent property; and
5. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection. Is the Amendment consistent with the goals, objectives, and policies of the General Plan.

Staff will present the updated language amendments to the Development Code in a "Track Change" format at the meeting for review and discussion. For reference, [Attachment A](#) and [B](#) include the [Existing Health and Safety](#) and [Noise Disturbance](#) regulations that were inadvertently omitted in the current published web version of the Code. [Attachment C](#) includes the revisions in "Track Change" format of the planning commission provisions.

Required Review Process

The Development Code amendment process includes review by Staff and the Planning Commission, with a formal public hearing to gather input and ensure all required Standards for Decisions are considered before making a recommendation to the City Council.

RECOMMENDATION

Staff recommends the Planning Commission review and discuss the proposed Development Code amendments, conduct a public hearing, and consider a recommendation to the City Council.

As an alternative action, the Planning Commission may provide input and direction to Staff on the amendments for review, discussion, and a recommendation at a subsequent meeting.

Attachments:

- A.** Existing Health and Safety Regulations
- B.** Existing Noise Disturbance Regulations
- C.** Updated Planning Commission Provisions

Title 7 Health and Safety

Chapter 11: Nuisance Enforcement

- 7-11-010: Purpose
- 7-11-020: Definitions
- 7-11-030: Nuisance - Definition
- 7-11-040: Exception
- 7-11-050: Responsibility for Nuisances
- 7-11-060: Nuisance Abatement – Administration
- 7-11-070: Finding of Nuisance
- 7-11-080: Voluntary Correction
- 7-11-090: Administrative Citation
- 7-11-100: Abatement by City
- 7-11-110: Habitual Nuisance
- 7-11-120: Appeals

Chapter 12: Hazardous Materials

- 7-12-010: Definitions
- 7-12-020: Declaration of Nuisance
- 7-12-030: Liability for Abatement of Nuisance

Chapter 13: Noise Disturbances (Updated 05/24/19)

- 7-13-010: Purpose
- 7-13-020: Definitions
- 7-13-030: Emergency Orders
- 7-13-040: General Prohibition
- 7-13-050: Specific Prohibitions
- 7-13-060: Noise Levels
- 7-13-070: Exemptions
- 7-13-080: Relief from Regulations
- 7-13-090: Enforcement
- 7-13-100: Penalty
- 7-13-110: Appeals

Chapter 14: Weeds and Offensive Accumulations

- 7-14-010: Inspection and notice
- 7-14-020: Compliance with the notice
- 7-14-030: Abatement by City
- 7-14-040: Appeals
- 7-14-050: Administrative charge

Chapter 15: Wrecked, Junked, Dismantled Motor Vehicles and Other Personal Property

7-15-010: Purpose

7-15-020: Definitions

7-15-030: General Prohibitions

7-15-040: Exceptions

7-15-050: Abatement Procedures

7-15-060: Penalties

Chapter 11

Nuisance Enforcement

7-11- 010: Purpose

7-11- 020: Definitions

7-11- 030: Nuisance - Definition

7-11- 040: Exception

7-11- 050: Responsibility for Nuisances

7-11- 060: Nuisance Abatement – Administration

7-11- 070: Finding of Nuisance

7-11- 080: Voluntary Correction

7-11- 090: Administrative Citation

7-11-100: Abatement by City

7-11-110: Habitual Nuisance

7-11-120: Appeals

7-11-010: PURPOSE

The purpose of this ordinance is to provide a means for the City and individuals to identify nuisances within the City and to provide a means for correcting or abating the nuisances. The City needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character, and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses and visitors. This ordinance provides for progressive enforcement measures to abate nuisances; the most aggressive forms of enforcement are generally reserved for the most recalcitrant violators of the ordinance.

7-11-020: DEFINITIONS

Abandon: to surrender ones claim to, right to, or interest in.

Abate: to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner and to such an extent as the Neighborhood Preservation Officer determines is necessary in the interest of the general health, safety, and welfare of the community.

Completion Date: the date by which the Responsible Person must abate a nuisance. The Completion Date is originally set by the Enforcement Officer in the Voluntary Correction Agreement or in the administrative citation. The Hearing Officer may modify the Completion Date.

City Designated Representative: the person(s) designated to hear appeals pursuant to this ordinance. The City designated representative shall be the mayor or a person appointed by the mayor with the advice and consent of the City Council. The designee need not be a City Employee.

Dwelling Unit: one (1) or more rooms in a residential building or residential portion of a building that are arranged, designed, used, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking and sanitation.”

Emergency: a situation, which, in the opinion of the Neighborhood Preservation Officer, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

Enforcement officer: any person or persons authorized by the City to receive, initiate or investigate complaints that a nuisance or nuisances exist(s), and any person or persons authorized by the City to engage in abatement practices on behalf of the City.

Family: 1) An individual living alone; or 2) two or more people related by blood, marriage, adoption, and their foster children; or 3) up to three unrelated individuals who live and cook together as a single housekeeping unit; or 4) twenty (20) or fewer unrelated disabled individuals who live together. The definition of family includes nonpaying guests of up to two in number, if the guests live and cook together with the family in a single dwelling unit.

Habitual Nuisance means any premises or property located within the City that generates repeated responses from law enforcement officials because of nuisance related activities. Excluding calls for drug or party houses, any premises or property that generates three (3) or more calls for nuisance related activities within an eighteen (18) month time period shall be deemed a “habitual nuisance.” Any premises or property that generates two (2) or more calls for nuisance related activities within an eighteen (18) month time period to abate any drug or party conditions as set forth in this chapter shall be deemed a “habitual nuisance.”

Hearing Officer: the person(s) designated to hear appeals pursuant to this ordinance. The Hearing Officer shall be appointed by the City Council and shall not be from the Community. The designee need not be a City employee. However, it may be an endorsed off-duty Police Officer

Illegal Rental: any dwelling unit that is rented to persons constituting more than one family.

Inoperable/Junked motor Vehicles: any motor vehicle, as defined herein, which does not have lawfully affixed unexpired license plate or plates, and a current motor vehicle

safety inspection certificate; and the condition of the vehicle is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

- a. No person, firm or corporation shall keep, place, store locate, maintain, discard, dispose of or scrap more than two unlicensed and/or inoperative motor vehicles located outside of an enclosed structure upon any property in any zoning district unless it is a permitted use on review as a salvage yard operation.
- b. Operation of a salvage yard, military surplus or vehicle recycling and storage shall conform to all zoning district requirements and be fully surrounded by a view obscuring fence at a height of least six (6) ft and can be at a height equal to the height of the materials stored within.
- c. means a vehicle not currently registered or licensed in this state or another state, or a vehicle that is or has any of the following conditions: dismantled, broken windows, flat tires, no tires, missing doors, missing windows, missing fenders, missing hood, missing trunk, will not start, or is in a condition that would result in the vehicle's failure to pass state safety inspection pursuant to the Motor Vehicle Act, Utah Code Ann. 41-1a-101, et seq.

Marshal: the police chief of the municipality or sheriff performing law enforcement functions within the municipality.

Motor Vehicle: Any vehicle which is self propelled and designed to travel along the ground and shall include, but is not limited to automobiles, buses, motor-bikes, motorcycles, motor-scooters, trucks, tractors, go- carts, golf carts, campers and trailers.

Municipality: the City of Coalville.

Neighborhood Preservation Officer: a code enforcement officer(s) hired by the City to enforce this ordinance.

Owner: any person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term Owner also includes any person in physical possession of the building or premises.

Premises: a plot of ground, whether occupied or not.

Property: a building or structure, or the premises on which the building or structure is located or undeveloped land.

Public Place: an area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Responsible Person: the person(s) responsible for correcting or abating a nuisance pursuant to this ordinance. The Responsible Person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property in the City, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use and/or occupy property where a nuisance occurs. In cases where there is more than one Responsible Persons, the City may proceed against one, some or all of them.

Vehicle: any means of transportation, whether driven, pulled, or pushed and whether transporting persons, goods, or materials as defined in the Motor Vehicle Act, Utah Code Ann. 41-1a-1-1, et seq.

7-11-030: NUISANCE - DEFINITION

This section defines nuisance by providing five general definitions of what constitutes a nuisance (subsection A), and then providing specific examples of situations, conduct or activities that constitute nuisances (subsection B). The purpose of the general definitions is to allow the City to classify an offending situation, conduct, or activity as a nuisance, even though the situation, conduct, or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah State law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

A. General Definitions of Nuisance: Any activity that meets any one or more of the five definitions set forth below shall constitute a nuisance if it occurs within the City of Coalville:

- 1. Nuisance as Defined in Utah Code Annotated:** Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- 2. Nuisance as Defined in Utah Code Annotated:** Any item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
- 3. Nuisance as Defined in Utah Code Annotated:** Unlawfully doing any act or omitting to perform any duty, which act or omission:
 - a. annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
 - b. offends public decency;

- c. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
- d. in any way renders three or more persons insecure in life or the use of property.

An act which affects three or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.

4. Nuisance: A condition which:

- a. wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others; or
- b. unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or
- c. in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

5. Specific Nuisances Listed in Subsection B: Anything specifically listed as a nuisance in subsection (B), below.

B. Nuisances Enumerated: Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this ordinance. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to **Utah Code Annotated**.

- 1. Accumulation of Junk:** Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premises.
- 2. Alcohol:** Every property or premises not licensed under applicable State law or City ordinance where any intoxicating liquors or alcohol are kept for unlawful use, sale, or distribution.

3. **Attractive Nuisances:** Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, unfinished building or improperly maintained or secured pools.
4. **Banner Signs:** Keeping or allowing banner signs in violation of City ordinance.
5. **City Code Nuisances:** Any violation of a Coalville City Code section that expressly declares a specific situation, conduct, or activity to be a nuisance.
6. **Construction Equipment:** Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
7. **Dangerous Conditions:** Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City, in any one or more of the following particulars:
 - a. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
 - b. By reason of being a fire hazard.
 - c. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
 - d. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
8. **Dead Animals:** Any Premises that contains any decaying animals, animal parts, or animal matter of any kind.
9. **Drug Houses:** Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled

substance, precursor, or analog specified in the Utah Code (Utah Controlled Substances Act).

- 10. Dust:** Any Premises which causes excessive dust due to lack of landscaping, non-maintenance or other cause.
- 11. Family:** Keeping or allowing people at a premise in violation of the City's single-family residence requirements.
- 12. Fire Hazard:** Any situation, process, material or condition that, on the basis of applicable data, may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life and/or property.
- 13. Gambling:** Every building or premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in f the Utah Code (Gambling), which creates the conditions of a nuisance as defined in Section 7-11-3(A)(1) of this ordinance.
- 14. Gangs:** Every building or premises wherein criminal activity is committed in concert with two or more persons as provided in the Utah Code Annotated.
- 15. Garbage Can:** The leaving of any garbage can or refuse container in the street, other than on collection day, for more than 72 hours after the collection day.
- 16. Graffiti:** Graffiti which remains on the exterior of any building, fence, sign, or other structure and is visible from a public street.
- 17. Hazardous Conditions:** Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.
- 18. Hazardous Materials/Substance:** a substance or material in a quantity and form, determined by the United States Department of Transportation, to be capable of posing an unreasonable risk to health and safety or property. **See Chapter 12 of this Title.**
- 19. Illegal Accessory Apartments:** Any violation of the City's accessory apartment ordinance.
- 20. Improper Accumulations:** Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or an adjoining property.

21. Improper Maintenance: Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:

- a. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located; or
- b. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or premises in violation of City ordinances; or
- c. Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An unreasonable state of partial construction is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or
- d. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair; or
- e. Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass; or
- f. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
- g. Buildings or conditions that violate any building, electrical, plumbing, fire, housing, or other code adopted by the City.

22. Improper Parking or Storage:

- a. Parking or storage of inoperative vehicles, or vehicle parts, on a premises within 25 feet or in the public right-of-way.
- b. Parking or storage of inoperative, unregistered, abandoned, wrecked, or dismantled vehicles, boats, trailers, or vehicle parts, including recreational vehicles, on a Premises or in the public right-of-way. Storage or parking that is specifically allowed by the City's zoning ordinance shall not be considered a nuisance.

- c. Parking or storage of registered vehicles, trailers, or boats in violation of City ordinance.

23. Improper Sign: Improper maintenance of a sign; or signs which advertise a business that is no longer extant on the property.

24. Improper Storage: The keeping, storing, depositing or accumulating on the premises or in the public right-of-way for an unreasonable period of time; dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way. Material stored as part of an active construction project shall not be considered a nuisance.

25. Inappropriate Conduct: Every property or premises where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premises or adjacent public place, including but not limited to:

- a. Illegally using or possessing any controlled substance, precursor, analog or possessing any item of drug paraphernalia.
- b. Illegally consuming intoxicating liquor or alcohol;
- c. Publicly urinating or defecating;
- d. By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;
- e. Engaging in acts of violence, including fighting amongst themselves;
- f. Discharging a firearm or explosive in violation of City ordinance or State law;
- g. Creating unreasonable noise which disturbs others;
- h. Intentionally obstructing pedestrian or vehicular traffic; or
- i. Soliciting acts of prostitution.

26. Noise Disturbances: any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s). **See Chapter 13 of this Title.**

27. Noxious Emanations: Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.

- 28. Noxious Weeds:** Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard, source of contamination or pollution of the water, air or property, a breeding place or habitation of insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings, or in excess of twelve, (12) inches tall. **See Chapter 14 of this Title**
- 29. Parking on Landscaping:** Parking in an area required to be landscaped by City ordinance.
- 30. Parking on City Streets:** Parking or storage of vehicles in excess of 36,000 GVW in public right-of-ways for a period of time longer than 96 consecutive hours.
- 31. Party Houses:** Every building or premises where parties occur frequently which create the conditions of a nuisance as defined in Section 7-11- 3(A)(1) of this ordinance. Some of the factors the City may examine in determining whether a party house exists include:
- a. An increase in the number of emergency response calls due to parties being held;
 - b. Any pattern of activity that suggests that parties, creating a nuisance as defined by this ordinance, are taking place;
 - c. Any pattern of activity which diminishes the quiet enjoyment of those buildings and premises around the alleged party house or which cause the immediate neighbors to fear for their safety or the safety of their family members due to the party activity.
- 32. Prostitution:** Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in the Utah Code (Prostitution).
- 33. Refuse:** Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property.
- 34. Required Landscaping:** Failure to install or maintain landscaping required by City ordinance.
- 35. Slaughtering Animals:** Killing, butchering, and dressing of animals in a residential and commercial zones
- 36. Stagnant Water:** Polluted or stagnant water which constitutes an unhealthy or unsafe condition.

37. Unsafe Condition: A condition that unreasonably or unlawfully affects the health or safety of one or more persons.

38. Vegetation: Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.

39. Weapons: Every building or premises where a violation of the Utah Code (weapons) occurs on the premises.

7-11-040: EXCEPTIONS

No act which is done or maintained under the express authority of an authoritative statute, ordinance, conditional use permit, or court ruling shall be declared a nuisance.

Vehicles retained by the owner for antique collection purposes must be stored in an enclosed building on private property.

7-11-050: RESPONSIBILITY FOR NUISANCES:

The Responsible Person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a Responsible Person pursuant to this ordinance. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

7-11-060: NUISANCE ABATEMENT - ADMINISTRATION

This ordinance shall be administered and enforced by the Community Development Department. In case of nuisances involving dangerous buildings or violations, this ordinance may also be administered and enforced by the Building Inspector.

7-11-070: FINDING OF NUISANCE

If the Enforcement Officer finds that a nuisance exists, the Enforcement Officer shall attempt to have the Responsible Person abate the nuisance. Although the first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the Enforcement Officer may pursue any remedy or combination of remedies available pursuant to this ordinance, State law, or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the City from engaging in its

standard prosecution practices. Therefore, the City may prosecute violators of City ordinances or State laws without first having to comply with the provisions of this ordinance, even though the activity or conduct prosecuted may also constitute a nuisance under this ordinance. Nothing in this ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances, building codes, or the Abatement of Dangerous Buildings Code without first treating the offending conduct, situation, or activity as a nuisance pursuant to this ordinance.

7-11-080: VOLUNTARY CORRECTION

This section applies whenever the Enforcement Officer determines that a nuisance exists.

A. Contact: Before taking other steps to abate the nuisance, the Enforcement Officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:

1. Determine the name and last-known address of the property owner or occupant and a description of the premises where the violation exists. This information can be obtained from the county assessor.
2. Verify if the violation exists and take pictures of the violation noting the date and time of the pictures.
3. Serve written notice of the violation on the owner of the property either personally, or by certified mail, return receipt requested, addressed to the owner as determined above.
4. Agreeing to terms with the Responsible Person to abate the nuisance.
 - a. Verbal agreement. The responsible person and the officer may agree verbally as to what actions must be taken to abate the nuisance. Failure to abide by the verbal agreement can result in further action being taken, as outlined in this Article.
 - b. Voluntary Correction Agreement. The responsible person and the officer may memorialize the terms of their agreement as set forth in this section.

B. Voluntary Correction Agreement: If the Enforcement Officer and the Responsible Person agree to terms for abating the nuisance, they may enter into a Voluntary Correction Agreement. The Voluntary Correction Agreement is a contract between the City and the Responsible Person in which the Responsible Person agrees to abate the nuisance within a specified time and according to specified conditions. The Voluntary Correction Agreement shall include the following terms:

1. The name and address of the Responsible Person;

2. The street address of the nuisance, or a description sufficient to identify the building, structure, premises, or land upon or within which the nuisance is occurring;
3. A description of the nuisance;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the Responsible Person that the City may inspect the premises as may be necessary to determine compliance with the Voluntary Correction Agreement;
6. An agreement by the Responsible Person that the City may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this ordinance from the Responsible Person, if terms of the Voluntary Correction Agreement are not met;
7. An agreement by the Responsible Person acknowledging that he/she waives the right to appeal the Enforcement Officer's finding that a nuisance exists and waives the right to appeal the specific corrective action required in the Voluntary Correction Agreement; and
8. An agreement by the Responsible Person that failure to comply with the Voluntary Correction Agreement may be grounds for criminal prosecution.

The Enforcement Officer may grant an extension of the time limit for correcting or abating the nuisance if the Responsible Person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable. If the Responsible Person complies with the terms of the Voluntary Correction Agreement, the City shall take no further action against the Responsible Person related to the nuisance described in the Voluntary Correction Agreement unless the nuisance recurs.

- C. No Agreement:** If the Enforcement Officer and the Responsible Person cannot agree to terms for correcting or abating the nuisance, the Enforcement Officer may still abate the nuisance using one or more of the procedures set forth in this ordinance, State law, or common law.

7-11-090: ADMINISTRATIVE CITATION

- A. Administrative Citation:** When the Enforcement Officer determines that a nuisance exists, and is unable to secure voluntary correction pursuant to Section 7-11-080,

the Enforcement Officer may issue an administrative citation to the Responsible Person. The Enforcement Officer may issue an administrative citation without having attempted to secure voluntary correction as provided in Section 7- 11-080 under the following circumstances:

1. When an emergency exists; or
2. When the Enforcement Officer is unable to locate or determine the identity of the Responsible Person.

B. Content of Administrative Citation: The administrative citation shall include the following:

1. The name and address of the Responsible Person; and
2. The street address of the nuisance or a description sufficient for identifying the building, structure, premises, or land upon or within which the nuisance is occurring; and
3. A description of the nuisance; and
4. The required corrective action; and
5. The Completion Date; and
6. The time for appealing the administrative citation to the Hearing Officer and the procedure for filing an appeal.
7. A statement indicating that no monetary fine will be assessed if the Enforcement Officer approves the completed, required corrective action prior to the Completion Date; and
8. A statement that the City may abate the nuisance and assess costs and expenses of abatement and a monetary fine against the Responsible Person if the correction is not completed by the Responsible Person and approved by the Enforcement Officer before the Completion Date.

C. Service of Administrative Citation: The Enforcement Officer shall serve the administrative citation upon the Responsible Person, either personally or by mailing, certified, return receipt requested, a copy of the administrative citation to the Responsible Person at his/her last known address. If the Responsible Person cannot after due diligence be personally served within Summit County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of

service, the manner by which the service was made, and if by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.

- D. No Extension:** No extension of the time specified in the administrative citation for correction of the nuisance may be granted, except by order of the Hearing Officer.

7-11-100: ABATEMENT BY CITY

The City may take one or more of the following actions against any Responsible Person who fails to comply with the terms of a Voluntary Consent Agreement, an administrative citation, or an order of the Hearing Officer:

A. Abatement by the City:

1. The City may abate a nuisance when:
 - a. The terms of a Voluntary Correction Agreement have not been met; or
 - b. The requirements of an administrative citation have not been complied with, or, if the administrative citation is appealed to a Hearing Officer and the terms of the administrative citation are amended by the Hearing Officer, the terms of the Hearing Officer's Order have not been complied with; or
 - c. The condition is subject to summary abatement as provided for in subsection 2, below.
2. Whenever a nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the Responsible Person as soon as reasonably possible after the abatement.
3. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.
4. During an abatement proceeding, any personal property constituting a nuisance, as defined by this Article, may be confiscated as part of the abatement process. Any property that has been confiscated by the City as part of abatement will be held pending the resolution of the nuisance. The owner of the abated property may recover the property upon showing that the nuisance has been corrected or that substantial efforts, as determined by the Enforcement Officer s, have been made to correct the nuisance. The property owner shall pay the cost of storage of the property. If, after 90 days of the property being confiscated, the property

owner fails to claim the confiscated property, after complying with the requirements of the **Utah Code Annotated**, the City may dispose of the property, including sale at auction, disposal, etc. and seek to collect the cost of storage from the property owner and any other remedies as provided by law.

5. The costs, including incidental expenses, of correcting or abating the violation shall be billed to the Responsible Person and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within ten (10) days of actual receipt of the bill (within fifteen days of the mailing date if the bill is mailed). The term incidental expenses include but is not limited to:
 - a. Personnel costs, both direct and indirect, including attorneys fees and costs;
 - b. Costs incurred in documenting the violation;
 - c. Hauling, storage and disposal expenses;
 - d. Actual expenses and costs for the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
 - e. The costs of any required printing and mailing.
6. The owner of any vehicle or property seized under the provisions of this Ordinance may redeem such vehicle or property at any time after its removal but prior to the sale or destruction thereof on proof of ownership and payment to the municipality such sum as he may determine and fix for the actual expense of removal, and any preliminary sale advertising expenses, not to exceed \$75.00 plus \$5.00 per day for storage for each vehicle or item of property redeemed.

B. Monetary Fine and Collection of Costs Incurred:

1. The Responsible Person shall pay the City a monetary fine for each day the nuisance continues after the Completion Date. The nuisance shall be considered to continue until the Enforcement Officer approves the Responsible Person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:
 - a. Fifty Dollars (\$50.00) minimum for non-compliance.
 - b. Twenty Five Dollars (\$25.00) per day for each day the nuisance remains uncorrected or unabated after the Completion Date;

- c. Maximum of One Thousand dollars (\$1000.00) accumulation for daily violations.
2. The monetary fine shall be cumulative and may not be waived by the Enforcement Officer. Payment of a monetary fine pursuant to this section does not relieve the Responsible Person from the duty to abate the nuisance as required by the Voluntary Consent Agreement or the administrative citation. The monetary fine constitutes a personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the City within thirty (30) calendar days from the date of mailing of a notice from the City that the fine is due.
3. The City Attorney or his designee is authorized to take appropriate action to negotiate the amount of the monetary fine and costs incurred due to City abatement, collect the monetary fine and costs, determine the time period in which the monetary fine and costs shall be paid, and take any other action necessary to resolve the fine and costs, including recording a Lien on the property, or collecting through the County Taxes via the County Treasurer.

In the event the City elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the City shall make in triplicate an itemized statement of all expenses incurred in the removal and destruction of the same, and shall deliver the three (3) copies of the statement to the County Treasurer within ten (10) days after the completion of the work of removing nuisances.

In determining the time period in which to pay, the City Attorney or his designee may take into consideration the number of days between the required completion date and the actual completion date, Enforcement Officer input, the Responsible Person's cooperation, etc.

4. The City may also seek to collect reasonable attorney's fees and costs incurred in collecting the monetary fine where allowed by law.
- C. Civil Actions:** Either the City or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or pursuant to State law.
- D. Criminal Actions:** Criminal actions may be initiated by criminal citation from the Enforcement Officer or by long form Information.
1. Any person who maintains or assists in maintaining a nuisance is guilty of a Class C misdemeanor. No person shall be prosecuted under this subsection (1)

unless the Enforcement Officer first attempted to obtain voluntary correction as provided in section 7-11-8-B of this ordinance.

2. If the alleged nuisance is also a violation of a provision of City Code (other than this nuisance ordinance) or State law, the Responsible Person may be charged under the specific provision of City Code or State law, even if the Enforcement Officer did not first attempt to obtain voluntary correction as provided in section of 7-11-8-B of this ordinance.
3. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the Responsible Person, in the performance of duties imposed by this ordinance, or a decision and Order issued by the Hearing Officer, or a Voluntary Correction Agreement, is guilty of a Class B misdemeanor.

E. Non-exclusive Remedies: Notwithstanding anything contained herein to the contrary, the City may proceed pursuant to **Utah Code Annotated** without complying with any of the provisions of this ordinance. In addition the City may take any or all of the abovementioned remedies (administrative, civil, or criminal) to abate a nuisance and/or to punish any person or entity that creates causes or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the City or any person to recover damages or penalties for its past existence.

7-11-110: HABITUAL NUISANCE

- A. Penalty for Habitual Nuisance:** Any property determined to a habitual nuisance shall be subject to a fine of \$500.00 per day.
- B. Notice of Nuisance:** A building or premises may not be declared a habitual nuisance nor may the \$500.00 fine be collected unless notice to the responsible person has been given. Notice that a property may be declared a habitual nuisance shall be stated on the face of an administrative citation or through some other documentation delivered to the responsible person. The notice shall state that future responses to the property may result in the property being declared a habitual nuisance, subject to a fine.

7-11-120: APPEALS

- A. Grounds:** Any person receiving an administrative citation may appeal the administrative citation to the Hearing Officer. Only the following issues may be appealed to the Hearing Officer:
1. The person charged in the administrative citation as the Responsible Person, is not the Responsible Person as defined by this ordinance.

2. The condition described as a nuisance in the administrative citation is not a nuisance as defined by this ordinance.
3. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost-effective method of effectively correcting or abating the nuisance.
4. The time period given to abate the nuisance in the administrative citation is unreasonable.
5. The Enforcement Officer refused to approve a corrective action that met the requirements of the administrative citation.
6. The Responsible Person claims that the requirement(s) of the administrative citation violates his/her constitutional rights.

B. Filing:

1. A person desiring to appeal an administrative citation must file a notice of appeal at the City Building within ten (10) days of being served with the administrative citation or within fifteen (15) days of the mailing date if the administrative citation is mailed. A person who has made corrective action in response to an administrative citation, which corrective action the Enforcement Officer refused to approve, may appeal within ten (10) days from the completion date if that person has grounds to appeal under subsections A(4) or A(5) of this section.
2. The notice of appeal shall clearly and concisely set forth all the reasons for the appeal. The Hearing Officer shall examine the notice of appeal to determine whether a valid appeal has been stated. If the appellant has not stated a valid cause for appeal, as set forth in Section 7-11-12-A of this code, or if the appellant has failed to show by a preponderance of the evidence, that he/she has an appealable issue, the appeal shall be denied and no hearing shall be held.
3. If the appellant has not shown due diligence and/or substantial progress in correcting the nuisance or has made no attempt to correct the nuisance, the filing of an appeal will not stop the accrual of the fines.
4. If the appellant has filed an appeal, the filing of such appeal will not prevent law enforcement officers from responding to the property on reports of new nuisance violations.

C. Hearing: The hearing before the Hearing Officer shall be informal according to rules and procedures established by the Hearing Officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the Enforcement Officer may each call witnesses at the hearing. The

Hearing Officer may, with or without the parties present, visit the site of the alleged nuisance. If the Hearing Officer allows the parties at the site visit, both parties must be given the opportunity to be present. The Hearing Officer shall schedule the hearing within thirty (30) days of when the notice of appeal is filed with the City. The City Attorney, or his designee, shall be present for the hearing and act as legal adviser for the Hearing Officer.

D. Burden of Proof:

1. In appellant's notice of appeal, the appellant shall have the initial burden of proof to demonstrate by a preponderance of the evidence that he/she has stated a legitimate grounds for an appeal based upon reasons as set forth in Section 7-11-12A of this code.
2. If the appellant has timely filed his/her appeal and a hearing has been scheduled, the burden then shifts to the City to show by a preponderance of the evidence that a nuisance does exist.
3. The determination of the Enforcement Officer as to the need for the required corrective action shall be accorded substantial weight by the Hearing Officer in determining the reasonableness of the corrective action.

E. Authority of Hearing Officer: The Hearing Officer shall have authority to affirm or vacate the administrative citation, or to modify or waive specific provisions of the administrative citation. If the appellant fails to attend the hearing, the Hearing Officer shall affirm the administrative citation. The Hearing Officer shall not vacate the administrative citation unless he/she finds that no nuisance exists. The Hearing Officer shall modify the administrative citation if he/she finds that a nuisance exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this ordinance. A requirement is inappropriate if the Hearing Officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the Hearing Officer may also consider:

1. Whether the appellant responded to the Enforcement Officer's attempts to contact the appellant and cooperated with efforts to correct the nuisance;
2. Whether the appellant has shown due diligence and/or substantial progress in correcting the nuisance;
3. The financial ability of the appellant and the amount, if any, that the appellant has benefitted financially by maintaining the nuisance.
4. Any other relevant factors. If the appellant appeals the Enforcement Officer's refusal to approve appellant's corrective action, the Hearing Officer shall visit the

site and determine if the appellant complied with the requirements of the administrative citation.

- F. Order:** The Hearing Officer shall issue a written Order to the appellant and the City notifying them of his/her decision. The Order shall include the Hearing Officer's findings of fact and ultimate decision. If the Hearing Officer modifies or waives provisions of the administrative citation, the Order shall specify which portions are modified and how they are modified. The Hearing Officer shall mail a copy of the Order to the appellant and the City within five (5) working days of the close of the hearing.
- G. Appeal to District Court.** Either the City or the appellant may appeal the Hearing Officer's Order by filing a petition for review of the Order. The petition must be filed in the Fourth District Court within thirty (30) calendar days from the date the Hearing Officer's Order was mailed to the appellant. In the petition, the plaintiff may only allege that the Hearing Officer's order was arbitrary, capricious, or illegal. The Hearing Officer shall transmit to the reviewing court the record of its proceedings, including any minutes, findings, orders and, if available, a true and correct transcript of its proceedings. If, in the opinion of the District Court, there is a sufficient record to review the Hearing Officer's Order, the Court's review is limited to the record provided by the Hearing Officer. The District Court may not accept or consider any evidence outside of the Hearing Officer's record unless the evidence was offered to the Hearing Officer and the Court determines that it was improperly excluded by the Hearing Officer. If, in the opinion of the District Court, there is not a sufficient record to review the Hearing Officer's Order, the Court may call witnesses and take evidence. No petition or appeal may be filed in District Court unless the Responsible Person first appeals to the Hearing Officer pursuant to the terms set forth in this ordinance.

Chapter 12

Hazardous Materials

7-12-010: Definitions

7-12-020: Declaration of Nuisance

7-12-030: Liability for Abatement of Nuisance

7-12-010: DEFINITIONS

Discharge: leakage, seepage, or other release.

Hazardous material: a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property.

Person: any natural person or individual, governmental body, firm, association, partnership, co-partnership, joint venture, company, corporation, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent or assigns.

7-12-020: DECLARATION OF NUISANCE

The actual or threatened discharge of hazardous materials within the City of Coalville is hereby declared a nuisance.

7-12-030: LIABILITY FOR ABATEMENT OF NUISANCE

Any person who owns, leases, operates, or controls any facility, equipment, or vehicle from which a discharge of hazardous materials has occurred, or is threatened to occur, shall be liable to the City of Coalville for any expenses incurred by the City in connection with preventing, assessing, containing, cleaning up, or disposing of any hazardous material discharged or threatened to be discharged.

Chapter 13

Noise Disturbances (Updated 05/24/19)

- 7-13-010: Purpose**
- 7-13-020: Definitions**
- 7-13-030: Emergency Orders**
- 7-13-040: General Prohibition**
- 7-13-050: Specific Prohibitions**
- 7-13-060: Noise Levels**
- 7-13-070: Exemptions**
- 7-13-080: Relief from Regulations**
- 7-13-090: Enforcement**
- 7-13-100: Penalty**
- 7-13-110: Appeals**

7-13-010: PURPOSE

These regulations are intended to establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Coalville City, Utah;
- B. Prevent the making, creation, or maintenance of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare, and the peace and quiet of the residents of the City.

7-13-020: JURISDICTION

All noise control in this chapter shall be subject to the direction and control of the sheriff's department, and the department of community development.

7-13-030: ADMINISTRATION

The sheriff's department and department of community development shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders as necessary to effect the purpose of these regulations, and do any and all acts permitted

by law that are necessary for the successful enforcement of these regulations.

7-13-040: DEFINITIONS

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

- A. Continuous Sound:** Any sound that exists, essentially without interruption, for a period of ten minutes or more.
- B. Cyclically Varying Noise:** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.
- C. Device:** Any mechanism that is intended to produce or that actually produces noise when operated or handled.
- D. Dynamic Braking Device:** A device used primarily on a truck for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".
- E. Emergency:** A situation or occurrence, which in the opinion of the Mayor, City Council, Director of Community Development or municipal or County Police Chief or Sheriff, presents an imminent threat to the health, safety, or welfare of any person, place, or property.
- F. Emergency Work:** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.
- G. Emergency Vehicle:** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- H. Impulsive Noise:** A noise containing excursions usually less than one second.
- I. Motor Vehicle:** Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-cars, snowmobiles, and racing vehicles.
- J. Muffler:** An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.
- K. Noise Disturbance:** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- L. Noise:** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- M. Plainly Audible Noise:** Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- N. Property Boundary:** An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.
- O. Sound:** A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium and that propagates at finite speed to distant points.
- P. Stationary Noise Source:** Any device, fixed or movable, that is located or used on property other than a public right-of-way.

7-13-050: COMPLIANCE REQUIREMENT

It shall be unlawful for any person not to comply with any rules or regulations promulgated by this chapter, unless expressly waived by these rules and regulations.

7-13-060: EMERGENCY ORDERS

Whenever the Mayor, City Council, Director of Community-Development, or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

- A. Public Calamity.** In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of 72 hours, at which time the incident will be assessed and further suspension of these rules ended or extended.
- B. Approve Application for Exemptions for Emergency Reasons.** An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances. See definitions.

7-13-070: GENERAL PROHIBITION OF NOISE

It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Coalville City as defined in this Ordinance.

7-13-080: SPECIFIC NOISE PROHIBITIONS

The following acts are declared to be in violation of these rules and regulations.

- A. Horns and Signaling Devices:** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the County, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.
- B. Radios, Televisions Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices:** Using, operating, or permitting the use of operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. Monday thru Saturday and before 9 a.m. on Sunday in a way that is plainly audible beyond the property boundary of the sources.
- C. Public Loudspeakers:** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound-vehicle in or upon any street, alley, sidewalk, park place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of section 7-13-100 of this code, unless a grant of relief has been issued by the Coalville City Council under section 7-13-120 of this code .
- D. Hawkers and Peddlers:** Selling anything by outcry within any area of the City in such a manner as to violate section 7-13-100 of this code.
- E. Animals:** Owning, keeping, possessing, or harboring any animal or animals that, by frequent habitual noise-making, violate section 7-13-100 of this code. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.
- F. Loading Operation:** Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.
- G. Construction Work:** In a residential zone, it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under his control or at which he is employed between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day, or before nine o'clock (9:00) A.M. on Sundays. The City Building Official or City Engineer may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon

adjoining property occupants.

H. Fireworks or Explosives: The use of explosives, fireworks, discharge guns, or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining relief from such restrictions as provided by 7-13-120. This provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

I. Liquor Licensed Premises:

1. **Failure to Control Noise.** Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
2. **Outdoor Speakers.** Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony, deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining, which music is limited to eleven o'clock (11:00) A.M. to eleven o'clock (11:00) P.M. and may not emanate beyond the boundaries of the outdoor dining area.

J. Racing Events: Permitting any motor vehicle racing event at any place in violation of section 7-13-100, without first obtaining relief from such restrictions as provided by section 7-13-120 of this code.

K. Powered Model Mechanical Devices: Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. or in such a way as to violate section 7-13-100.

L. Dynamic Braking Devices: Operating any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, during the following hours 7:00 a.m. to 11:00 p.m., Monday thru Saturday, and 9:00 a.m. thru 11:00 p.m. on Sundays.

M. Defect in Vehicle: Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violating section 7-13-100.

N. Garbage Collection: Collecting garbage, waste, or refuse between the hours of 11:00 p.m. and 7:00 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

- O. Standing Motor Vehicles:** Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached therein either in violation of section 7-13-100, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.
- P. Bells and Alarms:** Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock, including, but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental building that fail to meet the standards in section 7-13-100, for longer than five minutes in any hour.
- Q. Fixed Siren, Whistles, and Horns:** Sounding or causing the sounding of any whistle, horn, or siren as a signal for commencing or suspending work or for any other purpose in violation of section 7-13-100, except as a sound signal of imminent danger.
- R. Domestic Power Equipment:** Operating or permitting the operation of any power equipment rated five horsepower or more in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 11:00 p.m. and 7:00 a.m. of the following day and before 9:00 a.m. on Sunday.

7-13-090: MOTOR VEHICLE NOISE

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, and not equipped with any cutout, bypass or similar device.

7-13-100: NOISE LEVELS

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or as identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

- A.** On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.
- B.** If measured, the noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels or more shall be considered to be excessive

and unusually loud.

- C. Hours of restriction are 11:00 p.m. to 7:00 a.m. Monday thru Saturday, and before 9:00 a.m. Sunday.

7-13-110: EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices, and emergency pressure relief valves;
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Noise resulting from emergency work;
- D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday if regulated by local ordinance;
- E. Any noise resulting from activities of a temporary nature during periods permitted by law for which a license or permit has been approved by the county manager in accordance with section 5-3-12 of this chapter;
- F. Any noise resulting from snowmaking activities at ski areas;
- G. Any noise resulting from snowplowing or removal services on public or private streets, or in commercial zones;
- H. Any noise resulting from agricultural land operations and uses on private or public property; and
- I. Any noise resulting from railway locomotives and cars.

7-13-120: RELIEF FROM RESTRICTIONS

Requests for relief from the noise restrictions in these rules and regulations may be made to the Coalville City Council. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked. Such requests and grants of relief may be accomplished as part of the express conditions placed upon any permit issued by the City Council for a large public assemblage.

7-13-130: ENFORCEMENT

- A. **Responsibility:** Enforcement responsibility will reside jointly with the Department of Community Development and the municipal or county law enforcement agency.
- B. **Citation; Report:** The Department of Community Development or municipal or County law enforcement agency may, upon discovery or report of a violation or violations of this Ordinance, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the City Attorney for review and issuance of an. information and summons to court to answer the charges.

7-13-140: PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Annotated, as amended. If a person is found guilty of a subsequent similar violation within two years, he/she is guilty of a class A misdemeanor, pursuant to Utah Code Annotated, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City Attorney may initiate legal action, civil or criminal to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the county in removing or abating any nuisance or other noise disturbance.

Ordinance No. 1998-3

An ordinance establishing regulations for a Noise Ordinance

Title 7: Health and Safety

Chapter 14: Weeds and Offensive Accumulations

7-14-010: Inspection and notice

7-14-020: Compliance with the notice

7-14-030: Abatement by City

7-14-040: Appeals

7-14-050: Administrative charge

7-14-010: Inspection and Notice

Undeveloped lots which have weeds, grass, or other growth which constitute an existing or potential fire hazard shall be abated by the owner of the property. Weed abatement compliance shall be accomplished by discing, plowing, or mowing weeds within 4 inches of the ground. The City shall survey properties within the City and identify those needing abatement and then serve notice in writing upon the owner or occupant of such land in person or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as indicated by the records of the County Assessor. The notice shall require the owner or occupant as the case may be to abate the weeds by a specific time, which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The City shall make proof of service of such notice under oath, and file the same in the office of the County Treasurer.

7-14-020: Compliance with the notice:

The failure of any person to comply with a notice issued pursuant to this article shall be unlawful.

7-14-030: Abatement by City:

If any owner or occupant of land cited in the notice issued pursuant to Section 7-11-8 of this code shall fail or neglect to eradicate or destroy and remove weeds, or growth, in accordance with such notice, the City may employ the necessary assistance and cause such weeds to be removed or destroyed. The City shall prepare an itemized statement of all expenses incurred in their removal and destruction, and shall mail a copy thereof to the owner demanding payment within thirty (30) days of the date of the mailing. The

notice shall be deemed delivered when mailed by registered mail addressed to the property owner's last known address. In the event the owner fails to make payment of the amount set forth in the statement to the City Treasurer within the twenty (20) days, the City may cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer as hereinafter provided. In the event collection of the costs are pursued through the courts, the City may sue for and receive judgment upon all of the costs of removal and destruction together with reasonable attorney's fees, interest and court costs. The City may execute on such judgment in the manner provided by law. In the event the City elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the City shall make in triplicate an itemized statement of all expenses incurred in the removal and destruction of the same, and shall deliver the three (3) copies of the statement to the County Treasurer within ten (10) days after the completion of the work of removing such weeds.

7-14-040: Appeals:

Any person aggrieved by a weed abatement decision is entitled to a hearing by filing a request for such in the City Office with the Enforcement Officer within ten (10) days of receiving notice from the City. The hearing shall be before a Hearing Officer. The hearing officer shall have authority to uphold or overturn any decision properly before him or her regarding weed abatement under this article.

7-14-050: Administrative charge:

An administrative charge in the amount of itemized actual costs incurred by the City pursuant to City abatement procedures shall be levied on all property owners who do not abate identified problems located on their property within the required time allotted them under this Article, in cases where the problems are subsequently abated by the City.

ORDINANCE NO W-G #1

*AN ORDINANCE PROVIDING FOR THE ABATEMENT OF WEEDS, GARBAGE,
REFUSE*

Chapter 15

Wrecked, Abandoned, Junked, Dismantled Motor Vehicles and Other Personal Property

7-15-010: Purpose

7-15-020: Definitions

7-15-030: General Prohibitions

7-15-040: Exceptions

7-15-050: Abatement Procedures

7-15-060: Penalties

7-15-010: Purpose

Motor vehicles and other personal property are or may in the future be abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded or left about the municipality, in places other than junk yards or other appropriate areas.

Such conditions tend to impede traffic in the streets; interfere with the enjoyment of property; reduce the value of private property; invite plundering, create fire hazards; extend and aggravate urban blight; and are a nuisance; and result in serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the municipality; therefore, be it ordained by the City of Coalville.

7-15-020: Definitions

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the, future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. Junked motor vehicle: any motor vehicle, as defined by 7-15-2(c) of this code, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

B. Marshal: is the police chief of the municipality or sheriff performing law

enforcement functions within the municipality.

- C. Motor Vehicle:** is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor-scooters, trucks, tractors, go-carts, golf carts, campers and trailers.
- D. Municipality:** is the City of Coalville.
- E. Other personal property:** is any other personal property which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded and shall include, but not be limited to refrigerators, freezers, kitchen appliances, bathroom fixtures, boats, snowmobiles, wagons and building materials.
- F. Person:** shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. Private property:** shall mean any real property within the municipality which is privately owned and which is not public property as defined in this section.
- H. Public property:** shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

7-15-030: General Prohibition of Wrecked, Junked, and Abandoned Property

No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle or other personal property of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, on any public or private property within the municipality for a period of time in excess of 72 hours.

The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof or other personal property on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Title.

7-15-040: Exceptions

This section shall not apply to any vehicle or other personal property enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the municipality, or to any motor vehicle in operable

condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

7-15-050: Procedure for Abatement of Nuisance

All procedures for Notice, Hearing, Removal, Disposing, and Public Sales of Confiscated Property, and Redemption of Confiscated property, shall follow the provisions outlined and set forth in the Utah State Code, as well as Chapter 11 of this Title.

7-15-060: Penalty:

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and on conviction shall be subject to a fine of not more than \$299.99. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

ORDINANCE NO 1986-4

*AN ORDINANCE RELATING TO ABANDONED, WRECKED, JUNKED, AND
DISMANTLED MOTOR VEHICLES AND OTHER PERSONAL PROPERTY*

Chapter 13

NOISE DISTURBANCES

- 7-13-010: Purpose
- 7-13-020: Jurisdiction
- 7-13-030: Powers and Duties
- 7-13-040: Definitions
- 7-13-050: Compliance Requirement
- 7-13-060: Emergency Orders
- 7-13-070: Sound Level; Measurement Method
- 7-13-080: General Prohibition of Noise
- 7-13-090: Specific Noise Prohibitions
- 7-13-100: Motor Vehicle Noise
- 7-13-110: Noise Levels
- 7-13-120: Exemptions
- 7-13-130: Relief from Restrictions
- 7-13-140: Enforcement
- 7-13-150: Penalty

7-13-010: PURPOSE

These regulations are intended to establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Coalville City;
- B. Prevent the making and creation, of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare, and the peace and quiet for the residents of the City.

7-13-020: JURISDICTION

All noise control in this chapter shall be subject to the direction and control of the sheriff's department, community development director and the public works director.

7-13-030: POWERS and DUTIES

The sheriff's department, community development director and public works director shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders

as necessary to effect the purpose of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

7-13-040: DEFINITIONS

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

- A. **Continuous Sound:** Any sound that exists, essentially without interruption, for a period of ten (10) minutes or more.
- B. **Cyclically Varying Noise:** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.
- C. **Device:** Any mechanism that is intended to produce or that produces noise when operated or handled.
- D. **Dynamic Braking Device:** A device used primarily on a truck for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".
- E. **Emergency:** A situation or occurrence, which in the opinion of the Mayor, City Council, Director of Community Development or municipal or County Police Chief or Sheriff, presents an imminent threat to the health, safety, or welfare of any person, place, or property.
- F. **Emergency Work:** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.
- G. **Emergency Vehicle:** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- H. **Impulsive Noise:** A noise containing excursions usually less than one second.
- I. **Motor Vehicle:** Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-cars, snowmobiles, and racing vehicles.
- J. **Muffler:** An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.
- K. **Noise Disturbance:** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- L. **Noise:** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- M. **Plainly Audible Noise:** Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- N. **Property Boundary:** An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.
- O. **Sound:** A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium and that propagates at finite speed to distant points.
- P. **Stationary Noise Source:** Any device, fixed or movable, that is located or used on property other than a public right-of-way.
- Q. **Weighted Sound Pressure Level:** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is “db(A) or “dba”.

7-13-050: COMPLIANCE REQUIREMENT

It shall be unlawful for any person not to comply with any rules or regulations promulgated by this chapter, unless expressly waived by these rules and regulations.

7-13-060: EMERGENCY ORDERS

Whenever the Mayor, City Council, Community Development Director, Public Works Director, or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

- A. **Suspension of Rules by Officials:** In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of seventy-two (72) hours, at which time the incident will be assessed, and further suspension of these rules ended or extended.
- B. **Application for Exemption for Emergency Reasons.** An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances as defined in this chapter.

7-13-070: SOUND LEVEL; MEASUREMENT METHOD

Sound level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National

Standards Institute or other reasonable standards adopted and tested by the Summit County Health Department or Coalville City .

7-13-080: GENERAL PROHIBITION OF NOISE

In addition to the specific noise prohibitions outlined in Section 7-13-090, it shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Coalville City as defined in Section 7-13-040. .

7-13-090: SPECIFIC NOISE PROHIBITIONS

The following acts are declared to be in violation of these rules and regulations.

- A. **Horns and Signaling Devices:** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.
- B. **Radios, Televisions Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices:** Using, operating, or permitting the use of operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. Monday thru Saturday and before 9 a.m. on Sunday in a way that is plainly audible beyond the property boundary of the sources.
- C. **Public Loudspeakers:** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound-vehicle in or upon any street, alley, sidewalk, park place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of section 7-13-100 of this chapter, unless a grant of relief has been issued by the Coalville City Council under section 7-13-120 of this chapter.
- D. **Hawkers and Peddlers:** Selling anything by outcry within any area of the City in such a manner as to violate section 7-13-100 of this code.
- E. **Animals:** Owning, keeping, possessing, or harboring any animal or animals that, by frequent habitual noise-making, violate section 7-13-100 of this code. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.
- F. **Construction Work:** In a residential zone, it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under their control or at which they are employed between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day, or before nine o'clock (9:00) A.M. on Sundays. The City Building Official or City Engineer

may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

- G. **Fireworks or Explosives:** The use of explosives, fireworks, discharge guns, or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining relief from such restrictions as provided by 7-13-120. This provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

H. **Liquor Licensed Premises:**

1. **Failure to Control Noise.** Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
2. **Outdoor Speakers.** Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony, deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining, which music is limited to eleven o'clock (11:00) A.M. to eleven o'clock (11:00) P.M. and may not emanate beyond the boundaries of the outdoor dining area.

- I. **Racing Events:** Permitting any motor vehicle racing event at any place in violation of section 7-13-100, without first obtaining relief from such restrictions as provided by section 7-13-120 of this code.

- J. **Powered Model Mechanical Devices:** Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. or in such a way as to violate Section 7-13-100.

- K. **Dynamic Braking Devices:** Operating any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, during the following hours 10:00 p.m. to 7:00 a.m., Monday thru Saturday, and 9:00 p.m. thru 11:00 a.m. on Sundays.

- L. **Defect in Vehicle:** Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violating section 7-13-100.

- M. **Garbage Collection:** Collecting garbage, waste, or refuse between the hours of

10:00 p.m. and 7:00 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

- N. **Standing Motor Vehicles:** Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached therein either in violation of section 7-13-100, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.
- O. **Bells and Alarms:** Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock, including, but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental building that fail to meet the standards in section 7-13-100, for longer than two (2) minutes in any hour.
- P. **Fixed Siren, Whistles, and Horns:** Sounding or causing the sounding of any whistle., horn, or siren for longer than two (2) minutes in any hour as a signal for commencing or suspending work or for any other purpose in violation of section 7-13-110, except as a sound signal of imminent danger.
- Q. **Domestic Power Equipment:** Operating or permitting the operation of any power equipment rated five horsepower or more in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 10:00 p.m. and 7:00 a.m. of the following day and before 9:00 a.m. on Sunday.
- R. **Noise Near Agricultural Operations:** Construction companies, special event entities or adjacent property owners conducting an activity that creates any new or unusual noise near agricultural operations are strongly encouraged to consult with the farm/ranch operator to mitigate the negative effect of the noise prior to the commencement of the construction, event or activity. Noise impact disputes associated with agricultural operations are a civil matter and cannot be resolved by the City.

7-13-100: MOTOR VEHICLE NOISE

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, and not equipped with any cutout, bypass or similar device.

7-13-110: NOISE LEVELS

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or as identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

- A. On the public right-of-way or upon public property, from the source or device as

to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.

- B. If measured, the noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels or more shall be considered to be excessive and unusually loud.
- C. Hours of restriction are 10:00 p.m. to 7:00 a.m. Monday thru Saturday, and before 9:00 a.m. Sunday.

7-13-120: EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices, and emergency pressure relief valves;
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Noise resulting from emergency work;
- D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday if regulated by local ordinance;
- E. Any noise resulting from activities of a temporary nature during periods permitted by law for which a license or permit has been approved by the City Council in accordance with section 7-13-120 of this chapter;
- F. Any noise resulting from snowmaking activities;
- G. Any noise resulting from snowplowing or removal services on public or private streets, or in commercial zones;
- H. Any noise resulting from agricultural land operations on private or public property; and
- I. Any noise resulting from medical or emergency helicopter operations.

7-13-130: RELIEF FROM RESTRICTIONS

Requests for relief from the noise restrictions in these rules and regulations may be made to the Coalville City Council. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked. Such requests and grants of relief may be accomplished as part of

the express conditions placed upon any permit issued by the City Council for a Special Use Event or Activity.

7-13-140: ENFORCEMENT

- A. **Responsibility:** Enforcement responsibility will reside jointly with the Community Development Director, Public Works Director and the municipal or county law enforcement agency.
- B. **Citation; Report:** The Community Development Director, Public Works Director or other designated representative may, upon discovery or report of a violation or violations of this chapter, issue a written citation for the violation, or may file a report with the City Attorney for review and assessment of a fine or other legal action pursuant to Section 7-13-140.

7-13-150: PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Annotated, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he/she is guilty of a class A misdemeanor, pursuant to Utah Code Annotated, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

The City Attorney may initiate legal action, civil or criminal to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the City in removing or abating any nuisance or other noise disturbance.

03-040: LAND USE DECISIONS AND APPEAL PROCESS

This Chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws but shall prevail over provisions that are less restrictive.

Table 3-1 of this Chapter reflects the proper procedures governing land use decisions and appeals. Land use applicants shall have fifteen (15) days to appeal any decision to the appropriate Appellate Body. If the applicant desires to continue the appeal beyond the decision of the Appellate Body, they must file such appeal with the District Court within fifteen (15) days from the date on which the Appellate Body rendered its decision.

All required Public Hearing and Notice will follow provisions in 03-050 and 03-060.

No person may challenge in district court a municipality's land use decision made under this Chapter, or under a regulation made under authority of this Chapter, until that person has exhausted the person's administrative remedies as provided in Part 7 of Utah State Code, Appeal Authority and Variances, if applicable.

Table 3-1 - Land Use Authority Procedures

Decision To Be Made	Advisory Body	Land Use Authority	Appellate Body	External Appeal
Adoption of or Amendments to General Plan	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	District Court	15 days from decision by legislative body
Adoption of or Amendments to Land Use Ordinance	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	District Court	15 days from decision by legislative body
Annexation Policy Plan	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)
Annexation Application	Planning Commission (Public hearing if required by local ordinance)	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)
Administrative Decisions	None	Planning Commission/Land Use Administrator (minimum of 15 days to appeal)	Administrative Law Judge (ALJ) (appeal within fifteen [15] days of decision)	District Court (appeal within 15 days from decision by Appellate Body)
Conditional Use Permits	Land Use Administrator	City Council Planning	Administrative Law Judge (ALJ)	District Court (appeal within 15

	Planning Commission	Commission (public hearing and notice required)	(fifteen [15] days from decision by Land Use Authority)	days from decision by Appellate Body)
Nonconforming Uses and Non-Complying Structures	None (As designated by municipal ordinance. *Need to allow rebuild provision in lieu of fire, etc.)	Planning Commission (Land Use Authority as designated by Legislative Body in municipal ordinance)	Administrative Law Judge (ALJ) (fifteen [15] days from decision by Land Use Authority)	District Court (appeal within 15 days from decision by Appellate Body)
Adoption of or Amendments to Subdivision Ordinance	Planning Commission /Land Use Authority as designated by Legislative Body in municipal ordinance (Public hearing and notice required)	City Council	District Court	15 days from decision by Land Use Authority
Preliminary Subdivision Applications and Plan Approvals	None	Planning Commission	City Council	15 days from decision by Land Use Authority
Final Subdivision Applications and Plat Approvals	None	Subdivision Review Committee (SRC)	City Council	15 days from decision by Land Use Authority
Vacations or amendments of Subdivision Plats	None	Planning Commission (public hearing and notice required). *(see below)	City Council	15 days from decision by Land Use Authority
Amendments to Platted Streets/ Vacations	Planning Commission	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)

** Public hearing requirement does not apply, and a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if: (a) the petition seeks to join two (2) or more of the owner's contiguous,*

residential lots; and (b) notice has been given to adjacent property owners (see Notice Section 03-060) and pursuant to local ordinance.

(Ord. No. 2024-2, 10-15-2024)

03-120: CONDITIONAL USE PERMITS

- A. **Purpose.** This section sets forth procedures for conditional use permit review and decision.
- B. **Authority.** The Land Use Authority is authorized to issue conditional use permits as provided in this section.
- C. **Initiation.** A property owner, or the owner's agent, may request a conditional use permit as described below.
- D. **Procedure.** An application for a conditional use permit shall be processed in the following manner:
 - 1. **Pre-application Conference.** A pre-application conference shall be held with the Staff and applicant to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Staff and the applicant shall review the following:
 - a. Application form.
 - b. Materials and information needed to complete the form.
 - c. Procedures used in reviewing the conditional use.
 - 2. **The Application.** A conditional use application must be completed and filed on a form prepared by the City (two (2) sets are required).
 - a. Additional information may be requested at the pre-application conference based on the nature of the project or the site.
 - b. Other documentation may be requested as noted on the application.
 - 3. **Notice/Posting.** Upon receipt of the complete conditional use application and payment of all applicable fees, the Staff shall follow the Notice Provisions set forth in Section 03-060.
- E. **City Action.**
 - 1. **Time Frame.** Once an application is received, the Staff shall review the application. The Application will appear before the Land Use Authority with an [action recommendation](#) within sixty (60) days of receipt of the application, if the applicant has been diligent in responding to requests for additional information required to process the application. A longer processing period may be needed depending on scale, scope, and complexity of the application. In such cases, the Staff shall inform the applicant of the projected processing time frame when an application is filed.
 - 2. **Staff Review.** Staff shall review the project and may recommend appropriate conditions of approval based on the Standards for Review outlined below to mitigate adverse effects, and to preserve the character of the zone. The conditional use application shall then be placed on the agenda of the Land Use Authority for approval consideration.
 - a. The Staff may recommend immediate review of the use at the next scheduled Land Use Authority meeting under the following conditions:
 - i. Notice requirements must be met as defined in Section 03-060, and
 - ii. The City Staff determines that the conditions may be better prepared and evaluated by the Land Use Authority, or

-
- iii. The use requested is a minor or temporary conditional use.
3. **Standards for Review.** The Standards for review are set forth to ensure the proper consideration is taken in lieu of approving a Conditional Use and/or as follows:
- a. The Application complies with all requirements of this Code;
 - b. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
 - c. The Use is consistent with the General Plan, as amended; and
 - d. The effects of any differences in Use or scale have been mitigated through careful planning.
 - e. Review the following items to mitigate adverse impacts:
 - i. All applicable points of this Code have been complied with;
 - ii. Compliance of the conditional use process has been achieved;
 - iii. Size and location of the Site;
 - iv. Traffic considerations including capacity of the existing streets in the area;
 - v. Utility capacity;
 - vi. Emergency vehicle Access;
 - vii. Location and amount of off-Street parking;
 - viii. Internal vehicular and pedestrian circulation system;
 - ix. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
 - x. Building mass, bulk, and orientation, and the location of buildings on the Site; including orientation to Buildings on adjoining Lots;
 - xi. Usable Open Space;
 - xii. Signs and lighting;
 - xiii. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
 - xiv. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
 - xv. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas;
 - xvi. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
 - xvii. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.
4. **Land Use Authority Review.** The Community Development Director and/or Land Use Authority must follow Standards for Review outlined above.

The Land Use Authority may further amend, add, or delete conditions recommended by the Staff. The Land Use Authority shall ~~recommend approval or approve or denial deny of~~ the proposed Conditional

Use ~~to the Legislative Body for their review and consideration at the next regularly scheduled Legislative Body meeting,~~ if notice requirements of Section 03-060 can be met.

5. ~~Legislative Body Review.~~ A conditional use shall be approved by the ~~Legislative Body~~ Land Use Authority if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the Standards for Review (Section 03-120).

If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

~~The Legislative Body may also remand the Conditional Use Application back to the Land Use Authority for further review and evaluation.~~

If the ~~Legislative Body~~ Land Use Authority denies the use, the applicant may amend and re-submit the application ~~to the Land Use Authority~~ or appeal to the Appeal Authority.

After approval by the ~~Legislative Body~~ Land Use Authority, building permits may be issued by the City Building Official as provided in the Building Code and this Code.

6. **Appeal.** If Staff and the Applicant are not able to agree on conditions of approval, the Applicant may still go before the Land Use Authority for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled Land Use Authority meeting that meets notice requirements of Section 03-060.

If Staff does not act on an application or indicate to the Applicant what aspects of the plan are not acceptable as proposed within sixty (60) working days after submission, the Applicant shall have the right of review by the Land Use Authority. The Applicant may, at any time in the review process, request review of the conditions of approval by the Land Use Authority.

If the applicant does not agree with the findings or actions of the Land Use Authority ~~or the Legislative Body~~, the appeal is to be heard by the Appeal Authority (Administrative Law Judge), as per Section 03-160.

7. **Plat Approval.** When a conditional use requires the recording of a plat, the final plat shall be reviewed by the Land Use Authority ~~and Legislative Body~~ for approval. The scope of review for plat approval is set forth below. Plat approval may be granted at the same time as the Conditional Use Approval.
8. **Transferability.** A Conditional Use Approval including all conditions of development approval may be transferable, conveyed or assigned by the applicant with the title to the underlying property.

Conditional Use cannot be transferred off the site on which the approval was granted.

9. **Expiration.** Conditional Use approvals shall expire one (1) year from the date of the ~~Legislative Body~~ Land Use Authority approval or as otherwise specified during the review and approval process unless substantial construction activity has commenced on the project.

Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project).

Construction of a footing and foundation is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are obtained within six (6) months of the issuance of the footings and foundation permit.

Demolition permits do not evidence substantial construction work for purposes of extending a conditional use approval. Whether construction has commenced or not, the Legislative Body may grant

an extension of the Conditional Use Approvals for up to one (1) additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction such as inclement weather, delays in financing, or similar reasons.

Where the ~~Legislative Body~~ Land Use Authority has granted a temporary conditional use approval, the expiration will occur on the date specified by the Land Use Authority, ~~or the Legislative Body~~. Renewal of a conditional use will require a complete re-application to be submitted for review and approval.

10. **Standards for Review.** No Conditional Use shall be approved unless the application complies with all requirements of the Code; the use is compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. Each of the following items shall be reviewed when considering a Conditional Use Approval:
 - a. Size and location of the site.
 - b. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.
 - c. Utility capacity.
 - d. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.
 - e. Fencing, screening, and landscaping to separate the use from adjoining uses.
 - f. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.
 - g. Usable and permanent open space considerations.
 - h. Signage and lighting.
 - i. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.
 - j. Review for impact on City infrastructure shall be made as outlined in the Section 03-090. All costs associated with infrastructure improvements shall be borne by the developer.
 - k. Other technical review matters may be applicable or required to evaluate the impacts of the proposed project.
11. **Sensitive Lands Review.** If a conditional use is located within Sensitive Lands, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 18.
12. **Design Review.** The Land Use Authority or Staff may review the proposal for appropriate design to create or maintain a desired architectural effect.
13. **Technical Review.** The Land Use Authority or Staff may complete a technical review if necessary. A committee may be set up to review and make suggestions to the Land Use Authority regarding unique concerns or features of a project that may be beyond the expertise of the Land Use Authority or Staff. Recommendations of that committee may be used as guidelines in the establishment of conditions of approval, as outlined in Section 03-120.
14. **Impact on Public Infrastructure.** Review of impact on City infrastructure shall be made as outlined in Section 03-090. All Infrastructure improvements must be concurrently constructed and timed with the development. All costs associated with infrastructure improvements shall be borne by the Applicant.

Impact fees will also be required to be paid by the Applicant and/or lot owner in accordance with the Coalville City Impact Fee Ordinance.

03-130: LOW IMPACT PERMITS

- A. **Purpose.** The purpose of the low impact permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a low impact use. Low impact uses are identified in Section 08-020, Table 8-1 of this Code. Upon compliance with the provisions of this section, a low impact permit may be granted by the ~~City Council~~Land Use Administrator, with reasonable conditions necessary for the protection and preservation of public health, safety, and welfare.
- B. **Applicability.** A low impact permit is utilized to obtain administrative approval for projects determined to be low intensity and which are in conformance with the development evaluation standards and general regulations of this Code. An application for approval of a low impact permit shall be commenced by filing a plan and paying the applicable fee with the City.
- C. **Review Procedure.**
1. The applicant shall provide a development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director the applicant's intentions regarding use, site layout and compliance with this Chapter, and any applicable ordinance, development permit, or development agreement.
 2. In proposals where the Community Development Director determines that potential issues may arise, or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the ~~Planning Commission~~Land Use Authority. Following the public hearing, the ~~Planning Commission~~Land Use Authority shall ~~make a recommendation to the City Council~~ to either approve, approve with conditions, or deny the low impact permit.
 3. The Community Development Director shall determine whether the application is sufficient and in compliance with the provisions of this Code. The Community Development Director may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to all applicable requirements of this Chapter.
 4. The ~~City Council~~Community Development Director and/or Land Use Authority shall take final action on the application for a low impact permit and shall communicate the decision to the applicant. ~~The City Council may impose all reasonable conditions~~ may be imposed as necessary to ensure compliance with applicable provisions of this Code. The Community Development Director may provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the final action in accordance with the provisions of this Code.
- D. **Findings for Approval.** Before a low impact permit is approved, the ~~City Council~~Community Development Director and/or Land Use Authority must conclude that factual evidence exists to verify the following findings:
1. The use conforms to all applicable requirements of this Chapter and State and Federal regulations.
 2. The use is consistent with the goals and policies of the General Plan.
 3. The use conforms to all applicable requirements of this Code.
 4. The use is not detrimental to public health, safety, and welfare.
 5. The use is appropriately located with respect to public facilities and services.

6. The natural topography, ridgelines, soils, critical areas, watercourses, and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

03-150: TEMPORARY USES

- A. **Purpose.** The following regulations are provided to accommodate those special events, activities, and uses of land or buildings which are temporary in nature and are not, therefore, listed as regular Permitted or Conditional Uses in any zone district of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of citizens. Any use, building or structure which does not meet the requirements of this section shall be classified as permanent land uses and shall conform to all required standards of the building, health, fire, and development codes or other ordinances.
- B. **Authority.** ~~Staff of Coalville City~~[The Land Use Administrator](#) is authorized to review and approve Temporary Use applications. Based on the issues of the application, [the Land Use Administrator Staff](#) may schedule a public hearing before the Land Use Authority ~~and/or Legislative Body~~ for review and approval of the project.
- C. **Initiation.** A property owner, or the owner's agent, may request a Temporary Use permit.
- D. **Uses Allowed.** Uses allowed on a temporary basis in accordance with provisions of this section may include, but are not limited to, the following:
1. Carnivals, circuses, firework stands, firework displays, Christmas tree lots, promotional activities or special events, boutiques, motion picture productions, revivals, retreats, political rallies, or campaign headquarters.
- Uses shall not be allowed for more than thirty (30) days duration in that same calendar year.
- Temporary Use approval shall NOT be required for a garage sale, provided following requirements are adhered to:
- a. The garage sale operates no more than a total of five (5) days in any calendar year, and
 - b. Shall be conducted by bona fide residents of the premises, and
 - c. Goods for sale shall consist of personal belongings of the residents, and
 - d. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.
- E. **Approval Required Before Establishment.** Prior to the establishment of any qualifying Temporary Use, (except fireworks stands or fireworks displays which shall be administered by the North Summit Fire District), temporary use approval shall be obtained from the ~~Staff~~ [Land Use Administrator](#) or Land Use Authority.
- Temporary Use approval is not required to meet the notification requirements of this Code; however, the proposed use shall comply with the requirements of this Code and the Building Code.
- F. **City Celebrations or Events.** Any City sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining Temporary Use approval as described by this section.
- G. **Procedure.**
1. The applicant shall submit a completed Application for Temporary Use Permit to the ~~Staff~~[City](#).
 2. ~~Staff~~[The Land Use Administrator](#) shall review the application for completeness.
 3. ~~Staff~~[The Land Use Administrator](#) shall process the application by doing the following:

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- a. Review the application for conformity with the Standards and Requirements of this Code.
 - b. Determine if application adequately passes standards and requirements in a statement of findings of fact.
 - c. Communicate findings with applicant.
 - d. Approve, Approve with conditions, or Deny the application.
- H. **Standards and Requirements.** A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:
1. **Appropriate for Surroundings.** The nature of the requested use will not have any detrimental effects on adjacent properties and will be in harmony with surrounding uses.
 2. **Liability Insurance.** Applicant must show proof of adequate liability insurance for the temporary use.
 3. **Sanitary Facilities.** Any use requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same property as a host structure unless independent water and sewer service is provided for the temporary use. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:
 - a. No preparation of any food on those premises.
 - b. No indoor seating of patrons.
 - c. Written evidence that a host structure will provide permanent sanitary facilities for all employees and that such facilities are conveniently located not more than three hundred feet (300') from the area of use and will be accessible during all periods of operation of the use.
 - d. Written evidence that all food will be prepared and delivered from an approved catering service and that all waste resulting from the operation of the use will be properly disposed.
 4. **Signs.** All signs associated with the temporary use shall be reviewed and approved in accordance with the sign standards of Code 9 herein and shall not be installed more than ten (10) days prior to the event and shall be removed within two (2) days following the event. The number of days signs are displayed for an event shall be included in the total days allowed for a temporary use as provided for in Code 9.
 5. **Parking, Access, Circulation and Other Elements.** Parking, access, circulation, and other significant elements of any other uses or structures existing on the site shall be handled on a case-by-case basis.

Applicant will take steps to mitigate excessive and hazardous parking on adjacent streets. If needed, applicant will be responsible for all costs associated with traffic control.
 6. **Expiration and Vacancy.** Approval for each Temporary Use shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding thirty (30) days. If any temporary structure becomes vacant prior to the expiration of the approval, it shall be removed within fifteen (15) days of the vacancy.
 7. **Site Restoration.** The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, re-vegetation, replacement of facilities, and removal of any structures as determined by the Staff or Land Use Authority.
 8. **Revocation of Approval.** An approval may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use review.

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9. **Business License Required.** Temporary Use approval is not a business license and the granting of said temporary use shall not relieve the applicant of any other license requirement of the City or any other public agency.
10. **Fees.** A fee will be required to process the Temporary Use Permit, as assessed in the City Schedule of Fees.
- I. **Standards for Decision.** The [Staff Land Use Administrator](#) shall review the application for temporary use to determine whether the proposal complies with the standards and requirements of this Code and shall issue a statement of findings of fact.
- [Staff The Land Use Administrator](#) may also indicate whether the issue should be reviewed by the Land Use Authority ~~and/or Legislative Body~~ or if additional comment is needed from the community in a public hearing.
- J. **Appeal of Decision.** See Appeal of Administrative Decisions 03-150.
- K. **Effect of Decision.** Upon finding that the proposal complies with the applicable standards and requirements and can be adequately monitored, and the site can be restored, or structures removed within the time duration specified in the application, the Staff shall approve the temporary use with conditions or deny the application and communicate the decision to the applicant.

Need to add Business License review and approval requirements and provisions...

Each business location, including any use(s) offering services or the sale of goods shall maintain its own distinct business license. Multiple business uses operating at different locations under the same ownership are not eligible to operate under a single business license, as each use must be reviewed in accordance with the zoning district in which it is located.

If a business does not renew by the expiration date, it becomes delinquent and a \$25 late fee is automatically applied.

27-050: PERMITTED SIGNS

The following types of signs are allowed:

- Freestanding Signs.
- Monuments Signs.
- Building Signs.
- Subdivision, Multi-Family Dwellings, and Residential Complex Signs.
- Highway Commercial (HC) Zone Sign Exceptions.
- Off-Premises Signs.
- **Temporary Signs.**

- A. **Freestanding Signs.** Each nonresidential use may erect an on-premises freestanding sign. All freestanding signs shall comply with the following standards:
1. **Number of Signs.** One (1) freestanding sign shall be permitted for the primary vehicular access to the parcel. The primary vehicular access is that access located adjacent to the primary parking area.
 2. **Location/Setbacks.** Freestanding signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a freestanding sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including supports, base, and sign face, shall be setback at least three feet (3') from the edge of the right-of-way.
 3. **Display Area Size.** The display area of all freestanding signs for a single use shall not exceed seventy-five (75) square feet in size. The display area of all freestanding, on-premises signs for a parcel containing Multiple Uses shall not exceed one hundred (100) square feet. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.
 4. **Freestanding Sign Height.** In no case shall the highest point of a freestanding sign be more than twenty feet (20') above the grade elevation at the base of the sign.
 5. **Materials.** Freestanding signs shall be constructed of wood or other natural or natural appearing materials, excluding supports. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.
 6. **Illumination.** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted if the light source is not visible.
 7. **Landscaped Area.** Where feasible, all freestanding signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, lawn other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.
- B. **Monument Signs.** Each nonresidential use may erect an on-premises monument sign. All monument signs shall comply with the following standards:

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1. **Number of Signs.** One (1) monument sign shall be permitted for each separate primary vehicular access to the parcel, up to a maximum of two (2) signs. The primary vehicular access is that access located adjacent to the primary parking area.
 2. **Location/Setbacks.** Monument signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a monument sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including base and sign face, shall be set back at least three feet (3') from the edge of the right-of-way.
 3. **Monument Sign Base.** All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood.
 4. **Display Area Size.** The display area of all monument signs shall not exceed thirty-two (32) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.
 5. **Monument Sign Height.** In no case shall the highest point of a monument sign be more than eight feet (8') above the grade elevation at the base of the sign.
 6. **Materials.** Monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.
 7. **Illumination.** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted if the light source is not visible.
 8. **Landscaped Area.** All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.
- C. **Building Signs.** Primary and Secondary Wall Signs, Projecting Sign, Suspended Sign, Awning Sign. Each nonresidential use may choose to utilize three (3) out of the five (5) types of signs, as described below. In no case shall two (2) or more same types of signs be used per use.
1. **Wall Signs.** Wall signs are those signs that are attached to or painted on the wall of a building, the display surface of the sign being parallel to the wall of the building on which the sign is placed. Wall signs shall not project out more than six inches (6") from the wall on which they are mounted.
 - a. **Display Area.** The area of all wall signs shall be the extreme limits of the display surface. The display surface includes any architectural embellishments or background materials that are an integral part of the display used to differentiate the sign from the wall of which it is mounted.
 - b. **Materials.** Wall signs shall be wood, metal, other natural or natural appearing materials, or painted on the side of the building. Plastic, Lexan, or similar materials are allowed for individual letters or internally illuminated sign cabinets only.
 2. **Primary Wall Sign.** A wall sign that is located on the facade of the building that contains the primary access to the particular use. A primary wall sign shall not exceed one (1) square foot of

sign area for each one (1) linear foot of building facade frontage, up to a maximum of fifty (50) square feet.

In the case of multiple users in one (1) building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

In cases where a use does not contain exterior exposure to a building for the purposes of measuring sign area, that use may have a twenty-four (24) square foot sign.

3. **Secondary Wall Sign.** A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located. A secondary wall sign shall not exceed a maximum of ½ the size of the permitted primary wall sign.
4. **Projecting Signs.** Projecting signs are supported by a building or other structure and project out from the building or structure over sidewalks or similar area in a manner that the display area is generally perpendicular to the face of the building or structure.
 - a. **Size.** Projecting signs shall not exceed thirty (30) square feet.
 - b. **Display Area.** The area of a projecting sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.
 - c. **Height.** Signs which project over a pedestrian walkway shall allow at least 7.5 feet of clearance between the bottom of the sign and the sidewalk or ground.
 - d. **Lighting.** Projecting signs may be illuminated; provided that only indirect or internal lighting is utilized and that the light source is not visible.
 - e. **Materials.** Projecting signs shall be constructed of wood, metal or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.
5. **Suspended Signs.** A sign that is suspended parallel or perpendicular from a building roof, facade, porch, overhang or other structural element by brackets, hooks, cables or chains.
 - a. **Size.** Suspended signs shall not exceed fifteen (15) square feet.
 - b. **Display Area.** The area of a suspended sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.
 - c. **Height.** Suspended signs shall allow at least 7.5 feet of clearance between the bottom of the sign and the sidewalk or ground.
 - d. **Lighting.** Suspended signs may be illuminated; provided that only indirect or internal lighting is utilized, and that the light source is not visible.
 - e. **Materials.** Suspended signs shall be constructed of wood, metal, or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.
6. **Awning Signs.** Awning signs are comprised of letters and logos that are attached to the valance of an awning.

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- a. **Size.** The words and logos on any awning sign shall not exceed eight inches (8") in height. Sign copy shall not exceed a maximum of fifteen percent (15%) of each side or face of the awning.
 - b. **Lighting.** Backlighting awnings are permitted provided that the light source is not visible.
 - c. **Number of Signs.** Up to three (3) sides of the awning may be used for a total of three (3) signs. Only one (1) sign is allowed on each side of the awning.
7. **Gas Station Canopy Signs.** Canopy signs are comprised of letters, numbers and logos that are attached to the sides of a canopy.
- a. **Size.** The words, numbers and logos on any canopy sign shall not exceed twenty-four inches (24") in height. Sign copy shall not exceed a maximum of twenty-five percent (25%) of each side or face of the canopy.
 - b. **Lighting.** Backlighting canopies are permitted provided that the light source is not visible.
 - c. **Number of Signs.** Up to three (3) sides of the canopy may be used for a total of three (3) signs. Only one (1) sign is allowed on each side of the canopy.
8. **Luminous Tube (Neon) Signs.** Luminous tubes (Neon) signs used to draw attention or advertise a business in any manner shall comply with the following standards:
- a. **Size.** All luminous-tube signs are limited to fifteen (15) square feet or less in size.
 - b. **Height Limit.** Luminous-tube signs shall be limited to the ground-floor elevation.
 - c. **Number of Signs.** Two (2) luminous-tube sign is allowed for every twenty-five feet (25') of building façade width. One (1) luminous-tube sign of less than two (2) square feet in size is allowed per building or commercial tenant space without a permit.
 - d. **Setback and Orientation.** Luminous-tube signs may be attached to the exterior of the building as a wall sign, installed as projecting sign or suspended sign.
 - e. **Zoning Restrictions.** Luminous-tube signs are permitted in the Historic District of the Commercial (CC) Zone. Luminous-tube signs are prohibited in all other zoning districts.
 - f. **Design.** Luminous-tube signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited.
 - g. **Illumination.** No additional illumination other than the sign itself is permitted.
- D. **Subdivision, Multi-Family Dwellings, and Residential Complex Signs.** These signs are intended to identify and state the name of a subdivision, multi-family development, or residential townhome or condominium complex.
1. **Monument Signs.** One (1) monument sign shall be permitted for each separate primary vehicular access to a subdivision, multi-family dwelling development, or residential townhome or condominium complex. All monument signs shall comply with the following standards:
- a. **Monument Base.** All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood. The monument sign base structure is not subject to the sign display area size requirement.
 - b. **Size.** The sign display area shall not exceed thirty (30) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

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- c. **Height.** In no case shall the highest point of the sign be more than six feet (6') above the grade elevation at the base of the sign.
 - d. **Materials.** All monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.
 - e. **Landscaped Area.** All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.
 - f. **Location/Setbacks.** In no case shall a monument sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Monument signs shall be set back at least three feet (3') from the edge of the right-of-way or property line.
- E. **Highway Commercial (HC) Zone Sign Exceptions.** In addition to the sign standard provisions described in this chapter, the following sign exceptions are allowed in the Highway Commercial (HC) Zone District:
- 1. **Freestanding Sign Height.** The highest point of a freestanding sign located in the HC Zone shall not exceed eighty feet (80') above the grade elevation at the base of the sign.
 - 2. **Freestanding Sign Display Area Size.** The display area of freestanding signs for a single use in the Highway Commercial (HC) Zone shall not exceed three hundred (300) square feet. The display area of all freestanding signs for a parcel containing multiple uses shall not exceed one thousand (1,000) square feet and shall be combined in one (1) sign.
 - 3. **Primary Wall Sign.** A wall sign that is located on the facade of the building that contains the primary access to the particular use shall not exceed one (1) square foot of sign area for each one (1) linear foot of building facade frontage, up to a maximum of one hundred (100) square feet.

In the case of multiple uses in one (1) building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

In cases where a use does not contain exterior exposure to a building for the purposes of measuring sign area, that use may have a fifty (50) square foot sign.
 - 4. **Secondary Wall Sign.** A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located shall not exceed a maximum of ½ the size of the permitted primary wall sign.
 - 5. **Gas Pump Signs.** Signs located on or above gas pumps are exempt up to a maximum of two (2) signs for each side of the pump for a total sixteen (16) square feet of sign area.
 - 6. **Changeable Copy Signs.** Changeable copy signs are permitted in the Highway Commercial (HC) Zone and shall comply with the following standards:
 - a. **Electronic Message Signs.** Electronic message signs shall not cause glare or rapid blinking, nor be intensely lighted that may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. These signs shall have a minimum of two-second intervals between screen changes. Any time an electronic message sign is operating

between sunset and sunrise, said signs shall be set at not more than forty percent (40%) of the maximum capable light output.

- b. **Number of Signs.** The maximum number of changeable copy signs for a commercial or non-profit business is two (2) signs.
 - c. **Design.** The sign materials and design shall be compatible with the color, materials, and architecture design of the building. The sign shall be colorfast and resistant to ultraviolet radiation. The individual letters shall be uniform in size and color.
 - d. **Illumination.** Illumination of changeable copy signs shall be limited to a case with a dark translucent or opaque background face which encloses the sign letters.
- F. **Off-Premises Signs.** Off-premises signs are intended to identify a business, commodity, service, or industry, which is not located within and readily visible from the entry corridors of the City. Off-premises signs shall be limited to provide direction to a business or use located in the City and shall be constructed in accordance with the following:
1. **Size.** Off-premises signs shall not exceed fifty (50) square feet.
 2. **Sign Copy.** Off-premises signs shall contain the business name and directional information only.
 3. **Number of Signs.** There shall be no more than one (1) sign face per direction of facing for each business or use.
 4. **Location.** An off-premises sign shall not be located within a 300-foot radius of any other off-premises sign intended to be read from the same right-of-way. The sign shall not be within a 100-foot radius of any other off-premises sign intended to be read from a different right-of-way. All spacing measurements in this subsection shall refer to a measurement made along the edge of the right-of-way and shall apply only to structures located on the same side of the roadway. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of-way at any one time.
 5. **Lighting.** Off-premises signs shall not be illuminated nor shall blinking or flashing lights be used.
 6. **Height.** In no case shall the highest point of the sign be more than twenty feet (20') above the grade elevation at the base of the sign.
 7. **Setback.** In no case shall an off-premises sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Off-premises signs shall be set back at least ten feet (10') from the edge of the right-of-way.
 8. **Written Permission.** Off-premises signs shall only be located on property for which the permit applicant has written permission from the landowner or person lawfully in control of the property to erect and maintain an off-premises sign.
- G. **Temporary Signs.** "Temporary sign" means any sign or advertising display constructed of cloth, wood, canvas, light fabric, paper, vinyl, or other materials with or without frames intended to be displayed for a limited time period and not permanently affixed to a building or the ground.
1. **General Provisions for All Temporary Signs.** The following standards shall apply to all temporary signs:
 - a. **Permit Required.** A sign permit is required for a temporary sign prior to Installation, unless otherwise exempted in Section 27-070.

- b. **Location.** Signs shall be located on the parcel on which the entity requesting the sign is located and may not encroach into the public right-of-way, nor impede pedestrian traffic. Signs shall not be attached to utility poles, fences, trees, or other similar objects.
- c. **Illumination.** Illumination of temporary signs is prohibited.
- d. **Size.** Signs may not exceed the maximum size of twenty (20) square feet.
- e. **Display.** All temporary signs must be subordinate to and be positioned in such a way that any permanent signage display on the same property remains completely visible.
- f. **Maintenance.** Temporary signs must always be properly maintained. Any faded, torn, ripped, detached, defaced, sagging or otherwise damaged sign must be promptly repaired, replaced, repositioned or removed.
- g. **Timeframe.** Temporary signs may be displayed up to sixty (60) days per calendar year.
- h. **Height.** Freestanding temporary signs may not exceed eight feet (8') in height, measured from the top of the sign to the grade directly below. Signs attached to a building may not exceed fifteen feet (15') in height, measured from the top of the sign to the grade directly below.
- i. **Number of Signs.** Only one (1) temporary sign is allowed for each use.

27-060: PROHIBITED SIGNS

The following signs are prohibited in Coalville City:

- A. **Electronic Message Signs.** A sign where message content is changed in a fixed cabinet composed of electrically illuminated or mechanically driven changeable components. Changeable Copy Signs may be allowed in the Highway Commercial (HC) Zone as exempted in Section 27-050(E).
- B. **Flashing Signs.** Any illuminated sign on which the light is not stationary or constant in intensity and color.
- C. **Roof Mounted Signs.** A sign that is mounted on the roof of a structure, or signs that project above a roof edge or eave.
- D. **Moving Signs.** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of movement, except as otherwise allowed as a short-term temporary sign in Subsection (U). Such signs also include strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering or inflated devices.
- E. **Signs Imitating Official Traffic Signs.** Signs imitating official traffic signs in any manner which are visible from public areas.
- F. **Portable Signs.** Portable signs not permanently affixed to the ground, except as otherwise allowed as an off-premises temporary sign in Section 27-050 Subsection (G), or a short-term temporary sign in Section 27-070 (U).
- G. **Mobile Signs.** Signs attached to stationary vehicles, equipment, trailers, and related devices, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle or device.
- H. **Obstructing Signs.** Signs which, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of motorists or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on any road or street, as determined by the City.

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- I. **Hazardous Signs.** Any sign or sign structure which constitutes a hazard to public health or safety, as determined by the City.
 - J. **Signs on Public Property.** Signs on trees, utility poles, and on other public property, other than public information signs.
 - K. **Off-Premises Signs.** Off-premises signs are prohibited except as provided for in Section 27-050(F) herein.
 - L. **Signs in Disrepair.** Any sign in disrepair or which the sign message face has been removed or destroyed, leaving only the supporting frame or other components, and said condition exists for more than ninety (90) days is prohibited and shall be removed.

27-070: EXEMPTED SIGNS

The following signs are exempt from obtaining a sign permit with the following requirements:

- A. **Informational Signs.** Signs which are not more than six (6) square feet in size and not more than four feet (4') in height and which are used to direct vehicular and pedestrian traffic or to direct parking and traffic circulation on private property. Informational signs shall not contain advertising material or message. These signs shall not be permitted in a public right-of-way.
- B. **Public Signs.** Legal notices, identification, informational, cultural, promotional, historic or directional signs erected by Coalville City or other governmental entities authorized by the City for public purposes. These signs may be in the public right-of-way.
- C. **Public Regulatory Signs.** All public regulatory signs located in the City which meet all the state requirements.
- D. **Interior Signs.** Signs located on the interior of any building, or within an enclosed lobby of any building or group of buildings and which cannot readily be seen from the exterior of the building, and the signs are located to be viewed exclusively by the patrons of such use or uses.
- E. **Utility Signs.** Signs of public utility or cable television companies which show the locations of underground facilities.
- F. **Street Address and Identification Signs.** A sign with content including only the name or professional Code of the occupant and address of the premises. Such signs shall not exceed two (2) square feet in size. The sign shall be limited to flush mounted or window type signs with only one (1) sign per premises. These signs shall not be permitted in the public right-of-way.
- G. **Customer Information Signs.** Customer information signs located on or near the building and outside of required setback areas may display such items as "credit cards accepted", prices and menus. Signs shall not exceed two (2) square feet in size.
- H. **Flags.** Single or multiple-use developments may have no more than three (3) freestanding flagpoles at any time. Flagpoles are restricted to only flying one (1) flag per pole. The maximum size of any one (1) flag shall be sixty (60) square feet. Flagpoles may not exceed twenty-eight feet (28') in height, measured from the top of the pole to the grade directly below. Up lighting of all flags, except the flag of the United States of America, is prohibited. The painting of flags on an exterior building surface is also allowed in compliance with these requirements.
- I. **Window Signs.** Window signs shall not exceed fifty percent (50%) of the area of a single window in which it is placed. A single window is any window, or section of windows, that is separated from

- another window by twelve inches (12") or more. Any door with windows is considered a separate window. Window signs may not be combined in order to gain a larger sign for one particular window.
- J. **Neon Signs.** Two (2) neon signs are allowed for each nonresidential use. The sign may be located on the inside of any window. These signs may not exceed two (2) square feet in size and may not flash or be animated in any manner. Neon signs are considered window signs and may not exceed fifty percent (50%) of the area of the window in which they are placed.
- K. **Light Pole Banners.** Banner signs on light poles are allowed in all developments. Banner signs may not exceed twelve (12) square feet in size.
- L. **No Trespassing or No Dumping Signs.** No trespassing or no dumping signs may not exceed sixteen (16) square feet in area for a single sign or are limited to four (4) signs at four (4) square feet for each lot or parcel unless the land use administrator, or other authorized officer, finds more signs are required to prevent violation.
- M. **Plaques.** Plaques or nameplate signs not more than two (2) square feet which are fastened directly to the building.
- N. **Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall exceed eight (8) square feet in area and provided further that all such signs be placed flat against the building.
- O. **On-Premises Real Estate Signs.**
1. Signs advertising the sale, rent, or lease of property shall be limited to one (1) real estate sign on each lot. Each sign shall not exceed six (6) square feet in size and six feet (6') in height.
 2. One real estate sign per street frontage is allowed for any multiuse residential or professional office building or lot intended for such and may not exceed twenty-four (24) square feet in area or eight feet (8') in height. If the parcel is over two (2) acres in size, the sign may not exceed thirty-two (32) square feet.
 3. Model home signs shall not exceed sixteen (16) square feet in area, nor exceed six feet (6') in height and shall be placed entirely upon the premises of the model home.
- P. **Temporary Open House Real Estate Signs.** Open house signs not to exceed six (6) square feet in area and four feet (4') in height, advertising real estate open houses may be placed on private property in the vicinity of the property open for inspection. They shall not be attached to trees, poles, street signs, etc. Signs may be displayed in the City right-of-way if they are not disruptive to the regular flow of traffic or pedestrians. Open house signs shall be displayed only during those hour(s)/day(s) which the property is open for actual inspection.
- Q. **On-Premises Signs for Home Occupation in Residential Zones.** Home occupations may have one (1) non-illuminated flat wall sign or monument yard sign two feet (2') by three feet (3') for a total of six (6) square feet in size which identifies the name of the business. This exemption applies to uses operated out of a single-family home.
- R. **Political or Campaign Signs.** In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:
1. Signs for all candidates, regardless of participation in a primary election, may not be erected earlier than sixty (60) days prior to a primary election and shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the

Monday following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.

2. Any one (1) sign shall not exceed twenty-four (24) square feet in size and shall not exceed six feet (6') in height. Such sign shall not be erected in a manner as to constitute a roof sign. No more than two (2) signs of the same candidate or issue shall be posted on the same property. Signs may not be placed on public property or in a public street right of way in which the sign location would impede traffic visibility or safety. Signs along roadways which do not contain improvements of curb, gutter, and/or sidewalks may not be placed closer than ten feet (10') to the edge of the paved surface.
 3. Campaign signs shall not be placed closer than one hundred fifty feet (150') to a building where any official voting station is located.
- S. **Properties Under Development or Construction.** Properties which have an approved subdivision plat, site plan, or other type of development permit upon which construction or development is occurring are exempt subject to the following sign standards:
1. **Size.** Signs may not exceed a maximum of twenty (20) square feet in size.
 2. **Materials.** Signs may only be freestanding and must be made of a rigid material. Banners or other similar signs applied to cloth, paper, flexible plastic, vinyl, or fabric of any kind are not permitted.
 3. **Height.** Signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below.
 4. **Number of Signs.** Only one (1) sign is allowed per street frontage.
 5. **Location.** The sign must be located on the parcel that is subject to the approved development permit and may not encroach into the right of way, nor impede pedestrian traffic.
 6. **Timeframe.** The sign(s) are allowed for the duration of the construction of the development, and shall be removed upon completion of the project.
- T. **Non-commercial Opinion Signs.** Noncommercial opinion signs are subject to all requirements and provisions of the Utah State Code annotated and other laws as may be applicable. There are no time frames for noncommercial opinion signs. Such signs are regulated as follows:
1. **Residential Properties.** Residential properties are permitted to have nine (9) square feet of a sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed nine (9) square feet.
 2. **Non-residential Properties.** Nonresidential properties are permitted six (6) square feet of sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed six (6) square feet.
- U. **Temporary Signs – Short Term.** Signs that are intended for short-term use during business hours up to a maximum of 3 consecutive days for advertising special events, sales, promotions, or other offerings on a temporary basis and are not permanently affixed to the ground. Such signs are regulated as follows:
1. **Use.** Only 1 sign is allowed per use.
 2. **Size.** Signs may not exceed six (6) square feet in size.
 3. **Height.** Signs may not exceed eight (8) feet in height.

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4. **Materials.** Signs may be cloth, wood, canvas, light fabric, paper, vinyl, or other materials with or without frames,
 5. **Location.** Signs shall be located on the parcel on which the entity is located the signs may not encroach into the public right-of-way, nor impede pedestrian traffic. Signs shall not be attached to utility poles, fences, trees, or other similar objects.

08-020: TABLE OF USES

This use table sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the following zone districts:

Agriculture (AG-20)

Residential Agriculture (RA-5)

Residential Low-Density (R-1)

Residential Medium-Density (R-2)

Residential High-Density (R-4)

Residential Very High-Density (R-8)

Community Commercial (CC)

Highway Commercial (HC)

Light Industrial (LI)

Uses *Italicized* are defined in Chapter 2.

Table 8-1 - Table of Uses

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
<i>Accessory structures and uses</i>	A	A	A	A	A	A	A	A	A	
<i>Agribusiness; restaurant, café (farm to table)</i>	L	L	L	L	X	X	L	L	L	
<i>Agriculture</i>	A	A	A	A	A	A*	A*	A*	A	*Farm animals prohibited in R-8, CC, and HC, Zones
<i>Airport/helipad</i>	X	X	X	X	X	X	X	X	X	
<i>Animal Specialties including, reptiles, arthropods (insects) aviaries (birds), etc.</i>	L	L	L	X	X	X	X	X	L	
<i>Apiaries (Bee Keeping)</i>	A	A	A*	A*	A*	A*	A*	A*	A*	*Or as regulated by City Ordinance
<i>Assisted Living Center</i>	L	L	L	L	L	L	A	A	X	
<i>Automobile dealership</i>	X	X	X	X	X	X	C	C	A	
<i>Automobile fuel service station, lube/oil, tires, and repair</i>	X	X	X	X	X	X	A	A	A	
<i>Bed and Breakfast Inn</i>	C	L	X	X	X	X	C	C	X	

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(Republication)

Building material sales yard	X	X	X	X	X	X	C	C	L	
Bus or Taxi hub/services	X	X	X	X	X	X	X	C	A	
Bus terminal	X	X	X	X	X	X	C	C	A	
Car wash	X	X	X	X	X	X	A	A	A	
Cement mortar, plaster or paving materials mixing plant	X	X	X	X	X	X	X	X	C	
Cemeteries	C	C	X	X	X	X	X	X	A	
<i>Churches, Synagogues, and Temples</i>	A	A	A	A	A	A	A	A	A	
Coal, fuel and wood yards and offices	X	X	X	X	X	X	X	X	C	
Colleges and Schools, public and private	C	C	C	C	C	C	A	A	X	
Commercial buildings smaller than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	L	L	A	
Commercial buildings larger than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	C	C	A	
Commercial campgrounds, RV parks, <u>Glamping facilities</u>	C	C	X	X	X	X	X	C	X C	
<i>Commercial Retail Uses</i>	X	X	X	X	X	X	A	A	A	
Commercial Retail Uses-Internet Home Based Business	L	L	L	L	L	L	A	A	A	Subject to 07-040 Major Home Occupation Standards, except living on the premises.
<i>Commercial Service Uses</i>	X	X	X	X	X	X	A	A	A	
Communications, substations/facilities	C	C	X	X	X	X	C	C	A	
Construction of building to be sold and moved off premises	X	X	X	X	X	X	X	X	C	
Contractor's Yard	C	C	X	X	X	X	X	C	A	

Crematorium	X	X	X	X	X	X	X	X	C	
Distillery/microbrewery; agribusinesses	C	C	C	X	X	X	C	C	A	
Dog boarding, kennels	C	C	X	X	X	X	X	C	C	
Domesticated farm animals	A	A	A	A	A	X	X	X	A	See Code 29-050: Farm Animal Point System
Drive-it yourself agency/"U-Haul"	X	X	X	X	X	X	L	L	A	
Dwellings, accessory	A	A	A	A	A	A	A	A	X	
Dwelling, multi-family attached	X	X	X	X	C	C	C	X	X C	
Dwellings Dwellings, single-family detached	A	A	A	A	A	A	A	A	X	
Dwellings, two (2) family attached	X	X	X	A	A	A	C	X	X	
Equestrian facilities, riding academies, schools, and associated stables	L	L	L	X	X	X	X	L	L	
Farmers Market	L	L	L	L	L	L	L	L	L	Sale of products produced off- premises
Fertilizer and soil conditioner manufacturing and processing and/or sales	C	X	X	X	X	X	X	X	C	
Food Manufacturing, compounding, processing, and treatment	X	X	X	X	X	X	C	C	C	
Foundry, casting lightweight non-ferrous metal	C	X	X	X	X	X	X	X	C	
Freight transportation service	X	X	X	X	X	X	C	C	A	
Freighting, trucking yard or terminal	X	X	X	X	X	X	X	C	A	
Fruit and vegetable stands (sale of products produced on owners' premises)	A	A	A	A	A	A	A	A	X	Business license required

<i>Home Occupations, Minor</i>	A	A	A	A	A	A	A	A	X	See Code 07-050
<i>Home Occupations, Major</i>	L	L	L	L	L	L	L	L	X	See Code 07-060
<i>Hotel; Motel</i>	X	X	X	X	X	X	A	A	X	
<i>Household Pets (maximum 4 pets of the same species)</i>	A	A	A	A	A	A	A	A	X	Not counting puppies or kittens up to 4 months old
Junk yard/salvage yard	X	X	X	X	X	X	X	X	C	
Liquor retail store	X	X	X	X	X	X	C	C	C	
Marijuana (Cannabis) dispensary	X	X	X	X	X	X	X	X	X	
Marijuana (Cannabis) farming	C	X	X	X	X	X	X	X	X	Must be legally permitted and authorized by the State of Utah
Mortuary; funeral home	C	C	X	X	X	X	C	C	C	
<i>Nursery/Greenhouse</i>	A	A	A	A*	A*	A*	A	A	A	*Non-Commercial in R-2, R-4, and R-8 Zones
<i>Nursing Home</i>	L	L	L	L	L	L	A	A	X	
Onsite manager, caretaker or workers dwelling	L	L	L	L	L	L	L	L	L	
Outdoor gun, archery, or other weaponry activities	C	C	X	X	X	X	X	X	C	
Park and ride facilities	C	C	C	C	X	X	A	A	A	
<i>Parking lot, incidental to a use conducted on premises</i>	T	T	T	T	T	T	T	T	T	
Pest extermination chemical storage	X	X	X	X	X	X	C	C	C	
Processing and Manufacturing	X	X	X	X	X	X	X	X	C	
<i>Professional Service Uses</i>	L	L	L	L	L	L	A	A	A	
Public Parks	L	L	L	L	L	L	L	L	L	
<i>Public or Quasi-Public Uses</i>	L	L	L	L	L	L	L	L	L	

Public utility installations	X	X	X	X	X	X	X	X	A	
Radio and television station	X	X	X	X	X	X	A	A	A	
Radio/television transmitting towers	C	C	C	X	X	X	X	X	A	
<i>Recreational Facilities or Uses</i>	C	C	C	C	C	C	C	C	C	
Rental equipment	X	X	X	X	X	X	C	C	A	
Residential care facilities for elderly or handicapped persons	A	A	A	A	A	A	A	A	A	Subject to the conditions found in Utah Code Annotated, as amended
<i>Restaurant, caf&eacute;e</i>	X	X	X	X	X	X	C	C	C	
RV and boat storage	X	X	X	X	X	X	X	X	A	
<i>Sexually oriented business</i>	X	X	X	X	X	X	X	X	C	
Shopping center	X	X	X	X	X	X	C	C	C	
Single or multiple family dwellings located in the same structure as the principal commercial use	X	X	X	X	X	X	L	L	X	
Social club, billiards, pool hall, bars	X	X	X	X	X	X	C	C	X	
Storage facilities	X	X	X	X	X	X	C*	C*	L	*Not permitted in the historic district
Temporary buildings incidental to construction work	A	A	A	A	A	A	A	A	A	
Theater, indoor	X	X	X	X	X	X	C	C	C	
Towing service	X	X	X	X	X	X	X	L	A	
Trails and <i>open space</i>	A	A	A	A	A	A	A	A	A	
Transitional or protective housing facility	X	C	C	C	C	C	C	C	C	
Truck stops and service facilities	X	X	X	X	X	X	X	C	A	
Veterinary Clinics	L	L	X	X	X	X	A	A	A	
Warehouse	X	X	X	X	X	X	X	C	A	

154. Municipality. Coalville City, Utah.
155. Neighborhood Park and Recreation Improvement Fund. A special fund that may be established by the City Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations to develop land within reasonable proximity of the property to be subdivided so as to be of local use to the future residents of the subdivision(s).
156. Nightly Rental (Short-Term Rental). The rental of a room, apartment, house, or lockout unit for a short-term period of less than thirty (30) days. Nightly rentals require a business license and are subject to all applicable off-street parking requirements, noise disturbance regulations, transient room tax, and other requirements.
157. Non-conforming Use. As used in this Code, a nonconforming use is the use of land that:
- Legally existed before its current land use designation; and
 - Has been maintained continuously since the time the land use ordinance regulation 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.
158. Non-complying Structure. As used in this Code, a non-complying structure is a structure that:
- Legally existed before its current land use designation; and
 - Because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.
159. Non-Residential Subdivision. A subdivision whose intended use is other than residential, such as agricultural, commercial, or industrial. Such subdivision shall comply with the applicable provisions of the City General Plan and the requirements of this Development Code.
160. North Summit Fire District: (NSFD). The local fire district with responsibility of ensuring subdivisions, commercial structures, individual single-family dwellings, and other structures meet the requirements of the International Fire Code as amended.
161. Nude or Semi-Nude Entertainment Business. A business, including an Adult Theater, where employees/entertainers perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a Nude or Semi-Nude Entertainment Business if the business holds itself out as such a business.

constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case a cash deposit or surety bond shall be required pursuant to Chapter 31 for the trail improvements.

X. Driveway Access Standards.

1. All individual driveway access locations shall be designed to function well with existing site conditions and layout of each residential building. Care shall be taken in locating driveways to allow for the least amount of site and vegetation disturbance. Where possible, driveways shall parallel the slope to lessen site impact.
2. The maximum grade of any driveway shall not exceed ten percent (10%), except that twelve percent (12%) grades may be allowed for short distances not to exceed two hundred fifty feet (250') when approved by the North Summit Fire District (NSFD).
3. A driveway may provide access to one or more dwelling units, but not more than five (5) dwellings. The minimum width of any driveway serving up to three (3) dwellings shall be twelve feet (12') in width and shall have a minimum right-of-way width of twenty-four feet (24'). Driveways serving four (4) or five (5) dwellings must be a minimum of twenty feet (20') in width and shall have a minimum right-of-way width of thirty-two feet (32').
4. Retaining walls shall be used with cuts more than ten feet (10'). Cut slopes shall be as specified by a qualified engineer to achieve a stable embankment. Fill areas shall be contoured to three feet (3') horizontal to one foot (1') vertical slopes or flatter. If the disturbed areas fail to match existing grade within ten (10) vertical feet, a retaining wall shall be used.
5. All driveways must provide a NSFD approved turnaround for emergency vehicles where the driveway meets the building pad, and every two hundred feet (200') when longer driveways occur as required by NSFD.
6. Driveways more than two hundred feet (200') and less than twenty feet (20') wide must be provided with turnouts. Driveway turnouts must be an all-weather road surface, ten feet (10') wide and thirty feet (30') long. Driveway turnouts to be located as required by NSFD.
7. Driveway access for all lots within a subdivision may not be from any street or road other than interior roads within the subdivision, unless approved by the City based on site specific conditions and development characteristics.
8. Driveways with distances under fifty feet (50') must have a hard surface (concrete or Asphalt).
9. Driveways over fifty feet (50') must have a paved approach to the public street, with concrete or asphalt, for a distance of fifty feet (50') measured from the pavement edge of the public street.

Approval from the Summit County Health Department and NSFD shall be a pre-condition to issuance of a building permit.

- D. Existing Systems. Where a public water main is accessible, as determined by the City Engineer, the developer shall connect and install adequate water facilities (including fire hydrants) subject to the specifications of the City, State and NSFD. Water main extensions and water facility improvements shall be approved by the City Engineer, City Public Works Director, and City Council.
- E. Guarantees. The location of all fire hydrants and all water storage and supply improvements shall be shown in the Final Construction Drawings. A qualified construction cost estimate for the design and construction costs, including both on and off-site improvements, shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in an acceptable form described herein.
- F. Ownership of Facilities. Prior to approval of the final subdivision plat, development site plan or conditional use permit, a determination shall be made by the City Council regarding the location and extent of facilities to be maintained by the City. Private facilities will be required to be so noted on the final subdivision plat or development plans and will be the responsibility of the developer or owners of the development.
- G. Fire Hydrants. Fire hydrants shall be required in all developments. Fire hydrants shall be located no more than ~~five- six~~ hundred (~~500 600~~) feet apart and shall be approved by the NSFD, ~~and City Engineer. In some instances, the City and NSFD may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart.~~ To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of streets. All fire hydrants shall include clean-outs. Fire hydrants located on cul-de-sacs shall be installed as approved by NSFD, at the direction of the City Engineer and NSFD.
- H. Source Protection. New residential, commercial, or industrial development shall not be approved within existing well and spring protection zones, identified as sensitive lands in this Code, which are used for domestic consumption purposes, without a contained sewage collection and disposal system. The impact on water source protection zones shall be determined from a study prepared by qualified geotechnical engineer based on distance, soil conditions, slope, and drainage patterns, or in compliance with state law.
- I. Easements, Rights-of-Way. Easements or rights-of-way required for currently proposed or anticipated future water service by the City shall be provided by all developments prior to final subdivision plat or final site plan approval.
- J. Water Service Prohibited Outside Coalville City Limits. Water service extensions or connections outside the City limits are prohibited and will not be

01-190: PLANNING COMMISSION

There is hereby created the Coalville City Planning Commission (Land Use Authority) consisting of five (5) members recommended by the Mayor and approved by a majority vote of the City Council at a regularly scheduled City Council meeting. Reappointments of existing planning commission members may be made by the City Council. The Coalville City Planning Commission, hereinafter referred to as the Planning Commission or Commission shall be organized and have the duties and responsibilities as indicated below.

- A. **Terms, Eligibility and Compensation of Members.** Each member of the Planning Commission shall serve a term of three (3) years. Members shall be appointed in December of the year upon the expiration of a current member. The terms shall be staggered so that no more than two (2) members are appointed at the same time. Terms expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed. The Mayor, with the consent of the City Council, shall appoint a new Planning Commission member to fill vacancies that might arise, and such appointments shall be to the end of the vacated term. No member shall serve more than three (3) consecutive terms, including portions of unexpired terms.

Members of the Planning Commission shall be residents of Coalville City and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

Members may be compensated per diem, based upon meetings attended as determined by the City Council.

- B. **Absence Deemed Resignation or Grounds for Removal.** Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings in a calendar year, uses public funds for political purposes, violates a provision of the Municipal Officers and Employees Ethics Act, or acts with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual or an unacceptable risk of impermissible bias, year may be called before the City Council and asked to resign or be removed with cause by the Council. All members of the planning commission shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council. A Planning Commission member may not be removed solely for deliberating on a specific land use application in a Planning Commission meeting with municipal staff, an elected official, or a land use applicant.

- C. **Duties and Responsibilities.** The Coalville Planning Commission, referred to as Planning Commission, Commission, or Administrative Land Use Authority, organized in accordance to § 10-9-201 et seq. of the Utah Code 1996, as amended, shall have the following duties and responsibilities:
1. To prepare a General Plan, any maps required by the plan, and amendments to the General Plan and recommend the plan or amendments to the plan to the City Council.
 2. To prepare a Development Code including zoning and subdivision regulations, any maps or exhibits required by the Code, and amendments to the Development Code and recommend the code or amendments to the code to the City Council.
 3. Administer provisions of the Development Code as provided in the Code and approved by the City Council.
 4. To review and make recommendations to the City Council regarding amendments to the City Zone District Map.
 5. To initiate a subpoena to compel documents and testimony required in the normal processing and review of matters pertaining to the Planning Commission.

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6. To hear, review, approve or deny, or recommend approval or denial of all applications for conditional uses, temporary uses, minor and major subdivision of property, master planned developments, major development review, development agreements, or other procedures or applications identified in the Development Code in accordance with the rules and regulations established by the City Council.
 7. Recommend approval or denial of annexation petitions in accordance with the Development Code or other ordinances of the City.
 8. Advise the City Council on matters as the Council directs and hear or decide any matters that the Council designates.
 9. To enter upon any land, under consideration for development approval or which has been granted a Conditional Use Approval, at reasonable times, to examine and evaluate the conditions of the project development.
- D. **Planning Commission Chair.** At the first meeting held in March, after the appointment of any new members, the members of the Planning Commission shall elect one (1) of its members as chair and one (1) member as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair. The chair shall serve an initial term of one (1) year and no member shall serve as chair for more than two (2) consecutive one-year terms. In the event the chair or vice chair resigns or is no longer eligible to serve on the commission, the members of the Planning Commission shall elect a replacement chair or vice chair at the next regularly scheduled meeting.
- The chair, or in the chair's absence the vice chair, shall oversee all proceedings before the Planning Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning Commission. The Chair may participate in any discussions, be counted for the purpose of forming a quorum, and shall be a voting member of the Planning Commission.
- Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per Section 03-060 herein, and an annual meeting schedule will be posted and published at least once a year in a newspaper of general circulation.
- E. **Quorum and Necessary Vote.** No meeting of the Planning Commission may be called to order without a quorum consisting of at least three (3) members of the Commission being present. No business shall be transacted without at least a majority of all members being present. All actions shall require the concurring vote of a majority of the members present. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. In the event of a tie vote, the agenda item will automatically be continued until the next meeting where a full quorum is present for a vote. If the agenda item cannot be brought to a majority vote due to a member abstaining it shall be equivalent to a majority nay vote.
- F. **Meetings, Hearings and Procedures.**
1. The Planning Commission shall establish a regular meeting schedule. Special meetings, work sessions and field trips for any purpose, may be held at the call of the City Council, the Planning Commission or the CDD or designated planning staff member.
 2. If a matter is postponed due to lack of quorum, the matter shall be rescheduled to either the next regular meeting or special meeting. The CDD or designated planning staff member shall notify all members and interested parties of the date of the rescheduled matter.
 3. A Planning Commission member shall abstain from discussion and voting on any matter in which the member has a direct or indirect financial interest, a personal interest that would reasonably appear to impair impartial judgment, or any other compelling reason that creates an actual or perceived conflict of interest.

When such a conflict exists, the member shall publicly disclose the nature of the conflict prior to consideration of the item, recuse themselves from deliberation and voting, and leave the Commission table during discussion of the matter. The disclosure and recusal shall be recorded in the meeting minutes.

Nothing in this section shall prevent a member from participating in general policy discussions or training unrelated to a specific application or property interest.

G. Joint Planning Meetings.

1. At the discretion of the City Council at least one (1) joint planning meeting shall be held annually to provide for discussion and coordination among planning commission members, City council members, City staff and members of the public regarding issues of city-wide concern.
2. The purpose of joint planning meetings is to provide for discussion among Planning Commission and City Council members, City staff, other public officials, developers, and the public on various issues related to matters in question. Notice of such joint planning sessions shall be for the purpose of discussion and information and are not intended to result in any formal action being taken during the joint planning sessions, although information presented at such sessions may be made part of the record of subsequent proceedings of either Planning Commission or City Council.

H. Planning Commission Staff. City employees, committees or agents of the City may assist the Planning Commission with its duties. The City Staff shall assist the Commission with technical matters and attend Commission meetings to assist and advise the Commission.

The City Council may appoint a secretary to keep minutes and post agendas of meetings and hearings. The secretary may be paid for services rendered as agreed upon by the City Council. The secretary shall keep minutes of all proceedings of the Planning Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by a majority of the members of the Planning Commission voting. In addition, the recording secretary shall maintain all records of Planning Commission meetings, hearings and proceedings, and the correspondence of the Planning Commission.

I. Planning Commission Project Review. The Planning Commission will review each project application for compliance with all requirements and regulations of this Code, including, but not limited to the following:

1. **City Comprehensive Planning and Zoning Review.** The Planning Commission shall have the primary responsibility to initiate long-range planning for the City, including streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexations to the City and recommend action and zoning on land to be annexed. The Commission shall initiate, hear or recommend zone changes and review development standards within zoning districts.
2. **Subdivision Approval.** The Planning Commission shall review all applications for subdivisions and commercial projects for compliance with the provisions of all applicable regulations of this Code. Following such review, the Commission will forward a recommendation for approval or denial of all subdivision plat, or site plan applications to the City Council.
3. **Master Planned Developments (MPD) Approval.** All proposals for Master Planned Development approval shall be reviewed by the Planning Commission. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council.
4. **Conditional Use Approval.** The Planning Commission shall review all applications for conditional use approval for compliance with the provisions of all applicable regulations of this Code.

Following such review, the Commission shall ~~approve or deny forward a recommendation for approval or denial of~~ all conditional use applications ~~to the City Council~~.

- J. **Consent Agenda.** Applications for approval of uncontested items may be placed on the consent agenda of the Planning Commission. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless the Commission believes discussion of an item is necessary. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the applicant requests the item to be tabled in order to provide additional information.
- K. **Review of Staff Actions.** At any time, an interested party may request that staff actions on a project application be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the staff review level on the matters at issue.
- L. **Sensitive Lands Review.** Any project containing sensitive lands may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 18 of the Code. The Planning Commission shall review required sensitive lands analysis with project applications as prescribed in Section 18-050 herein.
- M. **Right to Farm Review.** Any project falling within the scope of Chapter 26 of the Code may be subject to additional requirements and regulations as outlined in the Right to Farm Provisions. The Planning Commission shall review an agriculture impact analysis with project applications as prescribed in Section 26-020.

(Ord. No. 2024-2, 10-15-2024)