Kamas City

Summit County, Utah

Municipal Code

Compiled: Tuesday, October 13, 2015

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Preface

In 2015, codification and administration of the Kamas Municipal Code began in-house under the direction of the City Recorder, Kim Peacock, and with the assistance of Municipal Code Online, Inc. This Municipal Code shall be cited as the Kamas Municipal Code or "KMC" as an acronym.

KMC is currently up to date as of August 25, 2015.

This Municipal Code maintains a structure by subject matter using a decimal numbering system identifying the title, chapter, and section (for example: 1.01.010).

- The first number in the sequence (**1**.01.010) designates the **title** level
- The second series of numbers (1.**01**.010) designates the **chapter** level
- The last series (1.01.**010**) designates the **section** level
- If a fourth series exists comprising letters or numbers beyond the section level, it designates a **subsection** level.

This complete set of numbers is designed to aid in searching the Municipal Code and to assist in subsequent codification as new ordinances are added to the Municipal Code.

Vacant titles, chapters, or sections may be designed for future use and may be marked "Reserved" to ease internal expansion. The legislative history identifies the specific legal sources of a section as may be provided in footnotes.

The Municipal Code is supplemented from time to time with amendments and additions made by Kamas City. The specific legal sources that comprise this Municipal Code have been adapted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online Municipal Code and the official hard copy, the official hard copy governs. Municipal Code Online, Inc., provides a searchable database of the Municipal Code for easy reference and convenience.

NOTICE: THE MUNICIPAL CODE MAY NOT REFLECT ALL OR THE MOST CURRENT VERSION OF LEGISLATION ADOPTED BY THE CITY COUNCIL THAT HAS YET TO BE UPDATED ONLINE. IN THE EVENT OF CONFLICT BETWEEN THE MUNICIPAL CODE AND A WRITTEN ORDINANCE, THE ORDINANCE TYPICALLY GOVERNS. ALSO, THE MUNICIPAL CODE MAY NOT REFLECT RULES OR OTHER REGULATIONS PROMULGATED UNDER THE AUTHORITY OF THE CODE, INCLUDING TECHNICAL SPECIFICATIONS. FOR MORE INFORMATION CONTACT KIM PEACOCK, CITY RECORDER, AT 435.783.4630 OR kpeacock@allwest.net

2 Administrative Code

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2.06 City Recorder

2.06.010 Records Manager
2.06.020 Fees

2.06.010 Records Manager

The City Recorder is hereby established as the Records Manager for the city. The Deputy Recorder is hereby established as the Assistant Records Manager.

2.06.020 Fees

Fees for the production and copying of records shall be in accordance with the Government Records Access Management Act and shall be established by Kamas City's Fee and Rate Resolution.

2.08 Elections

2.08.010 Primary Election System For Nominating And Electing Candidates For Municipal Offices

2.08.010 Primary Election System For Nominating And Electing Candidates For Municipal Offices

1. Election for mayor and council members shall be conducted according to the municipal election section of the Utah Code, reference 20A-9-404(1) and (2).
2. This ordinance provides for the candidates for mayor and council members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election plus candidates that were not required to run in the primary are to be placed on the November ballot.

2.26 Police Department

2.26.010 Established
2.26.020 Chief Of Police
2.26.030 Additional Powers And Duties Of Policemen

2.26.010 Established

There is hereby established a regularly constituted police force to be known as the police department, which shall consist of a chief of police and such other police officers as shall be employed by the City.

2.26.020 Chief Of Police

1. Powers. See U.C.A. 10-3-913 through 10-3-915.
2. He shall organize, supervise, and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers.
3. He shall, when required, attend meetings of the City Council to consult with advise them on matters of public safety. He shall execute all lawful orders of the Mayor and City Council and see that all orders and judgments of the justice of the peace are carried into effect.

2.26.030 Additional Powers And Duties Of Policemen

The chief of police and all police officers of the City shall have the following powers and duties in addition to those that may be assigned to them as above provided:

1. To suppress riots, disturbances, and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the City.

2. To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.
3. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, removed nuisances existing in the public streets, roads, highways, and other public places, enforce every law relating to suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance.

3 Municipal Procedures

3.06 Policy And Procedure For The Approval Of Written Minutes For Public Meetings
3.08 Equal Opportunity Employment
3.10 Administrative Proceedings
3.22 Constitutional Rights And Takings

3.06 Policy And Procedure For The Approval Of Written Minutes For Public Meetings

3.06.010 Defintions
3.06.020 Policy For Approval Of Minutes

3.06.010 Defintions

For purposes of this ordinance the following definitions shall apply so long as they are consistent with the definitions of the same terms found in the Utah Open and Public Meetings Act. If a term is defined differently in the Utah Open and Public Meetings Act, the definition found in that Act shall apply:

Convening means the calling of a Meeting of a Public Body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that Public Body has jurisdiction or advisory power.

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

1. "Meeting" does not mean:
    a. a chance meeting;
    b. a social meeting; or
    c. the convening of a Public Body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the Public Body is convened and:
        i. the Public Body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the Public Body is required; or
        ii. the Public Body is convened solely for the discussion or implementation of administrative or operational matters that would not come before the Public Body for discussion or action.

Meeting Clerk shall mean the City Recorder or Town Clerk (or their acting deputies) for a City or Town Council, or shall mean the person assigned by a Public Body, other than a City or Town Council, to record and to take the written minutes of a Meeting of a Public Body of this Municipality.

Minutes of a Meeting is a written record of the Meeting that shall include:

1. the date, time, and place of the Meeting;
2. the names of members present and absent;
3. the substance of all matters proposed, discussed, or decided by the Public Body which may include a summary of comments made by members of the Public Body;
4. a record, by individual member, of each vote taken by the Public Body;
5. the name of each person who:
    a. is not a member of the Public Body; and
    b. after being recognized by the presiding member of the Public Body, provided testimony or comments to the Public Body;
6. the substance, in brief, of the testimony or comments provided by the public; and
7. any other information that is a record of the proceedings of the Meeting that any member requests be entered in the minutes or recording.

Proposed Minutes shall mean the written minutes prepared by the Meeting Clerk that have been given to the members of a Public Body for their review and approval.

Public Body means any administrative, advisory, executive, or legislative body of this Municipality that:

1. is created by the Utah Constitution, statute, rule, ordinance, or resolution;
2. consists of two or more persons;
3. expends, disburses, or is supported in whole or in part by tax revenue; and
4. is vested with the authority to make decisions regarding the public's business.

3.06.020 Policy For Approval Of Minutes

The following shall be the policy and procedure for the approval of Minutes for this Municipality.

1. Written Minutes shall be taken for all public Meetings of any Public Body of this Municipality. The Minutes of all public Meetings of any Public Body of this Municipality shall be recorded and taken down by the Meeting Clerk during the course of any public Meeting of the Public Body.
2. Within seven working days from the end of the Meeting, the Meeting Clerk shall prepare Proposed Minutes for the Meeting and give a copy of the Proposed Minutes to each member of the Public Body for his or her review and comments.
3. Once the Proposed Minutes have been given to the members of the Public Body, the Meeting Clerk shall immediately make available to the public the Proposed Written minutes, which shall be a clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the Proposed Minutes are subject to change until formally approved and they shall become a public document available to any member of the public who requests to read or copy the Proposed Minutes.
4. The Public Body shall consider the Proposed Minutes for approval at the first Meeting of the Public Body that immediately follows the Meeting Clerk giving the Proposed Minutes to the members of the Public Body. The members of the Public Body shall either approve the proposed written minutes as presented; or vote to correct and amend the proposed written minutes and then approve the corrected and amended written minutes at that Meeting.
5. If the Public Body fails to consider the Proposed Minutes, or does not take any action to approve the Proposed Minutes at the first Public Meeting held by the Public Body immediately following the Public Body's receipt of the Proposed Minutes from the Meeting Clerk, the Proposed Minutes shall be deemed to have been approved by the Public Body and will stand as proposed.
6. Once the Proposed Minutes have either been approved by the Public Body, or have been deemed to have been approved by the inaction of the Public Body, they shall become the official record of the proceedings of the Public Body and shall be signed by the Clerk of the Meeting and shall be retained in the official records of this Municipality and shall be a public document available for the inspection and copying by members of the public as appropriate under Utah law.

3.08 Equal Opportunity Employment

3.08.010 Employers Holding Federal Contracts And Subcontracts
3.08.020 Private Employment, State And Local Governments, Educational Institutions
3.08.030 Programs Or Activities Receiving Federal Financial Assitance

3.08.010 Employers Holding Federal Contracts And Subcontracts

1. RACE, COLOR. RELIGION, SEX. NATIONAL ORIGIN: Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.
2. INDIVIDUALS WITH HANDICAPS: Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of handicap and requires affirmative action to employ and advance in employment qualified individuals with handicaps who, with reasonable accommodation, can perform the essential functions of a job.
3. VIETNAM ERA AND SPECIAL DISABLED VETERANS: 38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans and qualified special disabled veterans.

3.08.020 Private Employment, State And Local Governments, Educational Institutions

1. RACE, COLOR, RELIGION, SEX. NATIONAL ORIGIN: Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment on the basis of race, color, religion, sex or national origin.
2. DISABILITY: The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.
3. AGE: The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

4. SEX (WAGES): In addition to sex discrimination prohibited in Title VII of the Civil Rights Act, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

3.08.030 Programs Or Activities Receiving Federal Financial Assitance

1. RACE, COLOR. NATIONAL ORIGIN SEX: In addition to the protection of Title VII, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.
2. INDIVIDUALS WITH HANDICAPS: Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of handicap in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against handicapped persons who, with reasonable accommodation, can perform the essential functions of a job.

3.10 Administrative Proceedings

3.10.020 Administrative Law Judge

3.10.020 Administrative Law Judge

1. Administrative Law Judge As Appeal Authority
   a. Establishment: There is hereby established an Appeal Authority consisting of an Administrative Law Judge, appointed by the Mayor with the advice and consent of the legislative body.
   b. Administrative Law Judge and Terms: Selection of Administrative Law Judge
      i. Process of Selection: Upon the need for the filling of a vacancy or establishing one or more new Administrative Law Judges, the Mayor shall act to post notice of the Administrative Law Judge vacancy in at least three locations within the city and in a newspaper of general circulation in the city. Said notice shall include at least the general responsibilities of the Judge, direction for interested applicants to submit a letter of interest, procedure for submitting letters of interest, the closing date of the vacancy's notice. The notice shall be advertised for not less than 10 days.
      ii. Selection: Upon completion of the vacancy notice period, the Mayor shall be charged with the selection of the new Administrative Law Judge from the collection of submitted letters of interest. It shall be to the Mayor's discretion regarding the process for reviewing interested applicants for appointment to fill any Administrative Law Judge vacancies.
      iii. Concurrency

         (1) Members of the citizenry shall be considered ineligible to serve as an Administrative Law Judge, if that person is a member of the City Council, Planning Commission, City staff or any other City board or commission.
         (2) Term of the Judge. The term of an Administrative Law Judge shall be four years concluding at midnight on the thirty-first day of December of the year of term expiration. At the expiration of the term the Mayor may reappoint the Judge to additional four year terms with the advice and consent of the legislative body.
         (3) Established Administrative Law Judge. Individuals serving as an Administrative Law Judge at the time of adoption of this ordinance shall be considered properly appointed and shall not be required to be reappointed. The Mayor shall be required to establish terms for established members in accordance with this Section.
   c. Vacancies and Removal of the Administrative Law Judge
      i. Removal: Any Judge may be removed for cause by the governing body upon written charges and after a public hearing, if a public hearing is requested by the governing body or the member being removed.
      ii. Vacancies: Upon the removal of a Judge, as specified in this Section, or the written resignation of any Judge, the Mayor shall pursue the selection of a new Judge to fill the vacancy.
   d. Powers and Duties: In accordance with Utah State Code § 10-9a-701, the Administrative Law Judge shall be charged with the duties of the appeal authority to

i. Serve as the final arbiter of all issues involving the interpretation or application of land use ordinances;
ii. Serve as the final arbiter of all issues involving requests for variances from the terms of the land use ordinances; and
iii. Serve as the final arbiter of all issues involving appeals of land use authority decisions;

e. Organization and Procedures

i. Meetings: The Administrative Law Judge may hold meetings, as the Appeal Authority, according to Utah State Code, Title 52, Chapter 4, Open and Public Meetings, the schedule calendar of meetings established by the legislative body and following proper notice as established in the Utah State Code. The Administrative Law Judge may call special meetings as warranted following proper notice and in compliance with the Open and Public Meetings requirements.
ii. Judge Required: The Administrative Law Judge must be present in order to conduct any public meeting of the Appeal Authority or to hear items of business before the Appeal Authority.
iii. Decision: The Administrative Law Judge will listen to the facts presented and will base his/her decision upon his/her understanding of that information.
iv. Rules of Order: The Administrative Law Judge may develop, adopt and maintain additional by-laws and/or rules of decorum and order to be followed during meetings of the Appeal Authority. All Appeal Authority hearings shall be conducted as quasi judicial proceedings and in accordance with Utah State Code § 10-9a-701 et. seq.
v. Evidence: Pursuant to Utah State Code § 10-9a-701, any adversely affected party being heard by the Appeal Authority shall be required to present to the Appeal Authority every theory of relief that they can raise in district court.

3.22 Constitutional Rights And Takings

3.22.010 Policy Considerations
3.22.020 Definitions
3.22.030 Guidelines Advisory
3.22.040 Review And Decision
3.22.050 Reviewing Guidelines

3.22.010 Policy Considerations

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

3.22.020 Definitions

Constitutional Taking means actions by the involving the physical taking or exaction of real property that might require compensation to a real property owner because of:

1. The Fifth or Fourteenth Amendment to the Constitution of the United States;
2. Article Constitution; I, Section 22, of the Utah
3. Any Court ruling governing the physical taking or exaction of private real property by a government entity;

Actions by the City of Kamas involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:

a. Bears an essential nexus to a;
b. Legitimate governmental interest; and,
c. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

3.22.030 Guidelines Advisory

The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory, and shall not be construed to expand or limit the scope of the City's liability for a Constitutional Taking. The reviewing body or person, shall not be required to make any determination under this ordinance except pursuant to KMC 3.22.040.

3.22.040 Review And Decision

Any owner of private real property who claims there has been a Constitutional Taking of their private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

1. The person requesting a review must have obtained a final and authoritative determination, internally, within the City relative to the decision from which they are requesting review.
2. Within thirty (30) days from the date of the final decision that gave rise to the concern that a Constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the (City Recorder/County Commission), a request for review of that decision. A copy shall also be filed with the city's attorney.
3. The City Council or an individual, or body designated by the City Council shall immediately set a time to review the decision that gave rise to the Constitutional Takings claim.
4. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
    a. Name of the applicant requesting review;
    b. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
    c. A detailed description of the grounds for the claim that there has been a Constitutional Taking;
    d. A detailed description of the property taken;
    e. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional Taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
    f. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
    g. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
    h. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
    i. The assessed value of and ad valorem taxes on the property for the previous three years;
    j. All information concerning current mortgages or other loans secured .by the property, .including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
    k. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
    l. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
    m. For income producing property, itemized income and expense statements from the property for the previous three years;
    n. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
    o. The City Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.
5. An application shall not be deemed to be "complete" or "submitted" until the reviewing body/official certifies to the applicant, that all the materials and information required above, have been received by the City. The reviewing body/official shall promptly notify the applicant of any incomplete application.
6. The City Council, or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, city or any other interested party.
7. A final decision on the review shall be Tendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder,. The decision of the City Council or designee regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered

the final decision that gave rise to the Constitutional Takings claim.

8. If the City Council fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved.

3.22.050 Reviewing Guidelines

The City Council shall review the facts and information presented by the applicant to determine whether or not the action by the City constitutes a Constitutional Taking as defined in this chapter. In doing so, they shall consider:

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

4 General Revenue

4.04 Energy Sales And Use Tax
4.10 Transportation Impact Fee
4.12 Impact Fees

4.04 Energy Sales And Use Tax

4.04.010 Purpose
4.04.020 Definitions
4.04.030 Municipal Energy Sales And Use Tax
4.04.040 Exemptions From The Municipal Energy Sales And Use Tax
4.04.050 No Effect Upon Existing Franchises - Credit For Franchise Fees
4.04.060 Tax Collection Contract With State Tax Commission

4.04.010 Purpose

It is the intent of Kamas City to repeal its Franchise Taxes levied on gas and electricity as applicable and adopt the municipal energy sales and use tax, pursuant to, and in conformance with, Utah Code Ann. §10-1-301 et seq, "The Municipal Energy Sales and Use Tax Act."

4.04.020 Definitions

Consumer means a person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.

Contractual Franchise Fee means:

1. a fee;
    a. provided for in a franchise agreement; and
    b. that is consideration for the franchise agreement; or
2.
    a. a fee similar to (1); or
    b. any combination of (1) or (2).

Delivered Value means the fair market value of the taxable energy delivered for sale or use in the municipality and includes:

1. the value of the energy itself; and
2. any transportation, freight, customer demand charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality,

"Delivered Value" does not include the amount of a tax paid under Part 1 or Part 2 of Chapter 12, Title 59 of the Utah Code Annotated.

Energy Supplier means a person supplying taxable energy, except for persons supplying a de minimum amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

Franchise Agreement means a franchise or an ordinance, contract, or agreement granting a franchise.

Franchise Tax means:

1. a franchise tax
2. a tax similar to a franchise tax; or
3. any combination of (1) or (2).

Person includes any individual, firm, partnership, joint venture. association, corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

Sale means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

1. installment and credit sales;
2. any closed transaction constituting a sale;
3. any transaction under which right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

Storage means any keeping or retention of taxable energy in this city for any purpose except sale in the regular course of business.

Use means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy. "Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

Taxable Energy means gas and electricity.

4.04.030 Municipal Energy Sales And Use Tax

There is hereby levied, subject to the provisions of this ordinance, a tax on every sale or use of taxable energy made within Kamas City equaling four percent (4%) of the delivered value of the taxable energy to the consumer. This tax shall be known as the Municipal Energy Sales and Use Tax.

1. The tax shall be calculated on the delivered value of the taxable energy to the consumer.
2. The tax shall be in addition to any sales or use tax on taxable energy imposed by Kamas City authorized by Title 59, Chapter 12, Part 2 of the Utah code Annotated, The Local Sales and Use Tax Act.

4.04.040 Exemptions From The Municipal Energy Sales And Use Tax

1. No exemptions are granted from the Municipal Energy Sales and Use Tax except as expressly provided in Utah Code Ann. 10-1-305(2)(b); notwithstanding an exemption granted by 59-1-104 of the Utah Code.
2. The following are exempt from the Municipal Energy Sales and Use Tax, pursuant to Utah Code Ann. 10-1-305(2)(b):
    a. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
    b. Sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution, or the Utah Constitution;
    c. Sales and use of taxable energy purchased or stored for resale;
    d. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
    e. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
    f. The sale or use of taxable energy for any purpose other than as a fuel or energy; and
    g. The sale of taxable energy for use outside the boundaries of Kamas City.
3. The sale, storage, use, or other consumption of taxable energy is exempt from the Municipal Energy Sales and Use Tax levied by this ordinance, provided:
    a. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by Title 59, Chapter 12, Part 3 of the Utah Code Annotated; and
    b. Kamas City is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this Ordinance, if the tax due under this ordinance exceeds the tax paid to the other municipality.

4.04.050 No Effect Upon Existing Franchises - Credit For Franchise Fees

1. This ordinance shall not alter any existing franchise agreements between Kamas City and energy suppliers.
2. There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:
    a. the energy supplier pays the contractual franchise fee to Kamas City pursuant to a franchise agreement in effect on July 1, 1997;
    b. the contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and

c. the energy supplier has accepted the franchise.

4.04.060 Tax Collection Contract With State Tax Commission

1. On or before the effective date of this ordinance, Kamas City shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the Municipal Energy Sales and Use Tax, in accordance with this ordinance. The Mayor, (with the approval of the City Attorney, as applicable) is hereby authorized to enter (supplementary, as applicable) agreements with the State Tax Commission that may be necessary to the continued administration and operation of this Municipal Energy Sales and Use Tax Ordinance.
2. An energy supplier shall pay the Municipal Energy Sales and Use Tax revenues collected from consumers directly to Kamas City monthly if:
   a. Kamas City is the energy supplier; or
   b.
      i. the energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals $1,000,000 or more, and
      ii. the energy supplier collects the Municipal Energy Sales and Use Tax.
   c. An energy supplier paying the Municipal Energy Sales and Use Tax directly to Kamas City may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by § 3 10-1-307(4) , Utah Code Annotated.

4.10 Transportation Impact Fee

4.10.010 Intents And Purposes
4.10.020 Rules Of Construction
4.10.030 Definitions
4.10.040 Imposition Of Impact Fee
4.10.050 Computation Of The Amount Of Impact Fee
4.10.060 Payment Of Fee
4.10.070 Transportation Impact Fee District
4.10.080 Impact Fee Trust Funds Established
4.10.090 Use Of Funds
4.10.100 Refund Of Fees Paid
4.10.110 Exemptions And Credits
4.10.120 Review
4.10.130 Penalty Provision

4.10.010 Intents And Purposes

1. This ordinance is intended to assist in the implementation of the Kamas City General Plan.
2. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary for public facility improvements in Kamas City.

4.10.020 Rules Of Construction

1. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.
2. For the purpose of administration and enforcement, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:
   a. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
   b. The word shall is always mandatory and not discretionary; the word may is permissive.
   c. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
   d. The phrase used/or includes arranged/or, designed/or, maintained/or, or occupied for.
   e. The word person includes individual, a corporation, a partnership, an incorporated association, or any other similar entity.
   f. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions,

provisions or events connected by the conjunction and, or either ... or, the conjunction shall be interpreted as follows:

i. And indicates that all the connected terms, conditions, provisions or events shall apply.
ii. Or indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
iii. Either ... or indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

g. The word includes shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
h. City means the City Council or the City officials they may designate to carry out the administration of this ordinance.

4.10.030 Definitions

Fee Payer is a person applying for the issuance of a building permit or permit for mobile home installation.

Capital Improvement includes public facility planning and engineering, land acquisition, site improvements, buildings, and equipment but excludes maintenance and operation.

Development Order means a regulatory approval by Kamas City.

Private Recreational Facility is any recreational facility which is not owned by or dedicated to any governmental entity.

4.10.040 Imposition Of Impact Fee

1. Any person who, after the effective date of this ordinance, seeks to develop land within Kamas City, Utah, by applying for a land use permit or building permit for a building or permit for a mobile home installation, is hereby required to pay an impact fee in the manner and amount set forth in this ordinance.
2. No new building permit or new permit for mobile home installation for any activity requiring payment of an impact fee pursuant to KMC 4.10.060 shall be issued unless and until the impact fee hereby required has been paid.
3. No extension of a building permit or permit for mobile home installation issued prior to the effective date of this ordinance for any activity requiring payment of an impact fee pursuant to KMC 4.10.060 shall be granted unless and until the impact fee hereby required has been paid.

4.10.050 Computation Of The Amount Of Impact Fee

1. The amount of the impact fee shall be determined by the following formula:

   FORMULA
   TRANSPORTATION
   IMPACT FEE FORMULA

   a. Transportation Costs related to New Growth
   b. Credit for Class "C" Road Funds
   c. Credit for past taxes
   d. Units of New Growth
   e. Credit for future taxes

   (a)-(b+c))= Total Cost
   (Total Cost / d) = Unadjusted Impact Fee
   (Unadjusted Impact Fee - e) = Impact Fee

   i. If a land use application or building permit is requested for mixed uses, then the fee shall be determined using the above schedule by apportioning the space committed to uses specified on the schedule.
   ii. If the type of development activity that a land use application or building permit is applied for is not specified on the above fee schedule, the City shall use the fee applicable to the most comparable type of land use on the above fee schedules. The City shall be guided in the selection of a comparable type by the Kamas City General Plan, supporting documents of the Kamas City General Plan, and the Kamas City Zoning Ordinance. If the City determines that there is no comparable type of land use on the above fee schedule then the City shall determine

the appropriately discounted fee by considering demographic or other documentation which is available from state, local, and regional authorities.

iii. In the case of change of use, redevelopment, or expansion or modification of an existing use which required the issuance of a land use application or building permit or permit for mobile home installation, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

2. If a fee payer opts not to have the impact fee determined according to this Section, then the fee payer shall prepare and submit to the City an independent fee calculation study for the land development activity for which a land use application or building permit or permit for mobile home installation is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City shall consider the documentation submitted by the fee payer but is not required to accept such documentation as he/she shall reasonably deems to be inaccurate or not reliable and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the fee payer shall pay impact fees based upon the schedule shown in this Section. If an acceptable independent fee calculation study is presented, the City may adjust the fee to that appropriate to the particular development. Determinations made by the City pursuant to this Section may be appealed to the Board of Adjustments by filing a written appeal request with the City Recorder within ten (10) days of the City's determination.

4.10.060 Payment Of Fee

1. The fee payer shall pay the Transportation Impact Fee required by this ordinance to the Mayor or their designee prior to the issuance of a land use permit or building permit or a permit for mobile home installation.
2. All funds collected shall be properly identified by impact fee type and district and promptly transferred for deposit in the appropriate impact fee trust fund to be held in separate accounts as determined by KMC 4.10.080 and used solely for the purposes specified in this ordinance.

4.10.070 Transportation Impact Fee District

There is hereby established a Transportation Impact Fee district. The entire City is one district.

4.10.080 Impact Fee Trust Funds Established

1. There is hereby established a separate impact fee trust fund, one for each public facility type established by the Written Analysis and district as established in KMC 4.10.070.
2. Funds withdrawn from these accounts must be used in accordance with the provisions of KMC 4.10.090.

4.10.090 Use Of Funds

1. Funds collected from impact fees shall be used solely for the purpose of acquiring and/or making capital improvements and their related costs to public facilities under the jurisdiction of Kamas City.
2. Funds shall be used exclusively for acquisitions, expansions, or capital improvements within the impact fee district as identified in the Written Analysis, from which the funds were collected or for projects in other impact fee districts which are of benefit to the impact fee district from which the funds were collected Funds shall be expended in the order in which they are collected.
3. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in this Section and are located within the appropriate impact fee districts created by KMC 4.10.070 or as provided in this Section.
4. At least once each fiscal period the Mayor shall present to the City Council a proposed capital improvements program for public facilities, assigning funds, including any accrued interest, from the several impact fee trust funds to specific public improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this ordinance.
5. Funds may be used to provide refunds as described in KMC 4.10.100.
6. The City shall be entitled to retain not more than ten percent (10%) of the funds collected as compensation for the expense of collecting the fee and administering this ordinance.

4.10.100 Refund Of Fees Paid

1. If a land use permit, building permit or permit for mobile home installation expires without commencement of construction, the fees have not been spent or encumbered, and no impact has resulted, then the fee payer shall be entitled to a refund, with interest at the rate received by the City on the funds, of the impact fee paid as a condition for its issuance except that the City shall retain ten percent (10%) of the fee to offset a portion of the cost of collection and refund. The fee payer must submit an application for such a refund to the City within thirty (30) days of the expiration of the permit.
2. Except as provided in Subsection (b) 11-36-302 of the UCA 1953. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate received by the City on the funds, provided that the landowner submits an application for a refund to the City within 180 days of the expiration of the six-year period.

4.10.110 Exemptions And Credits

1. The following may be exempted from payment of the impact fee:
    a. Alterations or expansion of an existing building where no additional residential units or equivalent residential units are created and where the use is not changed.
    b. The construction of accessory buildings or structures where no additional residential units or equivalent residential units are created and where the use is not changed.
    c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
    d. The installation of a replacement mobile home on a lot or other such site when a impact fee for such mobile home site has previously been paid pursuant to this ordinance or where a mobile home legally existed on such site on or prior to the effective date of this ordinance.
    e. The construction of buildings by a government agency or other development activities with a broad public purpose as determined by the City. In the event that an exemption is granted, the City Council shall establish the source of funding to pay for the impact of the development activity.

    Any claim of exemption must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.
2. Credits
    a. Public capital improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offer must specifically request or provide for an impact fee credit. If the City accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:
        i. Credit for the dedication of land shall be valued at 100 percent of the most recent assessed value by the Summit County Property Appraiser; by such other appropriate method as the City Council may have accepted prior to the effective date of this ordinance for particular public improvements; or by fair market value established by private appraisers acceptable to the City. Credit for the dedication of park land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.
        ii. Applicants for credit for construction of public improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City. The City shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the City before credit will be given, The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.
        iii. Except as provided in this Section, credit against impact fees otherwise due will not be provided until: Kamas City Impact Fee:

            (1) the construction is completed and accepted by the City;
            (2) a suitable maintenance and warranty bond is received and approved by the City, when applicable.

iv. Credit may be provided before completion of specified public improvements if adequate assurances are given by the applicant that the standards set out in this Section will be met and if the fee payer posts security as provided below for the costs of such construction. Security in the form of a cash escrow agreement shall be posted with and approved by the City at one hundred and twenty-five percent (125%) of the amount determined by the City engineer. Twenty-five percent (25%) of the cash escrow account shall remain for two years after completion of the project, as a guarantee of the work, pursuant to Kamas City's Cash Bond Escrow Agreement. If the public improvement construction project will not be constructed within one (1) year of the acceptance of the offer by the City, the amount of the security shall be increased by ten percent (10%) compounded for each year of the life of the security. The security shall be reviewed and approved by the City Engineer prior to acceptance of the security by the City Council. If the public improvement construction project is not to be completed within five (5) years of the date of the fee payer's offer, the City Council must approve the public improvement construction project and its scheduled completion date prior to the acceptance of the offer by the City.

b. Any claim for credit must be made no later than the time of application for a land use permit, building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.
c. Credits shall not be transferable from one project or development to another without the approval of the City Council and may only be transferred to a development within a different impact fee district upon a finding by the City Council that the dedication for which the credit was given benefits such different impact fee district.
d. Determinations made by the City pursuant to this Section may be appealed to the Board of Adjustment by filing a written appeal with the City Recorder within ten (10) days of the City's determination.

4.10.120 Review

The fee schedule contained in KMC 4.10.050 shall be reviewed by the City Council at least once each fiscal biennium (i.e. every two years).

4.10.130 Penalty Provision

A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution Kamas City shall have the power to sue in civil court to enforce the provisions of this ordinance.

4.12 Impact Fees

4.12.010 Residential Connection
4.12.020 Commercial Connection

4.12.010 Residential Connection

Residential Connection / Impact Fee Schedule

		Water					Sewer			Park	Total
Max Conn	Line Size	Connection Fee	Water Share Purchase	Impact Fee	Total Water	Line Size	Connection Fee	Impact Fee	Total Sewer	Impact Fee	Grand Total
1	¾	$500	$1,000	$1,087	$2,587	4"	$1,000	$2,197	$3,197	$400	$6,184
2	1	$650	$1,667	$1,450	$3,767	6"	$1,500	$2,929	$4,429	$800	$8,996
4	1.5	$1,000	$3,330	$2,900	$7,230	6"	$1,500	$5,858	$7,358	$1,600	$16,188
8	2	$1,250	$6,660	$5,800	$13,710	8"	$2,000	$11,716	$13,716	$3,200	$30,626
	3	$2,000	$12,200	$11,600	$25,800	8"	$2,000	$23,432	$25,432	$6,400	$57,632
48	4	$2,500	$24,400	$34,800	$61,700	8"	$2,000	$46,864	$48,864	$19,200	$129,764

4.12.020 Commercial Connection

Commercial Connection / Impact Fee Schedule

		Water					Sewer			Park	Total
Max Conn	Line Size	Connection Fee	Water Share Purchase	Impact Fee	Total Water	Line Size	Connection Fee	Impact Fee	Total Sewer	Impact Fee	Grand Total
1	¾	$500	$1,000	$1,087	$2,587	4"	$1,000	$2,197	$3,197	$400	$6,184

All others will be determined by equivalent residential user chart and calculations.

5 Business Licenses And Regulations

5.02 Business Licensing
5.10 Use And Sale Of Alcoholic Beverages
5.16 Sexually Oriented Businesses

5.02 Business Licensing

5.02.010 Definitions
5.02.020 Business License Fees
5.02.030 Regulatory Fee Imposed
5.02.040 Unlawful To Operate A Business Without A License
5.02.050 Business License Additional To All Other Approvals, Licenses, And Permits
5.02.060 Delinquent Date And Penalty
5.02.070 Civil Action To Recover Fee
5.02.080 Public Records
5.02.090 Exemption
5.02.100 Branch Establishments
5.02.110 Temporary Business License
5.02.120 License Applications
5.02.130 License Issuance Or Denial
5.02.140 Appeals Of License Denial
5.02.150 License Period
5.02.160 Posting License
5.02.170 License To Be Shown To Officials
5.02.180 Transferability Of Licenses
5.02.190 Revocation
5.02.200 Enforcement Of Other Ordinances
5.02.210 License Renewal Notice
5.02.220 Each Portion Of Ordinance Enacted Separately
5.02.230 Penalty

5.02.010 Definitions

For the purpose of this Ordinance, the following terms shall be defined as follows:

Bedroom means each room in a hotel, motel, lodge, time-share project, condominium project, single or multiple family residences, or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

Business means and includes all activities engaged in within the incorporated limits of Kamas City carried on for the purpose of gain or economic profit; provided however, acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically prescribed herein.

Employee means the operator, owner, or manager of a place of business and any persons employed by such person in the operation of said place of business in any capacity whatsoever. "Employee" also includes any salesman, agent or independent contractor engaged in the operation of said place of business in any capacity.

Engaging in Business includes but is not limited to, selling tangible personal property at retail or wholesale, manufacturing goods or property, or rendering personal services for a consideration such as the proactive of any profession, trade, craft, business, occupation, or other calling. The rendering of personal services by an employee to an employer under any contract of personal employment shall no be considered as engaging in business.

Hourly User Capacity means the maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theater, bowling alley, tennis club, racquetball club, swimming pool, and any other recreational sport or entertainment facility.

Mobile Food Vendor means any motor vehicle from which consumable, on site food service is offered.

Monthly Rental Facility: under management means any place where rooms or units of 3 or more are rented or otherwise made available by a manager or management company for residential purposes on a weekly, monthly, or a longer time basis, which may include residential rentals, commercial rentals, storage rentals, or other rentals deemed business as decided by Licensing Official, or Planning Commission.

Nightly lodging facility means any place or portion thereof that is rented or otherwise made available to person for transient lodging purposes for a period less than thirty (30) days including, without limitation, a hotel, motel, lodge, bed & breakfast, condominium project, single family residence, or time share project.

Person shall mean any individual, receiver, assignor, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

Place of business means any location maintained or operated by a licensee within the incorporated limits of Kamas City, in which business activity is conducted or transacted.

Square Footage means the aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.

Unit means any separately rented portion of a hotel, motel, condominium, apartment building, single-family residence, duplex, triplex, or other residential dwelling, commercial building, or storage facility.

Temporary Business shall mean any business using a temporary or portable structure, which is set up for short-term retail sales used by any person, firm, partnership, corporation, association, society, or club for up to 30 days.

5.02.020 Business License Fees

Business License Fees Beginning January 1, 2006.

Business Licenses	
Home Business	$20.00
Commercial Business License	$50.00
Rental Facility	$50.00 + $10.00/per unit
Banking License	$200.00
Liquor License	$200.00
Temporary Business Licenses (Less than 30 days)	
Daily License	$30.00 + $1.00 per day or
Firework Stand	$300.00 or

5.02.030 Regulatory Fee Imposed

There is hereby levied an annual business license regulatory fee, in accordance with U.C.A. 17-5-22 or successor law, upon the business of every person engaging in business in Kamas City unless otherwise in this Ordinance or under State or Federal law specifically be exempted. The fee imposed shall be in the amounts described in the attached rate tables, which are hereby incorporated as part of this Ordinance. The amount shall be the product achieved by multiplying the unit type by the unit charge. Any business type not listed in the rate tables shall be assessed at the rate and on the same basis as the business determined by the "City Business License Official to be most similar to the business to be licensed. If the applicant and the City Business License Official are not able to agree on a rate and method of assessment, the application shall be referred to the Planning Commission, which may be determined on a case-by-case basis, or may amend the rate table to cover that license if for similar applications in the future.

5.02.040 Unlawful To Operate A Business Without A License

It shall be unlawful for any person to engage in business within Kamas City without first procuring the licenses and permits required by this ordinance.

5.02.050 Business License Additional To All Other Approvals, Licenses, And Permits

The general business license required under this Ordinance is in addition to all other approvals, licenses, and permits required by other City Ordinances, State, or Federal law. As such, issuance or a business license shall not be deemed a waiver of the City's right to enforce all other provisions of its Ordinances or Development licenses and permits required by other Kamas City Ordinances, State or Federal laws, in addition to the license required by this section.

5.02.060 Delinquent Date And Penalty

All license fees provided for in this Ordinance shall be paid annually in advance, by the licensee to the City Business License Official (CBLO) on or before January 1st of each year, and shall be effective through December 31st of that year. In the event renewal fees are not received at the office of the CBLO prior to January 31st penalties shall be incurred, and licenses unpaid by date specified by CBLO shall be revoked.

5.02.070 Civil Action To Recover Fee

In all cases where this Ordinance requires a license to be obtained and fixes the amount to be paid therefore, and where said amount shall not have been paid therefore, and where said amount shall not have been paid at the time or in the manner provided in this Ordinance, a civil action may be brought in the name of the City against the person failing to pay such license fee to recover the same, including any penalties, and/or to enjoin further business operation of such person. In any case where several amounts for licenses or permits required or fixed by any City Ordinance shall remain due and unpaid by any person, such several amounts of license fees may be joined as separate causes of action in the same civil complaint. The City Attorney shall prepare, bring, and prosecuted all civil actions contemplated by this Section upon written request of the City Council.

5.02.080 Public Records

Records kept by the City such as are, or may be required in this Ordinance, are considered public records under the Utah State Government Records Access Management Act. As such, they are subject to public inspection. The City shall charge a reasonable fee to individuals requesting information on issued business licenses in order to cover reasonable costs associated with research and reproduction of information.

5.02.090 Exemption

No license fee shall be imposed under this Section upon any person engaged in business, which is exempt from taxation under the laws of the United States and/or the State of Utah; nor shall any such fee be imposed upon any person doing business within Kamas City who has paid a like or similar license fee to some other governmental unit within the State of Utah, nor shall any such fee be imposed upon the business of a bona fide farm or ranch engaged in any agricultural business useful to man unless said business is authorized to collect State sales taxes under Utah statute for sales made on such products.

5.02.100 Branch Establishments

A separate license must be obtained for each branch establishment or location of business within the City as if such branch establishments or locations were separate businesses and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license; however, warehouses and distribution places used in connection without incident to a business licensed under this Ordinance shall not be deemed to be separate places of business or branch establishments.

5.02.110 Temporary Business License

No person shall operate a temporary business without a temporary business license; except that permitted by or under the control of the sponsoring unit of Kamas City approved special events. It is unlawful to operate a temporary business on days other than those covered by said license.

1. Temporary Business licenses may be purchased for up to thirty (30) days, and may be renewed by the CBLO.

2. License Fees shall be set forth in the Fee Schedule set by the City Council.
3. If business is conducted from a temporary structure, the structure must consist of at least four walls, have no more than 200 square feet of floor space, be conducted in a commercial zone, and must be serviced by an approved electrical hook up if electricity will be in use. Hookups, along with temporary structure inspection will be done by the Building Inspector before business is approved. The structure must sit back at lease ten feet from the back of side of a sidewalk, or from the property line. The business must be operated in a manner so as not to block traffic into or out of adjacent businesses or structures. One sign of fifteen square feet or less is permitted with no other advertising such as flashing lights, loudspeaker, or calling out. It must meet all local and state health and safety requirements applicable to the type of business being carried on. The structure must be removed within five days after the temporary business license expires or the licensee will be guilty of a Class B Misdemeanor and the City will be authorized to remove the structure and charge the licensee for the cost of removal plus storage expenses. Approved temporary business licenses shall constitute authority to so remove the structure and an agreement to reimburse the City for removal and storage fees.
4. Before a license is issued, the applicant must meet with the Business Licensing Official for approval with the explanation of the business to be conducted. Written evidence must be provided by the owner stating approval of business. Also written evidence that restroom facilities for employees will be provided by another within 300 ft. of the structure and written evidence that the owner of the premises upon which the portable structure is to be placed has given his consent for the placement of the structure and has approved the type of business to be conducted (if conducted from temporary structure).
5. Special Events permits may be applied for by sponsoring units to conduct business and have concession stands in connection with requested event. If the event and activities comply with all local and state ordinances, laws, and regulations, a permit will be issued. The sponsoring unit will be assessed a permit fee equal to $100.00 per day. All business activities in connection with said event shall be at locations approved by the sponsoring unit, the City Licensing Official, the City Planner, and the Mayor and City Council to overview the special event. The permit issued shall entitle each individual business or concession to operate without acquiring an independent license, but the duration of the business activity shall not exceed seven calendar days.

5.02.120 License Applications

Applications for business licenses shall be made to the City Business Licensing Official on forms provided for that purpose. Such forms shall contain sufficient information so as to satisfy the requirements of City departments involved in the review process and such information as the City Business Licensing Official may direct. Application forms shall be made available at the Office of the City Business Licensing Official during regular business hours or by mail. Each license application shall be accompanied by the regulatory license fee required to be paid for the issuance of the license desired. Upon receipt of the completed application and the required fee, the CBLO shall review such for compliance with this Ordinance. Should the application be deemed incomplete, not sufficient, or the required fee not be included, said application will be returned to the applicant with an explanation as to its deficiencies. Signature of a department official shall not substitute for additional approvals, licenses, and permits (i.e. conditional use permits) required by City Ordinance, State, or Federal law, nor shall it be constructed as a waiver of such requirements.

5.02.130 License Issuance Or Denial

An application will be reviewed and wither approved, denied, or referred to the Planning Commission by the CBLO. A license may be denied if the applicant:

1. has been convicted of a fraud or felony by and State or Federal court within the past five years or now has criminal proceedings pending against him/her in any State or Federal court for fraud or a felony;
2. has obtained a license by fraud or deceit;
3. has failed to pay personal property taxes or other required taxes or fees imposed by the city;
4. has violated the laws of the State of Utah, the United States, or the Ordinances of Kamas City governing the operation of the business for which the applicant is applying for the license; or.
5. license does not meet City, or Planning requirements. A license may be referred to the Planning Commission when additional issues need to be addressed (i.e. conditional use permits), or when said business is not allowed in a particular zone.

5.02.140 Appeals Of License Denial

Any denial for a business license may be appealed to the City Council within fourteen (14) days of notification of such denial. All appeals must be made in writing and the City Council will schedule a hearing on such within thirty (30) days of receipt of the appeal.

5.02.150 License Period

Licenses issued shall be valid until December 31st of the year purchased unless revoked pursuant to this Ordinance.

5.02.160 Posting License

It shall be the duty of any person licensed under this Ordinance to keep such license posted in a prominent place on the premises used for such business at all times. Every licensee not having a fixed place of business shall carry such license with him/ her at all times while carrying on the business for which the license is issued.

5.02.170 License To Be Shown To Officials

It shall be the duty of each and every person to whom a license has been issued to show the same at any proper time when requested to do so by any Police Officer, law enforcement officer, or City Official.

5.02.180 Transferability Of Licenses

No license granted or issued under the provisions of this Ordinance my be assigned, transferred, or sold by the licensee, nor may the license be used for any purpose or business other than that for which said license was issued. Furthermore, a business license issued for a particular location may not be transferred for use at another location. Any City business license transferred or used as described in this section is deemed revoked.

5.02.190 Revocation

Any license issued under this Ordinance may be revoked by City Council when the licensee has:

1. filed a false or fraudulent license application;
2. been convicted or plead guilty to, or paid fines or settlements in a criminal or civil action by the State Tax Commission for the collection or, or arising from the non-payment of taxes imposed by or collected by the State of Utah;
3. engaged in its business without acquiring the appropriate additional approvals, licenses, and permits required by County Ordinance, City Ordinance, State or Federal law for the operation of said business within the City.

Notification of the license revocation hearing shall be sent by the CBLO to the licensee at the address provided on the most recent application. Such notice shall be sent by certified mail. The hearing shall be held at least fourteen (14) days from the date of the notice, but not more than thirty (30) days. At the hearing, the City council may revoke or suspend the license, place it on probation for a period of less than one year, or take no action at all, as the circumstances merit.

5.02.200 Enforcement Of Other Ordinances

The grant or denial of a general business license shall in no way bind, waive, or alter the City's ability to enforce any other City or County Ordinances where there is a violation of such. Estoppels shall not be a defense to such actions by the City when it is engaged in the process of enforcing operation of any business within the City. This section specifically allows, but is not limited to the County's enforcement of conditional use and minor permit rules, regulations, and laws.

5.02.210 License Renewal Notice

On or before the renewal date each year, the CBLO shall send a notice to each current licensee within the City, which shall state the amount of the regulatory fee to be imposed for the coming year. The enclosed form shall be completed with current information. The renewal notice shall be returned to the CBLO according to the directions. Renewal of licenses is not of right, and no claim of a vested right shall insure to an applicant who has received the license in past years.

5.02.220 Each Portion Of Ordinance Enacted Separately

If any chapter, section, subsection, sentence, clause, phrase, or portion of the Ordinance, including, but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not effect the validity of the remaining portions of this Ordinance. The Kamas City Council hereby declare that it would have adopted this Ordinance and each chapter, section, subsection, sentence, clause, phrase, portion thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

5.02.230 Penalty

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any other provisions of this Ordinance is committed,

continued, or permitted. Upon conviction of any such violation, such person shall be punishable as a Class B Misdemeanor except that in all cases where a corporation would be punishable for a Misdemeanor, and there is not other punishment prescribed by Ordinance, such corporation is punishable by a fine not exceeding $1000.00

5.10 Use And Sale Of Alcoholic Beverages

5.10.010 Authority
5.10.020 Definitions
5.10.030 General Restrictions
5.10.040 License To Sell Alcoholic Beverages At Retail
5.10.050 Retail Licenses - Classification
5.10.060 License Applications
5.10.070 Processing Of Applications, Local Consent
5.10.080 General Operational Restrictions
5.10.090 Off-Premise Licenses
5.10.100 Full-Service Restaurant And Limited-Service Restaurant Licenses
5.10.110 Club Licenses
5.10.120 Beer Only Licenses
5.10.130 On-Premise Banquet License
5.10.140 Single-Event Licenses
5.10.150 Renewal Of Existing Licenses
5.10.160 Renewal Information Required
5.10.170 Fees
5.10.180 Expiration And Renewal
5.10.190 Penalties For Violations By A Licensed Establishment

5.10.010 Authority

Kamas City may prohibit, except as provided by law, any person from knowingly possessing any intoxicating alcoholic beverages, and the manufacture, sale, keeping or storing for sale, offering or exposing for sale, importing, carrying, transporting, advertising, distributing, giving away, exchanging, dispensing or serving of intoxicating alcoholic beverages. The authority for this ordinance is derived from Section 10-8-42 of the Utah Code and the Alcoholic Beverage Control Act of the Utah Code.

5.10.020 Definitions

All words and phrases used in this ordinance shall have the following meanings, unless a different meaning clearly appears from the context:

Alcoholic Beverages means beer, wine, and liquor as the terms are defined in this section.

Beer or malt liquor means a product that contains at least .5% alcohol by volume, but not more than four percent of alcohol by volume or 3.2% by weight, and is obtained by fermentation, infusion, or decoction of any malted grain. Such products may or may not contain hops or other vegetable products. "Beer" includes products referred to as light beer or malt liquor.

Beer Only means an establishment that is issued a license which allows for the storage, sale, service, and consumption of beer on the premises where the business is engaged in primarily serving meals to the general public, where patrons may only purchase beer in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the sale of food.

Brewer means any person or facility engaged in manufacturing beer, heavy beer, or flavored malt beverage.

Church means a building set apart for the purpose of worship, in which religious services are held with which clergy is associated and which is tax exempt under the law of this State.

City means Kamas City.

Club means a dining, equity, fraternal, or social club as defined in the Alcoholic Beverage Control Act of the Utah Code.

Commission means the State of Utah Alcoholic Beverage Control Commission.

Dining Club License means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises that; has a full menu that offers full meals including appetizers, main courses, and desserts; maintain at least 60% of their club business from the gross sale of food; have a portion of the premises used for a dining area, and adequate culinary facilities to serve full meals. Dining clubs are open to the public but the club licensee may choose to restrict access to only those who are on a list or pay a fee.

Equity Club License means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises that; only allows members or guests of a member to be admitted to or use the premises; owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or a tennis facility; and have bylaws or house rules as regarding membership as defined in the Alcoholic Beverage Control Act of the Utah Code.

Flavored malt beverage means a beverage that contains at least .5% alcohol by volume, is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 C.F.R. Sec. 25.55 and to which is added a flavor or other ingredient containing alcohol, except for a hop extract; and for which the producer is required to file a formula for approval with United States Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55.

Fraternal Club License means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises where only members or guests of a member are allowed to be admitted to use the premises; the club is organized and operated solely for a social, recreational, patriotic or fraternal purpose; the club has no capital stock; meets the governing requirements outline in the Alcoholic Beverage Control Act of the Utah Code; and the clubs exist solely for:

1. The benefit of its members and their beneficiaries; and
2. A lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose for the benefit of its members or the public carried on through voluntary activity of its members in their local lodges.

Full-Service Hotel means a hotel that offers full availability of requisite standardized industry amenities which are not limited to, but including the following: on-premise restaurant, room service, business center, concierge, fitness center, banquet halls, various room type selection such as suites.

Full-Service Restaurant License means a license that allows for the storage, sale, service, and consumption of alcoholic beverages on the premises of a restaurant that is primarily engaged in serving meals to the general public, where patrons may only purchase alcoholic beverages in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the gross sale of food.

Heavy Beer means a product that contains more than 4% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain.

Licensee means a person granted an Off-Premise, On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Manufacturer, Club, or Single Event license in connection with the operation of a place of business in the City. This term shall also include any employee of the licensee.

Licensed premises means a room, house, building, structure of place occupied by any person licensed to sell alcoholic beverages on any premises under this Section; provided, that in any multi-roomed establishment, an applicant for a Full-Service Restaurant, Limited-Service Restaurant, Club, Manufacturer, or Beer Only License shall designate a room or portion of the building of such business for the sale of alcoholic beverages, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premise.

Limited-Service Restaurant means a restaurant that is issued a liquor license which allows for the storage, sale, service, and consumption of wine, beer and heavy beer on the premises where the business is engaged in primarily serving meals to the general public, where patrons may only purchase wine, beer, and heavy beer in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the sale of food.

Liquor means alcohol, or an alcoholic, spirituous, vinous, fermented, malt, flavored malt beverage, or other liquid, or

combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks, or drinkable liquids that contains at least .5% alcohol by volume and is suitable to use for beverage purposes. "Liquor" does not include any beverage defined as beer.

Manufacture means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

Manufacturer License means a license granted under the Alcoholic Beverage Control Act of the Utah Code which includes a brewer, winery or distillery.

On-Premise Banquet License means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises in connection with a banquet such as a hotel, resort facility, sports center or convention center as defined in the Alcoholic Beverage Control Act of the Utah Code.

Park means a piece of public ground that is set apart for the use of the public, whether developed or undeveloped, and that is usually, or may be, planted with trees, lawns, or other shrubbery. The park may include facilities for sport, entertainment, dancing, recreation, or swimming, or a park may be planned for such future use of any and all other facilities. A park may consist solely of a single purpose facility, either actual or proposed, such as an equestrian park, open air theater, or playground. For purposes of this Section, a golf course is not a park.

Person means an individual, partnership, firm, corporation, limited liability company, association, business trust, or other form of business enterprise, including a receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

Playground means a public, private or neighborhood area which may or may not include play equipment where children go for physical activity or to play.

Restaurant means a business establishment where a variety of foods are prepared and complete meals are served to the general public, located on premises having adequate culinary fixtures for food preparation and dining accommodations that is engaged primarily in serving meals to the general public; where customers are seated at tables, servers take food orders and serve food at the tables without prepayment, and without service windows or primarily providing takeout orders picked up at a counter.

Retailer means a person engaged in the sale or distribution of an alcoholic beverage to a consumer.

School means a building used primarily for the general education of minors. "School" does not include a nursery school, an infant day care center, or a trade or a technical school.

Sell, sale, or to sell means a transaction, exchange, or barter whereby, for consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by means or under pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this chapter or the rules made by the Commission.

Single-Event means a convention, civic, or community enterprise conducted by a bona fide corporation, church, political organization, or association or a recognized subordinate lodge, chapter, or other local unit thereof.

State Store means a facility for the sale of package liquor located on premises owned or leased by the State and operated by a State employee. "State Store" does not apply to a licensee, permittee, or package agencies.

Tavern means a business establishment that is engaged primarily in the retail sale of beer to a public patron for consumption on the establishment's premises. "Tavern" includes beer bar, parlor, lounge, cabaret, and night club if the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in the establishment.

Trail means a linear corridor of property which is planned as part of the Trails Master Plan or recognized as a City facility by the Parks Master Plan, although not classified as a park, and maintained by the City for the purpose of recreation and alternate transportation as a part of the transportation system, thus not destined or intended for use by unaccompanied small children. A trail is not a park for purposes of this chapter.

Wine means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.

5.10.030 General Restrictions

1. Manufacturer/Brewer: A person may not manufacture any alcoholic beverage unless an alcoholic beverage manufacturing license has been issued by the Commission. A separate license is required for each place of manufacture, storage, and sale of alcoholic beverages. Whether independent or associated with a restaurant, a brewer or other form of manufacturing requires local consent from the City Council.
    a. Before any manufacturer or brewer licensee may manufacture any alcoholic beverage, it shall obtain
        i. Local consent for a Manufacture license from the City; and
        ii. A Manufacture license from the Commission.
    b. Applicants shall submit an application as per KMC 5.10.060. No more than one Manufacturer License shall be issued within Kamas City.
    c. Manufacturer Licensee shall comply with all provisions and operational regulations for a Manufacturer as established by the Alcoholic Beverage Control Act.
    d. Violation of this Section is a class B misdemeanor.
2. Single-Event: Before any sponsor of a single event may sell or allow the consumption of alcohol on its premises, it shall first obtain a Single-Event License from the Commission and Local Consent from the City Council.
3. Advertising: It shall be unlawful to advertise the sale of alcoholic beverages in violation of the Utah Alcoholic Beverage Control Act: Permitted signage shall comply with requirements contained in KMC 15.26 of the Land Use Ordinance. There shall be no advertising within the City that in any manner attempts to promote or increase the sale or consumption of alcoholic beverages.

5.10.040 License To Sell Alcoholic Beverages At Retail

1. It shall be a class B misdemeanor for any person to sell alcohol without first having procured a license from the city and the license fee, including all regulatory fees, as set forth in the Kamas City Fee and Rate Resolution.
2. It shall be a class B misdemeanor for any person to sell alcohol after the revocation of the license issued pursuant to this Ordinance.
3. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. It shall be unlawful for any licensee to violate any of the terms of the license.
4. All Licensees shall comply with this Ordinance, the Utah Alcoholic Beverage Control Act and the regulations of the Commission.

5.10.050 Retail Licenses - Classification

1. Retail licenses issued under the provisions of this Ordinance shall be classified under the following types which shall carry the privileges and responsibilities set forth in this Ordinance: Off Premise, Full-Service Restaurant, Limited-Service Restaurant, Club, On Premise Banquet, Beer Only, and Single-Event.
2. All licenses of each type shall be numbered numerically commencing with the number one.

5.10.060 License Applications

1. A person seeking an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited Service Restaurant, Club, or Single-Event License to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City. The application shall be accompanied by:
    a. The license fee as set forth in the Kamas City Fee and Rate Resolution;
    b. An approved site plan or conditional use permit or a copy of the applicant's business license. It shall be a prerequisite to issuance of an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Club, or Single-Event License that the applicant has received either site plan or conditional use approval or has been granted a business license;
    c. Evidence of proximity to any school, church, public library, public playground or public park;
    d. A floor plan of the premises, including consumption areas and an area where the applicant proposes to keep, store and sell alcoholic beverages;
    e. A signed consent form stating that the premises will permit any authorized representative of the Commission, City, City Police Department or County Health Department unrestricted right to enter the premises;
    f. A copy of the DRAM shop insurance coverage established by the Alcoholic Beverage Control Act of the Utah Code;
    g. A copy of a cash, corporate or surety bond in the penal amount established by the Alcoholic Beverage Control Act of the Utah Code payable to the Department of Alcoholic Beverage Control; and
    h. Any other information the City may require to accurately evaluate the merits of the application.

5.10.070 Processing Of Applications, Local Consent

1. Each application for an Off-Premise, On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited Service Restaurant, Club, Manufacturer, or Single-Event license shall be referred to the Business License Administrator. Upon receiving the application and the accompanying information, the Business License Administrator shall submit the request to appropriate City departments for their review and comment. The request shall be reviewed by the City Council at a regularly scheduled meeting not more than 45 days after a complete application is received. The Council shall take public comment on the request. After review of the request and accompanying information, the Council shall vote on whether to grant its consent for the issuance of the license. Notwithstanding the foregoing, an application for a Single-Event License in conjunction with a regularly conducted festival or event which, in previous years, received Single-Event License approval from the city, may be approved by the City upon a showing of past compliance with the ordinances, rules and regulations of the City and that the application meets current ordinances, rules and regulations.
2. An On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Club license shall not be granted to a business located within 600 feet of any public or private school, church, public library, public playground or public park as measured from the nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, public library, public playground or public park.
3. An On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Club License shall not be granted to any applicant for any location situated within 200 feet of any public or private school, church, public library, public playground, or public park, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground, or public park.
4. The restrictions contained in this Section govern unless the City Council determines that compliance with the distance requirements would result in peculiar and exceptional practical difficulties or exceptional and undue hardships in the granting of a license. In that event the City Council, may, after giving full consideration of all attending circumstances and after compliance with public notice and public hearing requirements as specified in this Section authorize a variance from the distance requirements to relieve the difficulties or hardships, if the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Ordinance.
5. On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Club, or Single-Event license applicants wishing to request from the City Council a variance from the proximity distance requirement in this Section shall comply with the following:
    a. Payment of Fee: Any applicant desiring a variance for which a special public hearing is required shall pay a fee set by resolution of the City Council before the hearing shall be set or advertised.
    b. Advertising: Notice of a public hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation. The advertisement shall state the date, time, location and reason for the public hearing.
    c. Notice to property owners: Letters of notice of public hearing shall be mailed at least ten days in advance of the public hearing to all persons owning property within 600 feet of the applicant's premises.
    d. Petition: The applicant shall circulate a petition to each person owning property within 600 feet of the applicant's business premises. Such petition shall allow the affected property owners to indicate opposition or lack of opposition to such a license being granted.
    e. Public Hearing: After satisfying the fee and notice requirements, the City Council shall hold a public hearing to consider the granting of a variance from the distance requirements.
6. Each person granted a license and the employees, management and personnel of the licensee shall abide by the conditions and requirements provided in the Alcoholic Beverage Control Act of the Utah Code.
7. In deciding whether to grant or deny a license, the City may also consider the proximity of any educational, religious, and recreational facility, or any other relevant factor in reaching a decision on a proposed location.
8. There shall be no limitation on the number of Local Consents granted by Kamas City.

5.10.080 General Operational Restrictions

1. Each person granted an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Club, or Single-Event License and their employees, management and personnel shall abide by the following conditions and requirements. Failure to comply may result in suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.
    a. A Beer Only, Full-Service Restaurant, and Limited-Service Restaurant License shall entitle the licensee to sell alcoholic beverages only with the purchase of food, on the premises described therein, in containers allowed under the Alcoholic Beverage Control Act of the Utah Code. Only bona fide restaurants shall be entitled to Full-Service, Limited-Service Restaurant, Beer Only or Dining Club Licenses.

b. A Club, On-Premise Banquet, or Single-Event License shall entitle the licensee to sell alcoholic beverages on the premises described therein, for consumption on the licensed premises.

c. No person under the age of 21 years shall sell or serve alcoholic beverages under a Full-Service or Limited-Service Restaurant License.

d. Alcoholic beverages purchased from a restaurant shall not be removed from the restaurant premises except as allowed in accordance with the Alcoholic Beverage Control Act of the Utah Code.

e. A person shall not bring onto the premises of an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Special-Event or Club any liquor or beer, for on-premise consumption. A person may bring bottled wine onto the premises of a Full-Service Restaurant, Limited-Service Restaurant or Dining Club provided the wine is delivered to a server upon entering the premises. Officers, managers, employees or agents shall not allow a person to bring onto the licensee premises liquor or beer for on-premise consumption or allow consumption of any such liquor or beverage on its premises. If any licensee or any of its officers, managers, employees or agents violates this Section the City may immediately suspend or revoke the license.

f. An employee of a licensee, while on duty, shall not consume an alcoholic beverage or be under the influence of alcoholic beverages.

g. Each licensee shall display in a prominent place on the premises:

   i. The license issued by the City and the license issued by the Commission; and

   ii. A sign in large letters stating: "WARNING, THE CONSUMPTION OF ALCOHOLIC BEVERAGES PURCHASED IN THIS ESTABLISHMENT MAY BE HAZARDOUS TO YOUR HEALTH AND THE SAFETY OF OTHERS."

h. There shall be no transfer of a license from one location to another.

i. There shall be no transfer of a license from one entity to another without approval by the City Council, except that the City may grant a request to transfer an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Club license from a current licensee to a proposed licensee who will operate at the same location, so long as the following conditions are met:

   i. The type of alcoholic beverage to be sold is not changed;

   ii. The on-site management staff has not changed;

   iii. There have been no citations for alcohol related offenses issued to either the current licensee or the proposed licensee within the last two years; and

   iv. The proposed licensee's application complies in all respects with all other provisions of this Ordinance.

j. Monetary Value of License

   i. A person having been granted an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Special-Event or Club License shall not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.

   ii. An On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Special-Event or Club License has no monetary value for the purpose of any type of disposition.

k. A person's willingness to serve alcoholic beverages or beer shall not be made a condition of employment as a server with a restaurant that has a Full-Service Restaurant, Limited-Service Restaurant, On-Premise Banquet, Beer Only or Dining Club license.

5.10.090 Off-Premise Licenses

1. An Off-Premise retail license shall entitle the licensee to sell beer on the premises described therein in original containers of a size established in the Alcohol Beverage Control Act of the Utah Code.
2. It shall be unlawful for an Off-Premise licensee to permit the consumption of beer on any Off-Premise licensed premises.
3. A person seeking an Off-Premise License to sell beer shall provide a written application on forms provided by the City. The application shall be accompanied by:

   a. The fee for an Off-Premise license as set forth in the Kamas City Fee and Rate Resolution.
   b. An approved site plan or conditional use permit or a copy of the applicant's business license, it being a prerequisite to issuance of an Off-Premise license that the applicant has received either site plan or conditional use approval or has been granted a business license;
   c. Evidence of proximity to any school, church, public library, public playground or public park;
   d. A floor plan of the business, including where the applicant proposes to keep, store and sell beer; and
   e. Any other information the city may require to accurately evaluate the merits of the application.

4. No Off-Premise license shall be issued to any person where the premises would be located within 200 feet of a school, church, public library, public playground or public park as measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian travel to the property boundary of a public or private school, church, public library, public playground or public park.
5. An Off-Premise licensee may sell beer beginning at the hour of 7:00 a.m. and ending at the hour of 1 :00 a.m.
6. Beer may not be sold, delivered, or furnished to any:

   a. Minor;
   b. Person actually, apparently, or obviously under the influence of any intoxicating beverage or controlled substance;

c. Known habitual drunkard; or
d. Known interdicted person.

7. Provisions of this Ordinance prohibiting possession of beer by minors shall not apply to persons under 21 years of age who are bona fide employees in Off-Premise licensed premises while under the supervision of a person 21 years of age or older who is on the premises.
8. It shall be unlawful for any person licensed to sell beer or for any of his agents or employees to allow intoxicated persons to remain in or about any licensed premises.
9. Off-Premises licensees shall maintain records which shall disclose the gross sale of beer during each and every year. Such records shall be available for inspection and audit as established by the Alcoholic Beverage Control Act of the Utah Code. Failure of a licensee to properly maintain the required records or failure to submit such records for inspection and audit shall be cause for suspension or revocation of an Off-Premise license.
10. Each Off-Premise licensee shall limit beer sales to no more than 20% of its total business.
11. An Off-Premise licensee shall make every reasonable effort to limit the potential for theft of beer from licensed premises. A clear, unobstructed view of all portions of the interior shall be available at all times from a point within the licensed premises at or near the main public entrance. A beer inventory shrinkage record shall be kept by the licensee and made available at any time upon request to the Chief of Police or Business License Administrator for inspection or audit. Failure of a licensee to properly maintain the alcoholic beverage inventory shrinkage or failure to submit such records for inspection and audit shall be a Class B misdemeanor and shall be cause for suspension or revocation of an Off-Premise License.
12. There shall be no transfer of an Off-Premise license from one location to another.
13. There shall be no transfer of an Off-Premise license from one entity to another without approval by the City Council, except that the Business License Administrator may grant a request to transfer an Off-Premise license from a current licensee to a proposed licensee who will operate at the same location provided:

    a. The type of alcoholic beverage to be sold is not changed;
    b. The on-site management staff has not changed;
    c. There have been no citations for alcohol related offenses issued to either the current licensee or the proposed licensee within the last two years; and
    d. The proposed licensee's application complies in all respects with all other provisions of this ordinance.

14. Monetary Value of License

    a. A person having been granted an Off-Premise License shall not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.
    b. An Off-Premise beer license has no monetary value for the purpose of any type of disposition.

15. Each Off-Premise Beer licensee shall comply with the provisions of the EASY law and operational provisions established by the Alcoholic Beverage Control Act.
16. The total number of Off-Premise Licenses in the city shall not exceed one (1) per each 400 population of the City, based on the latest population estimate provided by the previous census statistics and determined by the average household size and number of residential units in the City.

5.10.100 Full-Service Restaurant And Limited-Service Restaurant Licenses

1. Before any Full-Service Restaurant or Limited-Service Restaurant may sell alcoholic beverages at retail for on-premise consumption, it shall obtain:

    a. A Full-Service Restaurant license from the City for the purpose of selling alcoholic beverages as defined in the Ordinance; or
    b. A Limited-Service Restaurant license from the City for the purpose of selling beer, heavy beer, and wine as defined the this Ordinance; and
    c. A Full Service Restaurant or Limited-Service Restaurant retailer license from the Commission.

2. A person seeking a Full-Service or Limited-Service Restaurant license to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City as outlined in KMC 5.10.060.
3. A Full-Service or Limited-Service Restaurant licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage Control Act of the Utah Code.
4. All Full-Service or Limited-Service Restaurant licensees shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on or off the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Alcoholic beverages sales shall not exceed more than 30% of the gross dollar volume sales for any semi-annual period.
5. Restriction on Licenses: There shall be no limitation on the number of Full-Service or Limited-Service Restaurant

Licenses granted by Kamas City.

5.10.110 Club Licenses

1. There are four types of Clubs defined the Title 32A of the Utah Code:
    a. Dining Clubs;
    b. Equity Clubs; and
    c. Fraternal Clubs.
2. Before any Club may sell alcoholic beverages at retail for on-premise consumption, it shall obtain:
    a. A Club license from the City; and
    b. A Club license from the Commission.
3. A person seeking a Club License to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City as outlined in KMC 5.10.060.
4. A Dining Club licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage Control Act of the Utah Code.
5. A Club License shall entitle the licensee to sell alcoholic beverages on the premises described therein, in containers allowed under the Alcoholic Beverage Control Act of the Utah Code, for consumption on the permitted premises.
6. All Club Licensees shall make food available at all times when alcoholic beverages are sold, served or consumed. All holders of a Club license shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on or off the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Dining Club licensees shall maintain at least 60% of their club business from the gross sale of food.

5.10.120 Beer Only Licenses

1. There are two types of on-premise beer licenses defined by the Alcoholic Beverage Control Act of the Utah Code:
    a. Beer Only which include restaurants, cafes, bowling center or golf course food and beverage facilities; and
    b. Taverns, which include beer bars, parlors, lounges, cabarets, or nightclubs. No Tavern licenses shall be issued within Kamas City.
2. Before any establishment may sell beer at retail for on-premise consumption, it shall obtain:
    a. A Beer Only license from the City; and
    b. A Beer Only retailer license from the Commission.
3. A person seeking a Beer Only license to sell beer for consumption on the premises shall provide a written application on forms provided by the City as outline in KMC 5.10.060.
4. Hours of Sale. A Beer Only licensee may sell beer in accordance with the Alcoholic Beverage Control Act of the Utah Code.
5. All Beer Only licensees shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on or off the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Beer sales shall not exceed more than 30% of the gross dollar volume sales for any semi-annual period.
6. The total number of Beer Only licenses in the City shall not exceed one per each 4,000 population of the City, based on the latest population estimate provided by the City Business License Administrator as determined by the average household size and number of residential units in the City.

5.10.130 On-Premise Banquet License

1. An On-Premise Banquet License may only be issued for a hotel, resort facility, sports center or convention center.
2. Before any On-Premise Banquet licensee may sell or furnish an alcoholic product at retail for on-premise consumption, it shall obtain:
    a. An On-Premise Banquet license from the City; and
    b. An On-Premise Banquet license from the Commission.
3. A person seeking an On-Premise Banquet license to provide alcohol for consumption on the premises shall provide a written application on forms provided by the City as outlined in KMC 5.10.060.
4. Hours of Sale. An On-Premise Banquet licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage Control Act of the Utah Code.

5. All On-Premise Banquet licensees shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Alcohol sales shall not exceed more than 50% of the gross dollar volume sales for any semi-annual period.

5.10.140 Single-Event Licenses

1. Before any operator, participant or sponsor of a single event may sell beer or alcohol at retail for on-premise consumption at the event, a Single-Event License shall be obtained from the City. A Single-Event License may also include a Temporary Special Event beer license.
2. An applicant seeking a Single-Event License to sell beer or alcohol for consumption on the premises of a single event shall provide a written application on forms provided by the City. The application shall be accompanied by:
   a. The fee for a Single-Event License as set forth in the Kamas City Fee and Rate Resolution and evidence of necessary regulatory approvals to conduct the single event;
   b. Evidence of proximity to any school, church, public library, public playground or public park, however, the proximity requirements of KMC 5.10.070 do not apply to a Single-Event License as per the Alcoholic Beverage Control Act of the Utah Code;
   c. A site plan of the location of the single event, including clear depiction of consumption areas and areas where the applicant proposes to keep, store and sell alcoholic beverages;
   d. A statement of the purpose of the association, corporation, church or political organization or its local lodge, chapter, or other local unit;
   e. A signed consent form stating that authorized representatives of the City, including any City law enforcement agency, will have unrestricted right to enter the premises during the event;
   f. Proper verification evidencing that the person signing the application is authorized to act on behalf of the association, corporation, church or political organization conducting the single event; and
   g. Any other information the City may require to accurately evaluate the merits of the application.
3. No person under the age of 21 years shall sell or serve alcoholic beverages under a Single-Event License.
4. A Single-Event License shall not authorize the storage, sale or consumption of alcoholic beverages at an event for any period exceeding 72 hours.
5. Qualifying organization may apply for up to four licenses per calendar year for a time period that does not exceed 120 consecutive hours for each license, or up to 12 licenses per calendar year for a time period that does not exceed 72 consecutive hours for each license.
6. A Special-Event licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage Control Act of the Utah Code.

5.10.150 Renewal Of Existing Licenses

1. All applications for renewal of licenses shall be filed with the Business License Administrator at least 30 days prior to the expiration of the then issued license. Any person who fails to file within the time limit set forth herein shall, on the date of expiration of the license, forthwith cease all sales of alcoholic beverages on the licensed premises and shall make no sale of alcoholic beverages until the date a new license is issued by order of the City Council.
2. Upon receipt of an application for renewal of an alcoholic beverage license, the Business License Administrator shall obtain a report from appropriate agencies regarding the applicant's compliance with any applicable restrictions relating to operation of the licensed premises and local or state laws relating to the sale or supply of alcohol. In the event the report demonstrates there have been any instances of non-compliance in the preceding year, the renewal application shall be scheduled for a hearing before the City Council at its next regularly scheduled business meeting. Within 14 days of the hearing, the City Council shall render a decision regarding the license application.

5.10.160 Renewal Information Required

Applications for renewal of licenses issued under this Ordinance shall be accompanied by a statement setting forth the gross sales of beer by the licensed establishment during the preceding year and the total gross revenues from all sources of sales during the same year. Renewal applications which are not accompanied by the required statement shall be deemed incomplete and shall not be processed until the statement is supplied. The requirements of this Section shall be in addition to any requirements relating to the keeping of records set forth within this Ordinance.

5.10.170 Fees

Renewal Applications for licenses under this Ordinance shall be accompanied by the City business license fee and the complete regulatory fees established by the Kamas City Fee and Rate Resolution as amended.

5.10.180 Expiration And Renewal

1. All licenses issued pursuant to the provisions of this Ordinance shall expire December 31 along with yearly business license.
2. Licenses shall be issued for one year from the date of expiration shown in this Section. To implement the expiration date of existing licenses, the initial license renewal for licenses existing on the effective date of this Ordinance shall be prorated to the next expiration date. In the event renewal fees are not received at the office of the license official within 45 days after the due date each year, the licensee must reapply for the applicable retail license and pay a penalty of 25% of the regulatory fees due as part of the re-issuance fee, in addition to the applicable regulatory license fees. In the event the renewal fees are not received at the office of the Business License Administrator within 75 days of each year when due, the licensee must reapply for the applicable retail license and pay a penalty of 100% of the fee due as part of the re-issuance fee, in addition to the applicable regulatory license fees. Failure to meet the renewal requirements shall result in an automatic forfeiture of the license effective on the date the existing license expires.
3. If any licensee sells the place of business, the existing license shall be canceled. The purchaser of the business may apply for a license to sell alcoholic beverages in accordance with the procedures and requirements of this Ordinance. If any licensee does not immediately notify the City of any change in ownership of the business, the City shall revoke that license.

5.10.190 Penalties For Violations By A Licensed Establishment

1. Any license issued pursuant to the Ordinance may be suspended or revoked for the violation by the licensee or the licensee's agent or employee of any provision of this Ordinance or any other applicable ordinance or law relating to the possession, consumption, storage or sale of alcoholic beverages. If any person to whom a license has been issued under this Ordinance no longer possesses the qualifications required by this Ordinance for obtaining that license, the City may revoke or suspend that license.
2. In addition to the suspension or revocation of licenses, the City may bring criminal charges or seek any other civil remedy available to the City for the violation of any provision of this Ordinance.
3. Violations of the Ordinance by a licensee or any employee or agent of a licensee which occur within any 24-month period may be punished as follows:
    a. Upon a first violation of this Ordinance the license shall be issued a warning.
    b. Upon any violation of this Ordinance which occurs within 24 months of a prior violation, the licensee shall pay a civil fine of $250.
    c. Upon any violation of this Ordinance which occurs with 24 months of two prior violations, the licensee shall pay a civil fine of $500 and the licensee shall have its license suspended for a period of three consecutive days concurrent with any suspension imposed by the State.
    d. Upon any violation of this Ordinance which occurs within 24 month of three prior violations, the licensee shall pay a civil fine of $500 and the licensee shall have its license suspended for a period of 30 consecutive days concurrent with any suspension imposed by the State. In addition, the licensee shall be placed on probation for a period of one year. Any violation of the Ordinance by the licensee or any employee of the licensee during the period of probation shall result in the revocation of the licensee's license. The licensee shall not be eligible to reapply for a new license for at least six months from the date of revocation.
4. Failure to pay any fine imposed for a violation of any provision of the Ordinance within 30 days of the imposition of such fine shall be grounds for revocation of the license.

5.16 Sexually Oriented Businesses

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5.16.010 Purpose

The purpose and objective of this provision is to establish reasonable and uniform regulations and guidelines to approve conditional uses for adult/sex oriented facilities and businesses in order to prevent the concentration of such facilities and businesses or their location in areas deleterious to the City, and prevent inappropriate exposure of such facilities and businesses to the community. This provision is to be construed as a regulation of time, place, and manner of the operation of these facilities and businesses to protect legitimate governmental interests and mitigate the secondary effects of such businesses in a manner consistent with the constitutional protections provided by the Untied States and Utah Constitutions.

5.16.020 Definitions

Adult Business: An adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore or Adult Video Store.

Adult Bookstore or Adult Video Store: A business establishment which:

1. Holds itself out to be such a business; or,
2. Excludes minors from more than thirty percent (30%) of the retail floor or shelf space of the premises; or,
3. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

Adult Cabaret: An establishment which features as a principal use of its business, waiters, waitresses, or bartenders who are in a state of nudity or semi-nudity, and/or which features on a regular basis entertainers who perform in a state of nudity or semi-nudity.

Adult Motion Picture Theater: A business establishment which:

1. Holds itself out as such a business; or,
2. As its principal business, regularly shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult/Sex Oriented Facility or Business: Nude or Semi-Nude Entertainment Businesses and Adult Businesses as defined in this Ordinance.

Adult Theater: A theater, concert hall, auditorium, or similar business establishment which:

1. Holds itself out as such a business; or,
2. As its principal business, regularly features persons who appear in live performance in a state of nudity or seminudity or which are characterized by the exposure of "specified anatomical areas" or by "special sexual activities".

Distance: All distances discussed herein as they pertain to buffers from other SOBs, churches, schools, parks, and residential

zone districts are measured as follows:

1. In a straight line, without regard to intervening structures, from the nearest property line of the school, park, church, residential zone district or other SOB to the nearest property line of the SOB.

Escort: Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusements or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve hours and who provide a service not principally characterized as dating or socializing.

Escort Service: An establishment, which features as a principal use of its business, for pecuniary compensation, furnishing or offering to furnish escorts, or provides or offers to introduce patrons to escorts.

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.

Nudity or State of Nudity: A State of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of seminude.

Obscene: Any material or performance is Obscene if:

1. The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;
2. It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and,
3. Taken as a whole, it does not have serious literary, artistic, political or scientific value.

Operator: The manager or other natural person principally in charge of an Adult/Sex Oriented Facility or Business.

Outcall Services: Escorts and businesses which provide, as any portion of their business, nude or semi-nude services outside of the premises in any place of private resort or private quarters by models, dancers, or other similar employees.

Semi-Nude: A state of dress in which a person wears opaque clothing covering (1) only the male or female genitals, pubic region, and anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point, and (2) only the nipple and areola of the female breast, if applicable.

Sexually Oriented Business Employees: Those employees who work on the premises of the Adult/Sex oriented facility or business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as employees, agents or independent contractors. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. All persons employed by an outcall service making outcall meetings under this Ordinance, including dancers, escorts, models, guards, drivers, and other similar employees, regardless of the employee's state of dress, shall be considered sexually oriented business employees.

Specified Anatomical Areas: The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

Specified Sexual Activities: Means:

1. Acts of masturbation, human sexual intercourse, or sodomy; or,
2. Manipulating, caressing, or fondling by any person of the genitals of a human, the pubic area of a human, or the breast of a human female; or,
3. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

5.16.030 Criteria

Adult/sex oriented facilities and business shall conform to the following criteria.

1. Adult/sex oriented facilities and businesses may be constructed or operated as conditional uses within any Existing Industrial (Snyderville Basin) or Industrial (Eastern Summit County) zone district.
2. Adult/sex oriented facilities and businesses shall not be located within one thousand (1,000) feet of any other adult/sex oriented facility business.
3. Adult/sex oriented facilities and businesses shall not be located within one thousand (1,000) feet of a church, public park or public or private school accredited by the State of Utah, public libraries, public buildings, public or private recreation facilities, and day care centers, or within five hundred (500) feet of any residential zone district, including SP As where there are residential uses.
4. All applicants for a conditional use must provide the following information, in addition to any other requirements required under this Code:
    a. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name who is making application for a conditional use permit hereunder.
        i. If the applicant is a corporation, partnership, or limited partnership or individual or entity doing business under an assumed name, the information required below shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company or any entity holding more than ten percent of an applicant shall be considered an applicant for purposes of disclosure under this provision.
        ii. All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign checks for such corporation, partnership or non-corporate entity.
    b. All applicants must provide any other names or aliases used by that individual, present business address and telephone number, present mailing, as well as physical residential addresses and telephone number, Utah drivers license or identification number and social security number with appropriate proof that the individual is at least twenty-one (21) years of age. Where an applicant is a non-resident of the State of Utah, that applicant must provide an agent resident within the State of Utah to act on it's behalf.
    c. The applicant's fingerprints on a form provided by the Summit County Sheriffs Department, or the Kamas City Police Department. For persons not residing in Summit County, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for fingerprints shall be paid by the applicant directly to the issuing agency.
    d. A statement detailing the license or permit history of the applicant for the five year period immediately preceding the date of the filing of the application, including whether such applicant possesses or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated an adult/sex oriented facility or business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked, or suspended in this or any other county, city, state, or territory. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension, A copy of any order of denial, revocation or suspension shall be attached to the application for a conditional use permit.
    e. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of the owner of record of the property, as well as a copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.
    f. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations, or employment guidelines under or by which the adult/sex oriented facility or business intends to operate. This description shall also include:
        i. The hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity.
        ii. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities.
        iii. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for service or acts prohibited by other statutes and ordinances, and

iv. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

g. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or entity subject to disclosure hereunder for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offices (any traffic offense designated as a felony shall not be construed as a minor traffic offense); stating the date, place, nature of each conviction, plea, and sentence or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a Conditional Use Permit for an Adult/Sex Oriented Facility or Business shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding to grant a permit for such business.

5. No applicant who has been convicted or pied nolo contendere to a crime involving prostitution, exploitation of prostitution, solicitation of sex acts, sex acts for hire, compelling prostitution, aiding prostitution, sale, distribution or display of material harmful to minors, sexual performance by minors, possession of child pornography, lewdness, indecent exposure, any crime involving sexual abuse or exploitation of a child, sexual assault or aggravated sexual assault, rape, forcible sodomy, forcible sexual abuse, incest, harboring a runaway child, felony drug distribution, criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense for which less that two years have lapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the previous five years, or if less than five years have elapsed from the date of conviction when the offense is a felony, shall be entitled to receive a conditional use permit to operate an adult/sex oriented facility or business in Kamas City. The fact that a conviction is being appealed shall have no effect on the disqualification provided for in this subpart.

5.16.040 Mandatory General Conditions

All conditional user permits for adult/sex oriented facilities and businesses shall include conditions which prohibit such facilities and businesses from:

1. Allowing persons under the age of eighteen (18) years on the premises, except that in adult businesses which exclude minors from less that all of the business premises, minors shall not be permitted in excluded areas.
2. Allowing, offering, or agreeing to allow any alcohol to be stored, used, sold, or consumed on or in the premises.
3. Allowing the outside or interior door to the premises to be locked while any customer or employee is in the premises, except that management may lock interior offices for security purposes.
4. Allowing, offering, or agreeing to gambling on the premises,
5. Allowing, offering, or agreeing to any employee of an adult/sex oriented facility or business touching any patron or customer in a sexually enticing, explicit, or arousing manner,
6. Allowing, offering, or agreeing to illegal possession, use, sale, or distribution of controlled substances on the premises.
7. Allowing, offering, or agreeing to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the premises,
8. Allowing, offering, or agreeing to any specified sexual activity as validly defined by Kamas City Ordinance or State Statute in the presence of any customer or patron.
9. Allowing, offering, or agreeing to allow a patron or customer to masturbate in the presence of an employee or on the premises of an adult/sex oriented facility or business,
10. Allowing, offering, or agreeing to commit an act of lewdness as defined in the Utah State Law, and
11. Forbidding or prohibiting the Police Department or other City official from having access during the hours of operation to all premises covered by a conditional use permit for an adult/sex oriented facility or business or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.
12. Allowing a dancer, model, or performer, while performing in any business licensed/permitted pursuant to this Ordinance:
    a. To touch in any manner any other person;
    b. To throw any object or clothing off the stage area;
    c. To accept or solicit any gratuity, money, drink, or any other object directly or indirectly from any patron;
    d. To place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity in violation of State Indecency/Lewdness laws.
13. Allowing a patron to touch in any manner any dancer, model, or performer; to place any money or object on or within the costume or person of any dancer, model, or performer; or to give or offer to give to any such dancer, model, or

performer any drinks, money, or object.

14. Allowing operation of the business from 11 p.m. to 10 a.m.

5.16.050 Mandatory Design Of Premises Conditions

1. Adult Business
    a. In addition to all other requirements under this Ordinance, any applicant for a conditional use permit as an Adult Business shall also submit a diagram, drawn to scale, of the premises. The design and construction shall conform to the following:
        i. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
        ii. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas.
        iii. For businesses which exclude minors from the entire premises all windows, doors, and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from Jess that all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;
        iv. The diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.
    b. It shall be the duty of the permit holder and its employees to insure that the views from the manager's station of all areas specified in this Section remain unobstructed by any doors, walls, merchandise, display racks, or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
    c. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less that one footcandle measured at floor level. It shall be the duty of the permit holder and its employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises. Further, there shall be adequate outside lighting in such intensity to illuminate the parking lot, which services the facility or business. Motion lighting is an acceptable method of illumination for this outside lighting requirement.
    d. There shall be no outside neon lighting or spotlighting of the building or facility.
    e. Outside signage shall be limited to signs, which are affixed to the building or facility. Freestanding signs or off site signs are prohibited.
2. Nude and Semi-Nude Entertainment Business
    a. Adult Theaters shall require that the performance area shall be separated from the patrons by a minimum of six feet, which separation shall be delineated by a physical barrier at least three feet high.
    b. It is unlawful for business premises operating under a conditional use permit for Nude and Semi-Nude Entertainment to:
        i. Permit a bed, sofa, mattress, or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;
        ii. Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors, and restrooms to be lockable from the inside.
        iii. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.
    c. All illumination at the business premises must be sufficient so that all objects are plainly visible at all times.
    d. There shall be no outside neon lighting or spotlighting of the building or facility.
    e. Outside signage shall be limited to signs, which are affixed to the building or facility. Freestanding signs or off site signs are prohibited.

5.16.060 Location And Zoning Restrictions

1. It shall be unlawful for any Adult/Sex Oriented Facility or Business to do business at any location within the City not

zoned for such business under the Kamas City Zoning Ordinance and where the necessary conditional user permit has not been approved.

2. The Kamas City Council finds that an appropriate location for adult/sex oriented facilities and businesses have been established in concentrated areas of the County where it can be better regulated by County Officials and Law Enforcement, and Outside of residential or recreational (park) areas where the quality of life will not be as greatly impacted. These County areas are close enough to Kamas City to allow any interested business owner or business patrons to adequately exercise their rights to own, operate, or patronize these types of business.

5.16.070 Business License Required

It shall be unlawful for any person to operate an Adult/Sex Oriented Facility or Business without first obtaining a business license from the City. Said license shall be issued in accordance with Kamas City Ordinance or its successor ordinance.

5.16.080 Single Location And Name

It is unlawful to conduct business under a business license and conditional use permit issued pursuant to this Ordinance at any location other than the licensed/permitted premises. It is further unlawful for any Adult/Sex Oriented Facility or Business to do business under any name other than the business name specified in the license or permit applications.

5.16.090 Transfer Limitations

Conditional Use Permits and Business Licenses granted hereunder are not transferable. It shall be unlawful for an adult/sex oriented facility or business conditional use permit held by a corporation, partnership, or other non-corporate entity to transfer any part in excess of l0% thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in an Adult/Sex Oriented Facility or Business occurs, the conditional use permit is immediately null and void and the business shall not operate until a new permit has been properly issued by the City as herein provided.

5.16.100 Obscenity And Lewdness

This provision shall not be construed as permitting any use or act, which is otherwise prohibited or made punishable by law.

5.16.120 Alcohol Prohibited

It is unlawful for any business licensed or permitted pursuant to this Ordinance to allow the sale, storage, supply or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Adult/Sex Oriented Facility or Business.

5.16.130 Professional Service Exemption

This Ordinance shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

5.16.140 Nude Modeling/escort Services/outcall Services

This Ordinance is not intended to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar state protections. The City does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling or escorting.

1. A contract for nude modeling or escort services must be signed by the parties at least twenty-four (24) hours in advance of such activity. During such nude modeling or escort services it shall be unlawful to: A. Appear nude or semi-nude in the presence of persons under the age of eighteen (18);
2. Allow, offer, or agree to any touching of the contracting party or other person by the individual appearing nude;
3. Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;
4. Allow, offer, commit, or agree to any sex act as validly defined by the City Ordinance or State Statute.
5. Allow, offer, agree, or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude; or
6. Allow, offer, or agree for the individual appearing nude to be within five feet of any other person while performing or

while nude or seminude.

5.16.150 Nonconforming Uses

Adult/Sex Oriented Facilities and Businesses already existing within the unincorporated area of the County shall have the right to continue in their businesses without a conditional use permit. However, all such businesses shall be subject to compliance with the criteria, mandatory general conditions, and mandatory design of premises conditions, in KMC 5.16.060 within ninety (90) days of the adoption of this Ordinance. A time extension may be granted where Kamas City determines, on a case-by-case basis, that a hardship exists for a business owner/operator.

5.16.160 Change Or Extension/Enlargement Of Use

Any nonconforming use herein may not be materially changed, nor extended/enlarged unless it comes into compliance with the then existing Development Code.

5.16.170 Cessation Of Use

If active and continuous operations are not carried on in a nonconforming use during a continuous period of one (1) year, the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the forgoing.

5.16.180 Dramatic Works Exception

This Ordinance shall not be construed so as to prohibit:

1. Plays, operas, musicals, films, or other dramatic works which are not obscene;
2. Classes, seminars, and lectures held for serious scientific or educational purposes; or,
3. Exhibitions, dances, or works or art, which are not obscene.

5.16.190 Employee Licenses

1. It is unlawful for any sexually oriented business to employ or for any individual to be employed by an adult/sex oriented facility or business in the capacity of a sexually oriented business employee in the City unless that employee first obtains a sexually oriented business license from the City.
2. Before any applicant may be licensed as a sexually oriented business employee, the applicant shall submit in writing to the City Recorder the following:
    a. The correct legal name of the applicant and any other names or aliases used by the individual;
    b. The applicants age, date, and place of birth, height, weight, color of hair, color of eyes, present address, and phone number, Utah driver's license or identification number, and social security number;
    c. Acceptable written proof that the applicant is at least eighteen years of age or, in the case of employees to be employed in businesses where a different age is required by law, proof of the required age;
    d. Two color photographs of the applicant clearly showing the individual's face, and the individual's fingerprints on forms provided by the County Sheriffs Office, or the Kamas City Police. For persons not residing in the City, the photographs and fingerprints shall be on forms from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;
    e. For any applicant who works as a model, dancer, or escort, a certificate from the County Health Department, stating the individual has, within thirty days immediately preceding the date of the application, been examined and found to be free of the following contagious diseases: gonorrhea, syphilis, and chlamydia, and is negative for the AIDS antibody.
    f. A statement of the business, occupation, or employment history of the applicant for five years immediately preceding the date of the filing of the application; and,
    g. All criminal convictions or pleas of nolo contendere, except those which have been expunged, for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (and traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or nolo contendere and sentence of each conviction; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business conviction or plea of nolo contendere for the purposes of any proceeding involving the employee license.

3. Each initial application shall be accompanied by a nonrefundable fee, as fixed by the City Recorder, to defray the costs of processing and investigating the application. Each applicant shall be required to pay regulatory license fees, as fixed by the City Recorder on a yearly basis. These fees are regulatory fees and shall be in addition to the other licenses and fees required to do business in the City.
4. The City Recorder shall issue a license to the applicant within thirty (30) days after receipt of a complete application unless he or she finds one or more of the following:

    a. The applicant is under eighteen years of age or any higher age if the license sought requires a higher age;
    b. The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed on the applicant in relation to an adult/sex oriented facility or business;
    c. The applicant has falsely answered a material question or request for information as authorized by this Ordinance;
    d. The applicant has been convicted of a violation of a provision of this Ordinance or a similar ordinance from another jurisdiction within two years immediately preceding the application (the fact that a conviction is being appealed shall have no effect on the denial);
    e. The license fees required by this Ordinance have not been paid;
    f. An applicant has been convicted of or has pled nolo contendere to a crime:

        i. Involving prostitution; exploitation of prostitution, aggravated promotion of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; public lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction regardless of the exact title of the offense for which:

            (1) Less than two years have elapsed from the date of conviction if the conviction is of a misdemeanor offense or less than five years if the convictions are of two or more misdemeanors within the five years, or
            (2) Less than five years have elapsed from the date of conviction, if the offense is a felony.

        ii. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Ordinance.

            (1) Sexually oriented business employee licenses issued pursuant to this Ordinance shall be valid from the date of issuance through January 181 of the next calendar year.
            (2) Any change in the information required to be submitted by this Ordinance shall be given, in writing, to the City Recorder within fourteen days after such change.
            (3) Sexually oriented business employee licenses shall not be transferable. It is unlawful for a sexually oriented business employee to transfer such license to another. Any such transfer or attempted transfer shall render the license null and void. If such license is void, the employee may not reapply for a new license for one year.
            (4) It is unlawful for any individual licensed pursuant to this Ordinance to fail to carry their employee license on their person, at all times while engaged in licensed activities within the City. If the individual is nude, such license shall be visibly displayed within the same room as the employee is performing. It is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the City upon request by the County Sheriffs Office, Kamas City Police Department, or other enforcement personnel or health official.

5.16.200 Penalties

1. Violations of any of the provisions of this Ordinance shall subject the offender to the penalties under State law, or where no penalty is otherwise provided, a fine of not more than $750 and a 90 day jail sentence.
2. Businesses in violation of this Ordinance shall be subject to license revocation proceedings in accordance with the provisions of Kamas City Ordinances, or its successor ordinance. Such business shall also be subject to conditional use permit revocation proceedings in accordance with the provisions of the applicable development code. Where revocations occur, those businesses which are nonconforming under the current development code shall thereafter cease to be nonconforming uses within Kamas City.
3. Sexually Oriented Business Employees in violation of this Ordinance shall be subject to license revocation proceedings wherein a hearing by the City Council, or by any official whom the City Council may designate, shall be afforded to the individual. The individual sha11 be given written notice of the violation and an opportunity to be heard before the City Council or designated hearing official.

4. It shall be unlawful to submit false or materially misleading information on or with a Conditional Use Permit Application for an Adult/Sex Oriented Facility or Business or to fail to disclose or omit information for the purpose of obtaining said permit.
5. Prior to any permit or license revocation hearing, as provided for by the applicable Development Code, City Business License Ordinance, or this Ordinance, a stay of enforcement action shaU be granted, pending the outcome of the hearing and subsequent appeals, upon written application to the City by permit or license holder.

5.16.210 Right Of Appeal

1. All appeals from denials by the Planning Commission of conditional use permit applications shall be as provided in the Kamas City Zoning Ordinance.
2. All appeals from denials by City Recorder of sexually oriented business employee licenses shall be to the City Council.

6 Criminal Code

6.08 Abatement Of Garbage And Other Deleterious Material
6.10 Burglary And Robbery Alarms
6.12 Disturbing The Peace

6.08 Abatement Of Garbage And Other Deleterious Material

6.08.010 Police Department
6.08.020 Use Of Public Trash Recetacles
6.08.030 Littering Prohibited
6.08.040 Hauling Of Refuse
6.08.050 City Approval Of Dumpster Sights
6.08.060 Use Of Private Dumpster Or Trash Receptacles

6.08.010 Police Department

It shall be the duty of the City Police Department or designee to act as city inspector for the purpose of enforcing this ordinance.

6.08.020 Use Of Public Trash Recetacles

Public trash receptacles are for the occasional non-commercial use of the general public and no individual or business entity may deposit the refuse from his/her commercial activity in a public trash receptacle in lieu of regular garbage disposal.

6.08.030 Littering Prohibited

No waste or other material including soils, rock, and earth of any kind may be thrown, permitted to be deposited, or placed in an open container in such manner that may blow upon or be scattered upon any sidewalk, street, alley, or public passageway.

6.08.040 Hauling Of Refuse

All refuse hauled or conveyed within the city limits of Kamas shall be hauled or conveyed in a closed container, or if being hauled or conveyed in a vehicle, shall be covered or closed in so that the contents cannot fall or be blown from the container or vehicle used for such hauling or conveying.

6.08.050 City Approval Of Dumpster Sights

Written approval of the site by the City Council must be received prior to locating any dumpster in or on City rights-of-way or properties.

6.08.060 Use Of Private Dumpster Or Trash Receptacles

Private dumpsters or trash receptacles are for the exclusive use of the lessee or owner and no individual or business or commercial entity may deposit solid waste or refuse into a private dumpster or trash receptacle without the prior written consent of the lessee or owner.

6.10 Burglary And Robbery Alarms

6.10.010 Definitions
6.10.020 Notification Required
6.10.030 False Alarms
6.10.040 Private Security Response
6.10.050 Penalty

6.10.010 Definitions

All words and phrases used in this article shall have the following meanings unless a different meaning clearly appears from the context.

ALARM: Any telephone or electronic device used to notify the police about acts of a crime or an emergency.

ALARM BUSINESS: The business by any individual, partnership, corporation, or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any Alarm system or causing to be sold, leased, maintained, serviced, repaired altered, replaced, moved, or installed any Alarm system in or on any building structure, or facility.

ALARM USER: The person, firm, partnership, association, corporation, company, or organization of any kind in possession and control of any building, structure or part thereof, or facility wherein an Alarm system is maintained.

AUTOMATIC DIALING DEVICE: A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

CHIEF OF POLICE: The director of the Kamas City Police Department or his/her authorized and designated representative.

DIRECT ACCESS ALARM SYSTEM: A system which has remote access to the automatic monitoring devices installed in the County dispatch center.

FALSE ALARM: An alarm signal, eliciting a response by police officials when a situation requiring a police response does not in fact exist, but does not include an Alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonable subject to control by the Alarm Business operator or user.

6.10.020 Notification Required

It shall be unlawful for a person to maintain an Alarm on any premises without first providing the Alarm Company a list of persons with telephone numbers, who are authorized and responsible to enter the Alarm User's premises and deactivate the Alarm. It is unlawful for any person named on such list, who has been personally contacted by police, to fail to appear within the time designated by police and inactivate the Alarm for which he/she is responsible.

6.10.030 False Alarms

1. FALSE ALARMS PROHIBITED: It shall be unlawful for a person to cause a False Alarm deliberately or through inadvertence or neglect.
2. MISUSE OR TEMPERING WITH AN ALARM SYSTEM: It shall be unlawful for any person or Alarm User to misuse, tamper with, alter, or obstruct any Alarm System, whether or not such a misuse, tampering or alteration, or obstruction causes the Alarm to signal entry into the premises, unless such person is an authorized technician duly authorized by the Alarm User to perform maintenance or testing on such Alarm, and provided that such technician has notified the Kamas City Police Department, Summit County Sheriff's Department, and the Alarm User of such maintenance.

6.10.040 Private Security Response

If an Alarm is answered or monitored by a private security firm or other such individual not associated with publicly funded law enforcement, and the Alarm User or monitoring agency does not wish response by the Kamas City Police Department until such Alarm has been verified by the Alarm User or monitoring agency, then the Kamas City Police Department and the Summit County dispatch must be notified in writing that no police response is desired unless specifically requested by an Alarm User, responsible party for the alarm, or private security firm.

6.10.050 Penalty

For a police response to a False Alarm, the Police Chief shall charge and collect the following fees from the Alarm User, which will be billed to the Business or personal address.

1. PENALTY FEES FIRST RESPONSE: For response to premises at which no other False Alarm has occurred within the preceding thirty days period, hereinafter referred to as "first response" no fee shall be charged. The police responding to the "first response" Alarm shall Provide written notification to the Alarm User that Subsequent responses to False Alarms will be charged.
2. PENALTY FEES SUBSEQUENT RESPONSES: For a second response to the same premises with three (3) months

after such "first response" and for all subsequent responses, The Police Chief shall charge twenty Five Dollars ($25.00).

3. SENTENCING: Any person convicted of a violation of, or failure to comply with any of the provisions of this Chapter shall be punishable in accordance with of the Municipal Code of Kamas City.
4. WILLFUL FALSE ALARM: Any person, including Alarm User, who knowingly and deliberately activates an Alarm System when no emergency situation exists at the premises, shall be guilty of a Class B misdemeanor and be subject to a fine of not more than One Thousand Dollars ($1,000.00), imprisonment for six (6) months, or both.

6.12 Disturbing The Peace

1. It is unlawful for any person to maliciously or willfully disturb the peace and quiet of another by loud or unusual noise or by tumultuous conduct or by threatening or yelling in a manner likely to incite another to violence or confrontation.
2. It is unlawful for any person to cause noise that constitutes a public disturbance after once being requested to stop or cease making the noise. It is also unlawful for any person in possession of real property to allow to originate from the property noise that constitutes a public disturbance after once being requested to stop permitting the noise. For purposes of this Chapter, public disturbance is sound which reasonably disturbs or interferes with the peace, comfort, or repose of owners or possessors of real property and which emanates from any of the following sources:
    a. Music, stereo, or sound systems.
    b. Loud arguing or boisterous conduct.
    c. The use of machinery, power tools or equipment in or adjacent to a residential zone between the hours of 10:00 pm and 7:00 am, except for specialized equipment used for seasonal and periodic snow removal and for emergency road and utility repairs.
    d. The repetitive or continuous starting, testing or operation of a motor vehicle, including a motorcycle or snowmobile, in a residential zone.
3. Requests for relief from the noise restrictions in these rules and regulations may be made by the Mayor, City Council, or Chief of Police as it pertains to emergencies, special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied with by the applicant and failure to do so will cause the relief agreement to be suspended.
4. Disturbing the peace is a Class C Misdemeanor.

7 Public Utilities

7.02 Sewer Services
7.04 Culinary Water Services

7.02 Sewer Services

7.02.010 Connection To The Sanitary Sewer Required
7.02.020 Prohibited Discharges
7.02.030 Refusal Of Use Of System
7.02.040 Independent Sewer Line Required
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7.02.060 Injury To Or Tampering With Sanitary Sewer System Unlawful
7.02.070 Grease Traps Required
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7.02.110 Right To Revoke Permissions
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7.02.210 Billing Procedures And Due Date
7.02.220 Deposits
7.02.230 Wastewater Collection And Treatment System Improvement Fund
7.02.240 Penalties
7.02.250 Enforcement Upon Violation Of This Ordinance Or Any Amendment Thereto

7.02.010 Connection To The Sanitary Sewer Required

1. The owner or occupant of real property on which a building has been or is being constructed shall connect such building to the sewer system within 365 days after receiving written notice from the City that facilities of the sewer system are available for connection to the building. The sewer system is considered for connection to the building, if any part of such facilities is situated within 150 feet of any point of any property line of such property.
2. If connection to the sewer system is required pursuant to this Section, the owner or occupant hereby required to connect shall immediately plug any septic tank or privy vault, remove any outhouse, fill with earth any cesspool located on the property, and make no further use of those or any other privately owned facilities for final sewage disposal. Any cesspool, outhouse, or unplugged septic tank or privy vault on property to be connected to the sewer system is hereby declared to be a nuisance.
3. No person shall construct or cause to be constructed a septic tank or other privately owned means of final sewage disposal on property required to be connected to the sewer system without first obtaining approval of the City.
4. Nothing in this ordinance as adopted shall be construed as creating an obligation on the part of the City to connect any property to sewer system or retain any connection to the sewer system. The City may impose reasonable conditions on any connection without affecting the obligation or a private person to either connect to the sewer system, or discontinue use of a private system or otherwise comply with this Section.
5. No subdivision plat, planned unit development, industrial park, or commercial development shall be approved or recommended by the City Planning Commission, nor shall a building permit or certificate of occupancy be issued for any lot or part thereof or for the whole thereof, unless the City shall have first approved the sewer aspects of the proposed development.

7.02.020 Prohibited Discharges

It shall be unlawful for any person to discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage, cooling water, or other unpolluted water to any sanitary sewer.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described wastewater to the wastewater collection and treatment system:

1. Any solids, liquids, or gases which may, by themselves or by interaction with other substances, cause fire or explosive hazards or in any other way be injurious to person, property, or the operation of the wastewater collection and treatment system.
2. Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other substances are capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance or repair.
3. Any solids, greases, waxes, slurries, or viscous material of such character or in such quantity that it may cause and obstruction to the flow in the sewer or other wise interfere with the proper functioning of the wastewater collection and treatment system.
4. Any toxic substance, chemical elements or compounds in quantities sufficient to impair the operation or efficiency of the wastewater treatment facilities and cause the effluent thereof to exceed Utah State Board of Health requirements for the receiving system.
5. Any liquids having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the wastewater collection and treatment system.
6. Any radioactive isotopes.
7. Any liquid or vapor having a temperature greater than one hundred forty degrees Fahrenheit.
8. Any garbage that has not been properly ground to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (W') any dimension.
9. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair, or other material capable of causing obstruction to the flow in sewers or other interference with proper operation of the wastewater collection and treatment system

7.02.030 Refusal Of Use Of System

The City may prohibit the discharge into the public sewer of sewage that does not comply with the limitations set forth in this Ordinance.

7.02.040 Independent Sewer Line Required

1. The Sewer Main Line and Sewer Lateral Line(s) shall be so arranged that there is a separate and independent sewer service line to each individual building, place of business or tract of land, unless expressly approved by the City Engineer.
2. After the effective date of this Ordinance, a separate and independent sewer lateral shall be provided for every new building connecting to the sanitary sewer system of Kamas, Utah. Separate sewer laterals are not required for each trailer space in overnight trailer courts, nor for each cabin in cabin courts; however, separate sewer laterals are required for trailer houses on individual lots or for long-term trailer rental units in mobile home courts.

7.02.050 Sewer Service Line Maintenance

It shall be the duty of any person connecting to the City's sewer mains to bear the responsibility and cost for installation of the lateral from the private system to the City main including the payment of applicable fees and/or inspection charges and to pay all costs in connection with maintenance thereof including the maintenance of any lateral sewer line and any connection device attaching the lateral to the City main. All such private laterals must be maintained in a watertight condition.

7.02.060 Injury To Or Tampering With Sanitary Sewer System Unlawful

1. It shall be unlawful to disturb, destroy, or damage, adjust, molest, meddle, or otherwise interfere with any portion of the city sewage collection or treatment system or its appurtenances, located on either public or private property. Should any damage result, either intentionally or unintentionally, from handling or otherwise tampering with or plugging said sewer system, the violator shall pay for all costs incurred in connection with the repairs of said system and/or for any damages that may result from the tampering with or plugging of said sewer system.
2. It shall be unlawful for any person to deposit any substance which may tend to obstruct the flow of the sewer, in any sewer opening.

7.02.070 Grease Traps Required

In all cases where a building is used as a hotel, boarding house, restaurant, service station, garage, etc., the owner or occupant shall provide a properly constructed grease trap through which all wastes of a greasy nature shall be drained.

7.02.080 Interceptor Or Removal Facilities Required To Remove Harmful Ingredients

Grease, oil, and sand interceptors or other necessary removal facilities shall be installed on the premises when in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, high concentrations of blood, fruit, vegetable or grain liquors, milk wastes, or any flammable wastes, sand, and other harmful ingredients. All interceptors or removal facilities shall be of a type and capacity approved by the City and shall be so located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner or occupant, at his expense, in continuously efficient operation at all times.

7.02.090 Permits Required

1. It shall be unlawful to install or alter any sanitary sewer or plumbing within the City of Kamas, Utah, or to tap onto or connect to any sanitary sewer line whether lateral, main, or interceptor, without having first obtained from Kamas City a permit therefore and paying all applicable fees.
2. It shall be unlawful for any person to uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit to perform said work from the City.

7.02.100 Installation And Maintenance Of Sewer Service Line

1. When a permit for a sewer lateral has been granted the sewer tap at the sewer main and the sewer service line from the sewer main to a point 10 feet beyond the street or alley right-of-way line or sewer easement shall be installed by a licensed contractor at the expense of the person or firm desiring sewer service.
2. All sewer laterals shall be constructed, inspected, tested, and certified as being in conformance with the City of Kamas Standards and Construction Specifications Manual.

7.02.110 Right To Revoke Permissions

Permission given to connect sewers and drains shall be upon the express condition that the City may, f□or good cause, revoke the same, and the person making such connection, or his successor m interest, shall have no right to claim any damage in consequence of such permission being revoked.

7.02.120 Sewer Construction, Plans, Specifications, And Inspection

1. All construction or reconstruction of public, private and sewer laterals shall be in accordance with the City of Kamas Standards and Construction Specifications Manual and the State of Utah's Standard Specifications, and subject to inspection by the City.
2. Plan and profile drawings shall be prepared by a registered engineer for all new sewer mains (whether public or private) and for all sanitary sewer extensions, reconstructions, or renovations; and all such plan and profile drawings must be reviewed and approved by the City Engineer before construction work on said sewer lines is started.

7.02.130 Right To Enter Premises For Inspections

The City shall have the right to enter upon any premises connected with any public sewer at all reasonable hours to determine that there is compliance with the provisions of this Ordinance. If conflict is noted, the owner of said premises or his agent shall be directed to alter, repair, or reconstruct said sewer facilities to conform to the requirements of this Ordinance within fifteen (15) days.

7.02.140 Industrial Wastes

1. Each Person or firm desiring to make a connection to the public sewer for the purpose of discharging industrial wastes thereto shall prepare and file with the City Engineer a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. Private treatment facilities may be authorized by the City, provided that all federal, state, and local laws and regulations are fully complied with.
2. Industrial waste charges may be based upon the amount of flow, biochemical oxygen demand (BOD), and suspended solids or any combinations thereof as may be recommended by the City Engineer or this ordinance.
3. Pretreatment of industrial wastes shall be prerequisite to discharge into the City sewer system. Pretreatment of all industrial wastes shall comply with all applicable federal, state and local laws and regulations.

7.02.150 Metered Services

Whenever the City Engineer shall deem it appropriate and in the best interest of the City and its citizens to require a user to have the sewer and/or water service to his facilities metered to more appropriately determine the amount of service provided such user by the system, the Council may, by Resolution, require the said user to install a meter and/or meters which will accurately measure the service provided. The cost of the meter an its installation shall be borne by the user.

7.02.160 Record Drawings And Engineer's Certification

1. "Record" Drawings of sewer line plans shall be prepared by a professional engineer and the "corrected" original drawings or a duplicate mylar copy of the "corrected" original drawing(s) shall be provided to the City.
2. "Record" Plans shall included a "Certification" thereon signed by the Registered Professional Engineer in charge of the work that the "record" plans of the sewer lines are true and correct and that he/she has inspected the construction of the sewer line installation and that the materials and installation of the same where all done in conformance with the specifications approved by the City for the construction of sanitary sewers.

7.02.170 Monthly Sewer Rates

1. General: This is a user charge for a small community which follows model number one in Appendix B of the Federal Register dated 9/27/78. This treatment works is primarily flow dependent and will utilize the equivalent user concept. The equivalent user system has been set up based on flow.

   A sewer user charge shall be levied on all users of the sewage collection and treatment facilities to cover the actual or estimated cost of operation, maintenance, replacement and financing of this facility. The user charge system shall distribute these costs to each user or user class in approximate proportion to such users contribution to the total wastewater load of such facilities. By reference, the Kamas Sewer User Charge System (on file in the office of the City Clerk) is hereby made part of this Ordinance.

2. Basis for rates: The sewer user rates for each user (or user class) shall be based on the user's contribution to the total wastewater loading of the treatment facilities in comparison to a standard equivalent user as defined below. Each user (or user class) shall be assigned a number of equivalent users to be multiplied by a constant monthly cost factor to determine the basic user monthly rate. Special users contributing sewage of excessive flow and/or strength, for which the tabulated equivalent users below do not apply, shall be individually calculated as provided below. The constant monthly cost factor shall be set by Resolution of the Kamas City Council.
3. Equivalent User: One equivalent user shall be defined as contributing 400 gallons per day of wastewater containing not more than 0.8 pounds of 5 day BOD and 0.8 pounds of suspended solids. The equivalent user flow has been developed from population and sewer usage records which indicate an average single dwelling unit has 4 people contributing 100 gallons per day per person. Standard engineering data indicates 0.2 pounds of suspended solids respectively per person per day. The basic equivalent shall be subject to revision if population, waste usage, sewage volume, and/or other information indicates flow and/or strength significantly different from that defined herein. Revisions of the basic equivalent user criteria shall normally only be made upon the recommendation of a registered professional engineer and as approved an adopted by resolution of the City Council.
4. Equivalent User Schedule: The number of equivalent users to be assigned each user and/or user class shall be in accordance with the following equivalent user schedule. Assignment of equivalent users shall apply for one year until the next annual user charge review. Users so indicated or not included in this schedule shall be considered special users and shall be evaluated separately as provided below. The information indicates that if the strength of sewage contributed by any of the following users is in excess in comparison with the allowable limits listed above, then a surcharge shall be levied against such users as provided below. Any of the users in the following schedule may be classified as special users if information on their contribution flow and/or strength indicates a need to do so. A single user having more than one classification of use shall be the sum of the fees. The minimum monthly sewer user charge shall be one equivalent user. No quantity discounts will be allowed.

   Equivalent User Schedule (1.0 minimum use)

Classification	ERU
Residences	1
Businesses	1

Barber/Beauty shop Home Occupation	1 0.5
Churches	2
Grocery Store	2
Laundromat	2
Schools Elementary Middle High	0.037 ERU/Student 0.05 ERU/Student 0.05 ERU/Student
Recreation Center	20
Service Station with car wash	4
Car Wash	4

5. Surcharge for excessive Strength: When any user contributes wastewater having an v average BOD and/or suspended solids loading in excess of the designated allowable limits hereinafter designated, a surcharge shall be levied against such user. Said surcharge shall be based on the average degree of excess loading and applied as a percentage of the basic user charge as provided in the above schedule, or otherwise for special users. The BOS and suspended solids loadings shall be determined form estimates or tests made by City officials or its engineer. The user's monthly surcharge shall be computed by use of the following equation:

$$US=\frac{((b/B)-1) + (s/S-1) \times (UMC)}{2}$$

   a. where,

      i. US: represents the user's monthly surcharge to be added to the basic user's monthly charge,
      ii. UMC: represents the basic user's monthly charge (for treatment only) computed as provided for above,
      iii. b: represents the average BOD loading above which is a user's wastewater contribution expressed in parts per million,
      iv. B: represents the allowable limit of BOD lading above which a user's surcharge shall be levied, hereby designated as being 240 parts per million,
      v. s: represents the average suspended solids loading of the user's wastewater contribution, expressed in parts per million,
      vi. S: represents the allowable limit of suspended solids loading above which a user's surcharge shall be levied, hereby designated as being 240 parts per million, and
      vii. b/B or s/S shall not be less than 1.0.

      A copy of the list of users surcharged, the characteristics of their sewage, and the surcharge for each shall be kept on file at all times in the office of the City Recorder.

6. Special Users: If, in addition to excessive strength, a user is determined to add flow to the lagoon in excess of 10,000 gallons per month, the above formula shall be multiplied by a factor of total flow divided by 10,000 gallons per month. In order to determine the flow of this special user, the City may monitor sewage and water flow in order to determine total flow. The value ofUMC used in the formula above will be the same value as assigned single dwelling units.

   A copy of the list of special users, the characteristics of their sewage, and the special user's monthly charge shall be kept on file at all times in the office of the City Clerk. There shall be no discounts permitted for quantity flows.

7. Review and Revision of Rates: The sewer user charges shall at a minimum be reviewed annually and updated by Resolution of the Council to reflect the actual costs of operation, maintenance, replacement, and financing of the sewage collection and treatment facilities. Any revision of the user charges shall be based on actual operation, maintenance, replacement, and financing expenses, and/or on significant changes in the total number of equivalent users, the total daily flow, the total daily BOD, and/or the total daily suspended solids. The City may install flow-measuring devices and/or collect wastewater samples at any time in any user's service line to determine actual usage as a basis for revisions of the user's charge. As an alternative to measuring wastewater flow, the City may measure and utilize the average daily potable water use. The calculation of residential sewer use based on actual potable water consumption should be based on winter water use. Revisions due only to changes in expenses and

user class shall be made by the City. Revisions involving user's flow, BOD and/or suspended solids shall normally only be made upon the recommendation of registered professional engineer. All changes in user charges applicable to this Ordinance shall be computed by the methods outlined herein.

8. User Request for Rate Change: Any sewer user who feels his/her charge is unjust and inequitable as applied to the premises within the spirit and intent of the foregoing provisions may make written application to the City Council requesting a review of the user charge. Said written request shall, where necessary, show the actual or estimated average flow and strength of the wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Any flow measurements and/or testing of wastewater shall be approved in detail by the City and/or its engineer. Review of the request by the City Council shall determine if it is substantiated or not, including recommended further study of the matter for the City and/or user by a registered professional engineer.

7.02.180 Sewer Connection Fee

1. The sewer connection fee shall be as established as per adopted fee and rate resolution, as amended. A standard connection shall be a four (4") inches in size. Nonstandard or multifamily connections of eight (8") inches or greater shall be required to include a manhole.
2. Sewer Connections outside the incorporated City boundaries shall not be permitted.
3. All sewer connections made in Kamas City to the original colle□ction s□ystem and/or to the interceptor line shall be made according to the plans and □specifications approved by the City Engineer of the City of□□Kamas, w□hich may also limit the number of service connections on a lateral line connecting to the original system.
4. Any special connections not covered by the above schedules shall have fees set by the Mayor and City Council in each individual situation.
5. The foregoing fees are for the privilege of connecting with the City sewer and all work necessary for making proper connection shall be done to the satisfaction of and under the supervision of the City Inspector.

7.02.190 Rules Governing Connection Fees

1. Any applicant for a sewer connection to any lot abutting on a street, alley, or other right-of-way containing a main sewer line shall pay the full connection fee therefor.
2. In case two or more dwellings existing on any lot under the same ownership, and if any of such dwellings are located to the rear of the other or is at least 75 feet from the property line abutting on any street, alley, or right-of-way containing a main sewer line, the rear dwelling shall be charged the full connection fee even though the owner thereof requested only one stub for dwellings on such lot and the same service lateral is used for all such dwellings.
3. In any "Business Block" or shopping center containing more than one adjoining business or commercial establishment under one ownership, where more than one such establishment is connected with the same lateral, but separate applications for service are made and separate billing requested, each of such establishments shall pay the applicable full connection/impact fee.
4. Any person owning unimproved real property which does not abut a street, alley, or right-of-way containing a main sewer line and who subdivides the same for construction of dwellings, shall install collection lines acceptable to the City and connect the same to an existing City main sewer line at a place to be determined by the City Council all at the cost and expense of said subdivider. Each dwelling shall pay the current connection/impact fees.

7.02.200 Billing Periods

All regular billing periods shall be on a monthly basis unless otherwise determined by the Council. Domestic or commercial premises occupied a period of less than one (1) month shall be charged the full fee. All connections shall be billed regardless of vacancy/occupancy with the exception of those that qualify for the winter rate as detailed in the Kamas City Fee and Rate Resolution.

7.02.210 Billing Procedures And Due Date

1. Water and sewer bills shall be combined and billed on a regularly established day of each and every month in the month succeeding the month in which the service is rendered. Bills shall be payable as of the date mailed and shall be deemed delinquent if not paid before the sixteenth day thereafter. Water and/or sewer consumers and users should be notified of this delinquency and if the bill is not paid in full within fifteen days after service of this notification on the water and/or sewer consumer and user, the right to water and sewer services shall cease and terminate unless the water and/or sewer consumer and user requests a hearing. Should the water and/or sewer consumer and user not request a hearing or if an adverse decision is rendered against the water and/or sewer consumer and user as a result of the hearing, the City of Kamas shall require the water and/or sewer consumer and user to pay the delinquent water and/or sewer bill attributable

to his own use, plus a reconnection fee as determined by the Resolution of the Council as a condition of receiving water and sewer service again. Water and sewer bills not paid by the 30th day of the month shall be assessed a late fee in accordance with the adopted Kamas City Fee and Rate Resolution.

2. All water and/or sewer consumers and users shall have the right to a hearing regarding delinquency, which hearing is to be held with the due process protection described below; and the City will not discontinue water and/or sewer service to any water and/or sewer consumer and user prior to a fair and impartial hearing, after timely and adequate notice and an opportunity to confront witnesses to personally appear with or without retained counsel, to be judged on facts adduced at the hearing, and to otherwise be heard and defend the claim made by the City of Kamas, if a hearing is requested by an water and/or sewer consumer and user. The City Council shall have the responsibility to hold hearings. The City Council shall make a record of any hearings. The City Council shall render its decision in writing, giving the reasons for its determination. In decisions adverse to the water and/or sewer consumer and user, the City Council will inform the water and/or sewer consumer and user of the right to appeal the decision pursuant to the Utah State Administrative Procedures Act.
3. The City of Kamas shall not initially deny or discontinue water and/or sewer service to any water and/or sewer consumer because of any delinquent water and sewer bill on that premises that is attributable to the prior water and sewer use of another water and/or sewer consumer. Provided further that the City of Kamas shall not initially deny water and/or sewer service to any water and/or sewer user for whatever reason without informing the water and/or sewer consumer and user of the right to a hearing before the City Council on the issue of whether the City of Kamas can initially deny water and/or sewer services. In the case of an initial denial of water and/or sewer, the City of Kamas is not required to provide water and/or sewer service pending a hearing. However, a hearing upon request of a water and/or sewer consumer and user initially denied water and sewer services shall be held as expeditiously as possible and held in the manner and in accordance with the procedures for pre-termination hearings delineated above. In case such water service is discontinued for delinquency, it shall not be restored until such delinquency is paid or arrangements for payment satisfactory to the City have been made and a fee for discontinuing and restoring service has been made in accordance with adopted fee resolution of the City Council.

7.02.220 Deposits

In the event that water and/or sewer services are disconnected for nonpayment, there shall be deposited with the City Clerk or City Treasurer a sum in cash, the amount to be detennined by Resolution of the City Council. Such deposits shall be held by the City of Kamas so long as the service applied for is supplied by the City, and if and when the service is discontinued or terminated as to any water and/or sewer user, the amount of the deposit less any amount owing the City for such water and/or sewer service shall be refunded.

7.02.230 Wastewater Collection And Treatment System Improvement Fund

There is hereby established a Wastewater Collection and Treatment System Improvement Fund to be maintained by the City Clerk in managing the fiscal affairs of the City. All revenues derived from the charging of any fees, charges, rates, etc., as such are set forth herein shall be deposited in said fund and shall be disbursed only for the purposes of paying existing or future indebtedness connecting with or relating to maintaining, repairing, studying, controlling, enlarging, extending, enhancing, or improving the wastewater collection and treatment system of the City of Kamas.

7.02.240 Penalties

Any person violating any provision of this Ordinance shall be guilty of a Class B Misdemeanor, and upon conviction thereof, may be punished by a fine of not more than $1,000.00 or by imprisonment for not more than six (6) months, or both such fine and imprisonment. Each day said violation occurs shall constitute a separate offense.

7.02.250 Enforcement Upon Violation Of This Ordinance Or Any Amendment Thereto

The proposed local authorities of the City, County, or State, in addition to other remedies, may institute any appropriate action or proceedings to correct or abate any violation of this Ordinance.

7.04 Culinary Water Services

7.04.010 Water Conservation Plan
7.04.020 Creation Of Department
7.04.030 Duties Of Superintendent

7.04.040 Water System
7.04.050 Water Service
7.04.060 Rates And Fees
7.04.070 Board Of Equalization
7.04.080 Billings And Discontinuance Of Service
7.04.090 Use After Service Is Disconnected
7.04.100 Access To Premises
7.04.110 Separation Of Utilities
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7.04.170 Waste Prohibited
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7.04.200 Water System Extension
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7.04.220 Annexation
7.04.230 Cross Connection And Backflow Prevention
7.04.240 Conflicting Ordinances Repealed
7.04.250 Penalty

7.04.010 Water Conservation Plan

The water conservation plan of Kamas City, originally adopted on the 11th day of January 2005, revised on this 27th day of January 2015, is hereby adopted. The plan will be amended no less than every five years and will continue to play a vital role in the future development of Kamas City, Utah.

7.04.020 Creation Of Department

There is hereby created a water department which shall consist of a superintendent and such other employees as shall be provided for by the City Council.

7.04.030 Duties Of Superintendent

The Superintendent of the Water Department shall be responsible for the proper care and efficient operation of the water works system. He shall have charge of the City water tanks, water mains, fire hydrants, and all equipment and appurtenances of the water system. He shall direct the laying of water mains, the installation of all services lines, and the regulation of the supply of water. He shall inspect all plumbing installations, or provide for such inspection by other City personnel under the Uniform Building Code, and may condemn and order removed any plumbing installation or fixture which violates any provision of State law or City ordinance.

7.04.040 Water System

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

7.04.050 Water Service

All connection to the City culinary water system will comply to the following condition for water service:

1. Application For Water Service: Any person desiring, or who is required to secure, water service form the Water Department, when such service is available, shall first obtain a building permit before applying to the City Treasurer for water service. The applicant shall file an agreement with the City which shall be in substantially the following form: "The undersigned hereby applies to the City for water service at (address) and agrees to be governed by the rules, regulations,

and ordinances applicable to the City water system. The undersigned further agrees to pay promptly, when due, the rate fixed by the City for the use of such water service, and in the event of failure to pay for water service, the applicant agrees that the water service may be discontinued by the City.

2. Limit On Time For Connection: If a building is not constructed and a connection made to the City water system within one year of date of the application for water service, the application shall be invalid and the connection fee forfeited. The City Council may grant one, one-year extension on the time limit for connection to the water system.
3. Water Connection Non-Transferable: Water connections shall not be transferred to a location different from that shown on the application for water service nor from where originally used nor may a larger water connection be subdivided into several smaller connections.
4. Water Connections That Will Be Deemed Forfeited: A water connection shall be deemed to be forfeited and abandoned if not used and fees not paid for a one-year period.
5. Forfeited Connection Requires New Connection Fee: A forfeited water connection shall be disconnected. The re-connection of a forfeited water connection shall be subject to the payment of the connection fee in effect at the time of the re-connection.
6. Monthly Service Fee For Unused Connections: Historically, water connections have been purchased without immediate plans for their use. This practice has required the City to retain capacity in its culinary water system for these potential users while receiving no revenue for reserving this capacity.· Therefore, effective with the passage of this ordinance the City shall charge all such holders of unused connections the minimum monthly service charge as established by the City Council.
7. Temporary Service Disconnection and New Service Reconnect: When service is temporarily discontinued at the owners request, or when a home or business changes owners, a $25.00 service fee will be assessed when services are resumed or ownership transfers. This fee may be changed from time to time by resolution of the City Council.

7.04.060 Rates And Fees

The City Council shall from time to time, by resolution, establish such rates and fees as it deems proper for the water service provided by the City and the uses made thereof by the users. In establishing rates, the City Council may classify the type of service provided and the uses made of the water system and provide different rates for the classifications so made. All rates and fees promulgated by the City Council shall be made of public record, filed with the City Recorder, and be available for inspection by any person during normal business hours.

7.04.070 Board Of Equalization

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

7.04.080 Billings And Discontinuance Of Service

The City Treasurer shall mail a written statement to each user of water service every month for the base water rate and for any water used over the minimum allowed gallonage during periods when the water meters are read. Said statement shall specify the amount to be paid for water service and the place of payment and the date due. If any person fails to pay his water charges within ninety days of the due date, the City Treasurer shall notify him by phone or a notice attached to the premises that water service will be discontinued within three days if payment in full is not received or acceptable arrangement made to pay all charges. At the end of the three days, if payment or arrangements to pay have not been made, the City Treasurer shall notify the Water Department to shut off all water service to the premises involved. Before said service to said premises shall again be provided, all delinquent water charges must have been paid to the City Treasurer together with such re-connection fee or special expense charge as the.City Council may by resolution from time to time authorize the City Treasurer to collect. The legal owner of rented property shall be responsible for the foregoing. The City Treasurer is hereby authorized and empowered to request the City Attorney to enforce the payment of all delinquent water service charges by an action at law in the name of the City.

7.04.090 Use After Service Is Disconnected

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

7.04.100 Access To Premises

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

7.04.110 Separation Of Utilities

It shall be unlawful for any person to place any utility within 10 feet of a water system line in a public right-of-way, except for right angle crossings, without first obtaining approval from the City Council. All right-angle crossings of water system lines shall be approved by the Superintendent of the Water Department who shall establish the conditions and standards under which such crossings may take place.

7.04.120 Water Connections

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

7.04.130 Water Meters

All structures, dwelling units, and establishments using water from the City culinary water system must have such number and size of water meters connected to their system as are necessary to meet the requirements of the Uniform Building Code and City requirements. Meters will be furnished by the City as a part of the required connection fee. Meter readings shall be taken at regular intervals as determined by the Superintendent of the Department and shall be submitted to the City Treasurer for the purpose of making necessary billings for water service.

7.04.140 Service Lateral

A separate and independent service lateral for water service shall be provided for every building used as a dwelling except in cases of undue hardship where the City Council deems it necessary to make an exception. The water user shall bear full responsibility for the upkeep and maintenance of all water system lines and fixtures beyond the water meter.

7.04.150 Multiple Connections

Where two or more families or premises are supplied from the same service pipe and meter on the effective date of this ordinance, the failure on the part of any of said parties to comply with the provision of this ordinance shall be grounds for the City to withhold the supply of water through said service pipe and meter until a separate meter and service pipe is installed for each user of the water under a separate application. From and after the effective date of this ordinance all dwelling units and premises under separate ownership shall be served by individual water meters except in cases of undue hardship or in planned unit developments when approved by the City Council.

7.04.160 Use Of Water Only On Connected Premises

It shall be unlawful for any water user to permit any person from other premises, or unauthorized persons, to use or obtain water regularly from his premises or water fixtures, either outside or inside his building, unless specifically approved by the City Council.

7.04.170 Waste Prohibited

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

7.04.180 Fire Hydrants

All public fire hydrants shall be under the control of and shall be kept in good repair by the Water Department. In case of fire, the Fire Department shall have free access to said hydrants. No other person shall open or operate any fire hydrant, or attempt to draw water therefrom without a permit from the Water Department Superintendent. All water drawn from a fire hydrant for other than fire protection within the city limits, and City uses, may be sold at a rate established by the City Council.

7.04.190 Scarcity Of Water

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

7.04.200 Water System Extension

All extensions to the existing water system which are not covered by regulations in the approval of subdivisions and large scale development shall comply with the provisions of this Section.

1. Any person desiring to extend the water system may make application to the City Council. Such application shall be considered by the City Council on a case by case basis and the Council shall approve such applications if (a) the proposed extension is to be constructed consistent with the City's extension standards, (b) there is adequate reserve water available to supply said need, and (c) the existing distribution system is adequate to supply the needed water to the point of beginning of the extension.
2. The application shall contain a description of the proposed extension accompanied by a map showing the location thereof. Detailed engineering drawings showing the location and size of all lines, mains, service laterals, appurtenant facilities, anticipated water pressures and fire flows shall be included. The application shall also include an extension agreement signed by the applicant in a form approved by the City Council by which the applicant agrees to construct the facilities, both onsite and off-site, and accepts the conditions agreeing to reimbursement as outline in this Section.
3. Before any such application is approved, the City Council shall refer it to the Water Department Superintendent for his review and comment. The application may also be referred to the Planning Commission and the City Engineer for similar review and recommendation.
4. The design, location, materials, methods and standards of construction of water line extensions shall be in accordance with City standards and specifications as approved by the City Council.
5. The City Council may require the construction of over sized and off-site facilities as a condition of the approval of any application governed by this Section.
6. Upon completion of an extension, the applicant's share of the actual cost of making such extension shall be determined by the City Engineer from as-built drawings to be provided by the applicant. Whenever an extension of a water main benefits property which is adjacent to the extension or extended from the end of an existing extension, other than that which is owned by the applicant, the City will enter a deferred credit on its books and records in the amount of the actual prorated cost of extension across the front of said benefited property and shall reimburse the applicant, his assignees or successors, upon collection by the City of charges assessed, against such benefited property as service connections are made. All such reimbursements shall extend for a period of ten (10) years from the date of the completion of the extension and acceptance by the City, or until the initial prorated cost of the extension along the frontage not owned by the applicant shall have been refunded.

   A water main Extension Charge for each and every subsequent service connection to an extension under the provisions of this Section shall be paid before such service connection is made, except for frontage owned by the applicant at the time of the application. The water main Extension Charge is separate and is in addition to any service connection charge required by the City.

   The amount of an Extension Charge to benefited property shall be determined by multiplying the number of linear feet of frontage in the lot or parcel for which service connection is requested by one half (½) the average cost per linear foot of

said extension. All necessary fire hydrants and appurtenances that are provided in making the extension shall be included in determining the average cost per linear foot.

All Extension Charges levied for purposes of reimbursement shall be determined using the costs for installing water mains of eight (8) inches in diameter. Where the City requires that the extension be made using larger lines, the difference between the cost of installing an eight inch water line and the size required by the City shall not be subject to reimbursement by the property owners which are served by said extension. All cost for the line size over eight inches shall be born by the City upon approval of the City Council. All main water line extensions become the property of the City upon acceptance by the City.

7.04.210 Addition Of Other Facilities

The addition of culinary water storage facilities, pumps, water sources, or other major appurtenance shall comply with provisions of this Section.

1. Any person desiring to construct a water storage facility, pumps, water sources or other major appurtenant to the City's water system may make application to the City Council. Such application shall be considered by the City Council on a case by case basis and the Council shall approve such applications if (a) the proposed addition is to be constructed consistent with City standards, (b) there is adequate reserve water available to supply said need, and (c) the existing distribution system is adequate to supply said water to the point of new facilities.
2. The application shall contain a description of the proposed water storage facility, pumps, water sources or other major appurtenances accompanied by a map showing the location thereof. Detailed engineering drawings showing the location and size of water storage facility, pumps, water sources or other major appurtenant connections of these improvements to the existing City water facilities and area to be served shall be included. The application shall also include a Major Water System Agreement signed by the applicant in a form approved by the City Council by which the applicant agrees to construct the water storage facility, pumps, water sources or other major appurtenant and any on-site or off-site connecting water lines. and accepts the conditions agreeing to reimbursement as outlined in this Section.
3. Before any such application is approved, the City Council shall refer it to the Water Department Superintendent for his review and comment. The application may also be referred to the Planning Commission and the City Engineer for similar review and recommendation.
4. The design, location, materials and methods and standards of construction of water storage facility, pumps, water sources or other major appurtenances shall be in accordance with City standards and specifications as approved by the City Council.
5. The City Council may require the construction of over sized water storage facilities, pumps, water sources or other major appurtenances as a condition of the approval of any application governed by this Section.
6. Upon completion of a water storage facility, pumps, water sources or other major water appurtenances, the applicant's share of the actual cost of construction shall be determined by the City Engineer from as-built drawings to be provided by the applicant. Whenever the construction of a water storage facility, pumps, water sources or other major appurtenances benefits property which has been identified by the City prior to its construction, other than that which is owned by the applicant, the City will enter a deferred credit on its books and records in the amount of the actual prorated cost of construction of the water storage facility, pumps, water sources or other major appurtenances on an acreage basis for said benefited property and shall reimburse the applicant, his assignees or successors, upon collection by the City of charges assessed against such benefited property as service connections are made. All such reimbursements shall extend for a period of ten (10) years from the date of the completion of the construction and acceptance by the City, or until the initial prorated cost for the construction of the water storage facility, pumps, water sources, or other major appurtenances benefiting identified acreage not owned by the applicant shall have been refunded.

   A Major Water System Improvement Charge for each and every subsequent service connection in the area identified □receiving water storage, pumps, water sources or other appurtenances benefiting from this construction under the provisions of this Section shall be paid before such service connection is made, except for acreage owned by the applicant at the time of the application. □he Major Water System Improvement Charge is separate and is in addition to any service connection charge required by the City.

   All Major Water System Improvement Charges levied for purposes of reimbursement shall be determined by dividing the cost of the water storage facility, pumps, water □sources or other major appurtenances and connecting lines by the number of units served in the identified service area. Where The City requires that the water storage facility, pumps, water sources or other major appurtenances to contain capacity for existing developed acreage, the cost to□□construct this additional capacity shall not be subject to reimbursement by the property owners m the identified service area. All

cost for increased size in the water storage facility, pumps, water sources, or other major appurtenances for existing developed acreage in the identified service area shall be born by the City upon approval of the City Council.

At the option of the City the water storage-facilities, pumps, water sources and/or other major appurtenances shall become the property of the City. The City may elect to receive the facilities absent any pumping facilities requiring the area served to be responsible for and to maintain the same.

7.04.220 Annexation

It is the intent that land annexed to Kamas City be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land. The water rights conveyance requirement of annexation shall be in addition to any requirement that may be imposed upon development of the land after annexation.

1. Amount of Water Required: All persons annexing land shall, at such times as herein set forth, as a condition of annexation, make available for sale to the City, at the currently established fair market rate, water rights capable of producing (in a normal water year), amounts equivalent to one acre foot per single family residential lot. Requirements for developments for other than single family residential lots shall be made on an equivalent user basis. Said right shall be of a type acceptable to the City (i.e., irrigation stock, underground water rights, stock in a water company), and shall be conveyed in accordance with the provisions of this Section.

   In satisfying the requirements of water offering as defined above, the applicant shall first make available for sale to the City, all water rights appurtenant to the land being annexed, to the extent the requirement is fulfilled. The City shall have one year from the date the water is offered to accept and finalize payment. The City may elect to trade a portion of the end user connection fees associated with the development, for an equivalent amount of water stock. The City may, at the discretion of the Mayor and the City Council, decline to purchase the water rights so offered, and in such event will release the developer from all requirements associated therewith.. Where water rights availability is inadequate to meet the conveyance requirements, the applicant may be required to purchase additional water stock for that portion of the requirement not satisfied.

   In the event those requesting annexation are not required to furnish the total amount of water that has historically been used on the parcel of land to be annexed, Kamas City shall have the first right of refusal to purchase the remaining shares.
2. Annexation without Owner's Consent: Whenever land is annexed without the consent of the owner, the conveyance of water rights, as set forth in this Section, shall not be required.
3. Continued Use: All water which is represented by water rights acquired by the City pursuant to this Section, which rights have heretofore been used to supply irrigation water on land so annexed, may continue to be used to supply irrigation water on land so annexed, subject to payment of the applicable irrigation assessments by the water user, until said land shall be developed or used for non-agricultural purposes, or until the use of said water on said land shall be abandoned for irrigation purposes, or until such water rights are transferred by the City for culinary use. The City may, at any time, elect to use said water rights for municipal purposes at any place within its water system.
4. Exceptions:
   a. Lands Owned by Non-Developing Owners. Whenever land is annexed wherein the owner does not intend to develop his property, the conveyance of water rights by the nondeveloping owner, shall not be required at the time of annexation. Provided, however, that the resolution annexing the territory shall note all parcels annexed wherein the owner does not intend to presently develop his property, and shall provide that future development of these lands will require the offering of said water rights as applicable, prior to the granting of any approval or the issuance of a building permit by the City. The City shall also file with the County Recorder a notice of interest to that effect for each parcel so annexed, and shall maintain a map showing all parcels which have been annexed without satisfying the water rights requirements.
   b. Lands Owned by State and Federal Agencies. Whenever lands owned by a State or Federal Agency are proposed for annexation, the City Council may waive the water rights requirements when the use of the land by said agency will not require the providing of culinary water by the City.
5. Time of Conveyance: For all owners of parcels planning development upon annexation, the offering of water rights as applicable shall occur prior to the time of final action of the annexation by the City Council. Provided, however, that the City Council may authorize conveyance of the rights to the City at a time after completion of annexation proceedings, provided all of the following are met and are outlined in the agreement as outlined in this Section:
   a. That, in the opinion of the Council, there is good and sufficient reason to delay the time of conveyance.

b. There is adequate assurance that the water rights proposed for conveyance are irrevocable committed to the City through placement in escrow or similar third party arrangement. Said arrangement shall be established prior to the action to annex.
c. The timing and/or condition for execution of the conveyance are clearly stipulated ; the escrow agreement.
d. That the authority to execute such conveyance rests solely with the City.
e. That there are not encumbrances on said rights which may prohibit their subsequent conveyance without cost to the City.

6. Content of Conveyance Agreement: Prior to conveyance of title of water rights to the City, the City and the developer/land owner shall enter into a written agreement which shall outline all of the terms of such conveyance. Such an agreement shall include, but shall not be limited to:

   a. The type of rights to be given to the City (including share numbers or water right number if available),
   b. The amount of water conveyed by said rights,
   c. The contents of any escrow agreements entered into under the conditions of this Section which shall, as a minimum, provide that title to the water rights shall pass to the City upon the granting of an approval of a development project (subdivision, planned unit development, etc.) and payment for such rights by Kamas City. No building permit shall be granted on such property until the water rights requirement is met, or the requirement is waived by the City as allowed for herein.

7. Neither the Planning Commission nor the City Council shall waive the requirements of this Section.

7.04.230 Cross Connection And Backflow Prevention

All water connections provided for by this ordinance shall require appropriate cross connection and backflow prevention devices as specified in Kamas City Ordinance 89-1.

7.04.240 Conflicting Ordinances Repealed

All ordinances, regulations, resolutions, and parts thereof which are in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Ordinance.

7.04.250 Penalty

Any water service user violating any of the rules, regulations, or ordinances controlling the water system, shall forfeit all payments made and the right to the use of said service, and service to the premises of such user shall be discontinued. In addition to the foregoing penalty, any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be liable to punishment by a fine in an amount not to exceed $1000, or by imprisonment for a term not to exceed six months, or both such fine and imprisonment.

9 Animal Services And Control

9.02 General Provisions
9.04 Administration
9.06 Licensing And Regulations
9.08 Conduct And Prohibited Acts
9.10 Impoundment
9.12 Rabies And Disease Control
9.14 Enforcement And Penalties

9.02 General Provisions

9.02.020 Definitions
9.02.030 Memorandum Of Understanding Concerning Animal Control Within Summit County

9.02.020 Definitions

Animal Boarding Establishment: Any establishment that takes in animals for boarding for profit.

Animal Grooming Parlor: Any establishment maintained for the purpose of offering cosmetology services for animals for profit.

Animal Shelter: A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under § 76-9 302, U C A, 1953, as amended, and used for the care and custody of seized, stray homeless, quarantined, abandoned or unwanted dogs, cats, or domestic animals.

Animal at Large: Any domesticated animal, whether or not licensed, not under restraint as defined below.

Animal Under Restraint: Any animal under the control of its owner or person having charge, care, custody or control A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle or within the real property limits of the owner.

Bite: An actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

Cats: Any age feline of the domesticated types.

Cattery: An establishment for boarding, breeding, buying, grooming, or selling cats for profit.

Dog: Any canis over four months of age. Any canis under four months of age is a puppy.

Domesticated. Animals: Animals accustomed to live tn or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats and cattle.

Stray: Any animal at large as defined herein.

Guard Dog: A working dog which must be kept in a fenced run or other suitable enclosure during business hours or on a leash or wider absolute control while working, so it cannot come into contact with the public. This restriction does not apply to service dogs for people and governmental entitles and dogs used for agricultural purposes.

Holding facility: Any pet shop kennel cattery, groomery, animal shelter, humane establishment, or any other such facility used for holding animals.

Kennel: An establishment having four or more dogs for the purpose of boarding, breeding, buying, grooming, letting for lure, training for fee, selling, or agricultural use such as stock herding and guarding.

Leash or Lead: Any chain, rope, or devised used to restrain an animal.

Pet: A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

Pet Shop: Any establishment containing cages or exhibition pens not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

Quarantine: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

Vicious Animal: Any animal which is dangerous or aggressive, including, but not limited to, any animal winch has bitten or in any other manner attacked any person or animal.

Vicious Dog: (a) Any dog, which in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places (b) Any dog with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or animals, or (c) Any dog which bites inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

Nueter: A surgical procedure performed on male animals m which its testicles are removed.

Spay: A surgical procedure performed on a female animal in which its ovaries and uterus are removed.

9.02.030 Memorandum Of Understanding Concerning Animal Control Within Summit County

1. Purpose of the Agreement: The purpose of this Memorandum of Understanding is to have a written understanding that Summit County will provide animal control services for the City of Kamas.
2. Agreement to Provide Services: Summit County will provide animal control services to the City of Kamas according to Summit County Ordinance, as amended. Summit County will provide these services at no cost to the City of Kamas and Summit County will keep any money collected from any fees as described in this Title. Only Summit County equipment and employees with be used for animal control services. Summit County will provide its own insurance to cover liability for animal control services provided by the county employees.
3. Administration: Both parties agree that there is no separate entity created by this Agreement to carry out its provisions and to the extent that this Agreement requires administration as set forth herein. it shall be administered by the governing bodies. There shall be no real or personal property acquired jointly by the parties as a result of the Agreement.
4. No Third Party Beneficiary: This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action for any cause whatsoever.
5. Entire Agreement: This Agreement contains the entire agreement between the parties and shall not be modified or changed in any manner except by an instrument in writing executed by both parties. If any term or provision of this Agreement or application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement. or the application of such term of provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
6. Notices: All notices, demands, requests and other writings required or permitted to be given shall be deemed duly given if delivered or if mailed by registered or certified mail. postage prepaid, if addressed to the following:

   City of Kamas
   Summit County
   Attn: Anita Lewis
   PO Box 128
   Coalville, Utah 84017

7. Duration: This Agreement will continue without expiration until one or both parties notify the other in writing to terminate the Agreement. If a party desires to terminate the Agreement, the party shall provide sixty days advance written notice as provided for in this Section.

9.04 Administration

9.04.010 Department Of Animal Control
9.04.020 Powers Of Animal Control Officials
9.04.030 Duties Of Animal Control Officials
9.04.040 Kennel Permits
9.04.050 Standards For Permitted Establishment

9.04.060 Suspension Or Revocation Of Permit
9.04.070 Interfering With Officers Prohibited

9.04.010 Department Of Animal Control

The Department of Animal Control is created in accordance with this ordinance.

9.04.020 Powers Of Animal Control Officials

1. The animal control director or any person employed by the Department of Animal Control as an animal control officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance.
2. The animal control director, his deputies, assistants, and animal control officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance and including licensable dogs for which no license has been procured m accordance with this ordinance or any licensed or unlicensed dogs for any other violation.
3. In the enforcement of this ordinance any peace officer or the Director of Animal Control or his assistants are authorized to enter onto the open premises of any person to take possession of any dog in violation of this ordinance.

9.04.030 Duties Of Animal Control Officials

1. The Animal Control Director shall:
    a. Enforce this ordinance and perform other responsibilities pursuant to this ordinance,
    b. Supervise the animal shelter(s) under this jurisdiction,
    c. Keep adequate records of all animals impounded and all monies collected,
    d. See that all animals and animal holding faithless in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations, and
    e. Establish, in cooperation with the Summit County Health Department and other interested governmental agencies, adequate measure for rabies immunization and control.
2. Each animal control officer shall:
    a. Enforce tins ordinance in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals, and
    b. Carry out all duties prescribed or delegated by the director.

9.04.040 Kennel Permits

1. Any person wishing to operate or maintain a kennel, cattery, pet shop, or groomery must first obtain a kennel license from the Department of the Animal Control. Said kennel license shall be issued upon payment of the fee set forth herein and a statement from the Summit County Planning Department or appropriate city official that a kennel is a permitted use under the zoning regulations in effect for the area of the proposed kennel.
2. A valid kennel license shall be posed in a conspicuous place in each establishment and said license shall be considered as appurtenant to the premises and not transferable to another location. The licensee shall notify the Department of Animal Control within thirty (30) days of any change in his establishment or operation which may effect the status of his license In the event of a change in ownership of the establishment, the licensee shall notify the Department of Animal Control immediately. Licenses shall not be transferable from one owner to another.
3. Any license issued pursuant to this Section shall automatically expire on December 31, immediately following date of issue. During the first three (3) months of each year, the licensee shall apply for a renewal of the license and pay the required fee. Any application made after March 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee m addition to the regular permit fee
4. License fees.
    a. Kennels, catteries, groomeries, pet shops veterinary clinics, or boarding establishments Class A kennel license, 4 to 30 animals - $50.00.
    b. Late fee - $25.00.

9.04.050 Standards For Permitted Establishment

The Department of Animal Control shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops. Such rules and regulations shall provide for the type of structures building, pens cages runways or

yards required for the animal sought to be kept, harbored, or confined on such premises, the manner which food, water, and sanitation facilities will be provided to such animals, measures relating to the health of said animals, the control of noise and odors, and the protection of person or property adjacent premises, and other such matters as the director shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this ordinance end grounds for revocation of a permit issued by the Department of Animal Control.

9.04.060 Suspension Or Revocation Of Permit

1. Grounds: A permit may be suspend or revoked or a permit application rejected on any one or more of the following grounds:
    a. Falsification of facts m a permit application,
    b. Violation of any of the provisions of this ordinance or any other law or regulation governing the establishment including noise, or
    c. Conviction on a charge of cruelty to animals.
2. Procedure: If any inspection of kennels, catteries, groomeries, or pet shops reveal a violation of this ordinance, the inspector shall notify the permit holder or operator of such. violation by means of an inspection report form or other written notice. The notification shall:
    a. Set forth the specific violation(s) found,
    b. Establish a specific and reasonable period of tune for the correction of the violations found, and
    c. State that failure to comply with any notice issued m accordance with the provisions of this ordinance may result m immediate suspension of the permit.
3. Revocation or Suspension: Any permit granted under this ordinance may be suspended or revoked by the County Sheriff for violation listed in this Section.
4. Emergency Suspension: Notwithstanding the other provisions of this ordinance, when the inspecting officer finds unsanitary or other conditions m the operation of kennels, catteries, groomeries, pet shops, or a similar establishment, which in his judgment constitute a substantial hazard to public health, he may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued, shall comply immediately. Any animals at such a facility may be confiscated by the Department of Animal Control and impounded or otherwise provided for according to the provisions of this ordinance.
5. Notice: Notice provided for under this Section shall be deemed to have been properly served when the original of law inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Department of Animal Control.

9.04.070 Interfering With Officers Prohibited

It is unlawful for any person to do any act winch hinders, delays, interferes with, or obstructs an Animal Control Officer while engaging in the discharge of their duties, including furnishing false information to such.

9.06 Licensing And Regulations

9.06.010 Dog Licensing
9.06.020 License Tag
9.06.030 Licensing Exemptions
9.06.040 Revocation Of Dog License

9.06.010 Dog Licensing

1. All dogs must be licensed each year, except as otherwise provided to a person of the age of 18 years or older.
2. Any person owning, possessing or harboring any dog within Summit County shall obtain a license for such animal within 30 days after the dog reaches the age of four (4) months, within ten (10) days of the acquisition of such dog or presence of such dog within Summit County For a dog under the age of six months, the Department of Animal Control may accept certification from a licensed veterinarian that the owner has deposited funds for spaying or neutering, then the dog may be licensed at the reduced fee. Said initial license shall be effective for one year from the date of purchase and must be renewed annually thereafter.
3. License renewal applications must be submitted annually to the Department of Animal Control, utilizing a standard form which requests name, address and telephone number of the applicant and the breed, sex, color, and age of the animal, the form also asks for pertinent information regarding rabies vaccinations. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations and certificates must be obtained every three (3) years, either from a licensed veterinarian or an authorized animal control officer.
4. Dog licenses will be issued m accordance with the following fee schedule:

Female Dog	$18.00

Male Dog	$18.00
Late Fee (in addition to Reg Fee)	$15.00
Spayed or Neutered Dog	$6.00

5. No dog shall be licensed as spayed or neutered without satisfactory proof that such surgery was performed on said dog.
6. The license shall be effective one (1) year from the date of purchase after which a late fee may be imposed. Licenses for the following year may be purchased within 30 days prior to the explanation date.
7. No person or persons at any one residence within the jurisdiction shall at any one time own or license more than three (3) dogs m any combination except as otherwise provided.

9.06.020 License Tag

1. Upon payment of the license fee, the Department of Animal Control shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped on the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except dogs which are kept for show purposes are exempt from wearing the collar and tag.
2. Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of $l.00 to the Department of Animal Control.
3. Any person removing or causing to be removed, the collar, harness, or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or animal control officer who removes such for medical and other reasons, shall be m violation of this ordinance.

9.06.030 Licensing Exemptions

1. The provisions of KMC 9.06.020 and this Section shall not apply to:
   a. Licensed dogs whose owners are non-residents temporarily (up to 30 days) within the jurisdiction, licensed dogs whose owners remain within the jurisdiction longer than 30 days may transfer to the local license upon payment of $1.00 fee and proof of current rabies vaccination, and
   b. Individual dogs within a properly licensed dog kennel or other such establishment when such dogs are held for resale or for agricultural use.
2. The fee provisions of KMC 9.06.020 shall apply to:
   a. Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them m moving from place to place,
   b. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds, and
   c. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.
3. Nothing in this Section shall be construed so as to exempt any dog from having a current rabies vaccination.

9.06.040 Revocation Of Dog License

If the owner of any dog is found to be in violation of this ordinance on three or more different occasions during any 12-month pen the director of animal control may revoke for a period of one year any dog license(s) such person may possess and providing for the Department of Animal Control to pick up and impound any dog kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this ordinance for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

9.08 Conduct And Prohibited Acts

9.08.010 Cruelty To Animals Prohibited
9.08.070 Nuisance
9.08.080 Unlawful To Harbor Stray Dogs

9.08.090 Dogs Running At Large
9.08.100 Dogs On Unenclosed Premises
9.08.110 Female Dogs In Heat
9.08.120 Places Prohibited To Dogs
9.08.130 Dogs Attacking Persons And Animals
9.08.140 Fierce, Dangerous, Or Vicious Animals
9.08.150 Domesticated Animals

9.08.010 Cruelty To Animals Prohibited

1. Physical abuse: It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object, mutilate, bum or scald overdrive, or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation. An exemption will must for agricultural animals that are branded ear marked, or otherwise marked for identification purposes.
2. Transporting animals: It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner including but not harmed to, carrying or confining such animal without adequate ventilation or for an unusual length of time.
3. Care and maintenance: It shall be the duty of any person to provide any animal it his charge or custody, as owner or otherwise, with adequate food, drink, care (which shall include veterinary care) and shelter.
4. Animal poisoning: Except as provided in this Section it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. The provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in the furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals
5. Injury to animals by motorists
    a. Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon injuring, striking, maiming, or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Department of Animal Control furnishing requested facts relative to the injury.
    b. It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities the operator shall immediately identify himself so such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the animal control facility or other appropriate facility and notifying the Department of Animal Control. Such animal may be taken m by the animal control facility and dealt with as deemed appropriate under the circumstances.
    c. Emergency vehicles are exempted from the requirements of this provision.
6. Animals for fighting
    a. It shall be unlawful for any person, firm, or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting, and for any person to be a party to or be present as a spectator at any such fighting or biting of any animal or fowl, and for any person, firm, or corporation to knowingly rent any building, shed, room, yard, ground, or premises for any such purposes as aforesaid or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds, or premises for such purposes.
    b. Law enforcement officers or the Department of Animal Control officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may am:st persons there present and take possession of all animals engaged in fighting, along with all implements or applications used m such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.
7. Malicious impounding: It shall be unlawful for any person maliciously to secrete or impound the animal of another.

9.08.070 Nuisance

Any owner or person having charge, care, custody, or control of an animal or animals causing nuisance as defined below shall be in violation of this ordinance and subject to the penalties provided herein The following shall be deemed a nuisance:

1. Any animal which
    a. causes damage to the property of anyone other than its owner,
    b. is a vicious animal as defined herein and kept contrary to KMC 9.08.140,

c. causes unreasonable fouling of the 811' by odors,
d. causes unsanitary conditions in enclosures or surroundings,
e. defecates on any public sidewalk, park, or budding, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring, or having care, charge, control. custody, or possession of such animal shall remove any such defecation to a property trash receptacle,
f. barks, whines, or howls or makes other disturbing noises an an excessive, continuous, or untimely fashion,
g. attacks other domestic animals, or
h. as determined by the Department of Animal Control or the City/County Health Department of Animal Control or the City/County Health Department to be offensive or dangerous to he public health, welfare, or safety.

2. Animals which, by virtue of the number maintained, are determined by the Department of Animal Control or the City/County Health Department to be offensive or dangerous to the public health, welfare, or safety.

9.08.080 Unlawful To Harbor Stray Dogs

It shall be unlawful for any person, except an animal welfare society incorporated within the State of Utah under §76 9-302, U C A, 1953, as amended, to harbor or keep any lost or stray dog. Whenever any dog shall be found winch appears to be lost or strayed, it shall be the duty of the finder to notify the Department of Animal Control within 24 hours, and the Department of Animal Control shall impound the dog.

9.08.090 Dogs Running At Large

It shall be unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog at any tune to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this Section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large, deemed "at large" unless personally controlled by leash or lead in condo common areas, public parks, parking lots open to public, ski areas, golf courses and shopping centers.

9.08.100 Dogs On Unenclosed Premises

It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

9.08.110 Female Dogs In Heat

Any owner or person having charge, care, custody, or control of any female dog in heat shall, m addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding.

9.08.120 Places Prohibited To Dogs

It shall be unlawful for any person to take or permit any dog, whether loose or on a leach or in arms, m or about any establishment or place of business where food or food products are sold or displayed, including but not limited to, restaurants, grocery stores, meat markets and fruit or vegetable stores It shall be unlawful for any person keeping. harboring, or having charge or control of any dog to allow said dog to be within the following described area:

1. Any water shed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined m the future.
2. Any construction site of a building, building improvement, road, utility, or other construction site during any time when actual construction or excavation activity is taking place.

This Section shall not apply to dogs provided for in KMC 9.06.030.

9.08.130 Dogs Attacking Persons And Animals

1. Attacking dogs: It shall be unlawful for the owner or person having charge care, custody, or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal, or any species of protected wildlife, or to attack domestic fowl. "Worry' as used in this Section shall mean to harass by tearing, biting, or shaking with the teeth, or without provocation to chase any animal or person or approach any person in an apparent attitude of attack when such

person is in a place where he/she has a night to be.

2. Owner liability: The owner m violation of number one above shall be strictly liable for violation of this Section In addition to being subject to prosecution under this Section, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed.
3. Defenses: The following shall be considered in mitigating the penalties or damages or m dismissing the charge:
    a. That the dog was properly confined on the premises, or
    b. That the dog was deliberately or maliciously provoked
4. Dogs may be ki11ed: Any person may kill a dog while it is committing any of the acts specified in number one above or while such dog is being pursued thereafter.

9.08.140 Fierce, Dangerous, Or Vicious Animals

It shall be unlawful for the owner of any fierce, dangerous, or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care, or control of such animal, so that it shall not injure any person or property is a hazard to public safety, and the Director of Animal Control shall seek a court order for destruction of or muzzling of the animal. The Director of Animal Control has the discretion to destroy a dog that is determined to be vicious, fierce, or dangerous and in the custody or control of Animal Control.

9.08.150 Domesticated Animals

It ts unlawful for the owner or person having charge, care, or custody of any domesticated animal
to allow such to be at large Domestic animals as such include horses, cattle, sheep, pigs, goats, etc.

9.10 Impoundment

9.10.010 Animals To Be Impounded
9.10.020 Animal Shelter
9.10.030 Records To Be Kept
9.10.040 Disposition Of Animals
9.10.050 Redemption
9.10.060 Impound Fees For Voluntary Relinquishment By Owner

9.10.010 Animals To Be Impounded

The animal control director shall place all animals which he takes into custody in an designated animal impound facility. The following animals may be taken into custody by the animal control director and impounded without filing a complaint.

1. Any animal being kept or maintained contrary to the provisions of this ordinance,
2. Any animal running at large contrary to the provisions of this ordinance,
3. Any animal that is required by this ordinance to be licensed and is not licensed. An animal not weaning a tag shall be presumed to be unlicensed for purposes of this Section
4. Sack or injured animals whose owner cannot be located,
5. Any abandoned animal,
6. Animals winch are not vaccinated for rabies in accordance with the requirements of this ordnance,
7. Any animal to be held for quarantine, or
8. Any vicious animal not properly confined as required by KMC 9.08.140.

9.10.020 Animal Shelter

1. The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.
2. The governing authority shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this ordinance or by the laws of the State of Utah.
3. The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this Chapter.

9.10.030 Records To Be Kept

1. Complete description of the animal, including tag number,
2. The manner and date of impound,
3. The location of the pickup and name of the officer picking up the animal,
4. The manner and date of disposal,
5. The name and address of the redeemer or purchaser
6. The name and address of any person relinquishing an animal to the impound facility,
7. All fees received, and
8. All expenses accruing during impoundment.

9.10.040 Disposition Of Animals

1. Licensed animals shall be impounded for a minimum of five (5) working days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.
2. No dog or cat shall be released for adoption until such dog or cat is spayed or neutered unless payment for such spaying or neutering is deposited with Animal Control and the person to whom the dog or cat is released agrees, in writing, to cause such dog or cat to be spayed or neutered Such agreement shall provide that the purchaser will have the dog or cat spayed or neutered within 120 days of the date of purchase.

   Failure to spay or neuter such dog or cat shall be deemed a breach of the adoption contract and shall result in its termination, return of the dog or cat, and forfeiture of all amounts paid to Animal Control. All adoptions are conditional until the animal is spayed or neutered.

3. All dogs, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs voluntarily relinquished to the impound facility may be destroyed or sold as the animal control director shall direct. Any healthy dog may be sold to any person desiring to purchase such animal for a price to be determined by the director but not to exceed $10.00 per animal, plus license, rabies vaccinations, and spaying or neutering fees if required.
4. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the animal control director, be released to the care of a veterinarian with the consent of the owner.
5. When in the judgment of the animal control director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property or the dog is determined to be a vicious animal such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

9.10.050 Redemption

The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he pays.

1. The impound fee,
2. The dally board charge.
3. Veterinary costs incurred during the impound period, including rabies vaccination, and
4. License fee if required.

   Fees shall be charged at the following rates:

   IMPOUND FEE

First confinement	$25.00
Second confinements	$50.00
Third or subsequent confinements	$75.00

   BOARD

Per calendar day of confinement	$6.00

No impound fee will be charged to the reported owners of suspected rabid animals if they comply with KMC 9.12.010.

9.10.060 Impound Fees For Voluntary Relinquishment By Owner

Whenever any dog or cat is voluntarily relinquished. by the owner thereof to the animal control facility for destruction or other disposition as provided by KMC 9.10.040, a donation may be given by such owner for each dog. for each litter of dogs, for each cat or for each litter of cats so relinquished.

9.12 Rabies And Disease Control

9.12.010 Control Of Rabies And Rabid Animals
9.12.020 Bites, Duty To Report

9.12.010 Control Of Rabies And Rabid Animals

1. Rabies vaccination required for dogs: The owner or person having the charge, care, custody, and control of a dog four months of age or over shall have said animal vaccinated within 30 days after it reaches said age. Unvaccinated dogs over four months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter every 36 months with a modified virus rabies vaccine approved by the Summit County Health Department. Cats shall be vaccinated every 36 months. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.
2. Duties of veterinarian and tag requirements: It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:
   a. owner's name and address,
   b. description of animal (breed, sex, markings, age, and name),
   c. date of vaccination,
   d. rabies vaccination tag number,
   e. type of rabies vaccine administered, and
   f. manufacturer's serial number of vaccine

   A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this Section. Additionally, a number serialized metal or durable plastic rabies vaccination tag shall be securely attached to the collar or harness of all dogs. A dog not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.
3. Transient animal exception: The provisions of this Section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with animal health laws and import regulations.
4. Impoundment of animal without valid rabies vaccination tag
   a. Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
   b. Any unvaccinated animal may be reclaimed by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.
   c. Any dog not reclaimed prior to the period shall be disposed of pursuant to provisions of KMC 9.10.040.
5. Reporting of rabid animals: Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the Department of Animal Control, the Summit County Health Department, or the State Division of Health
6. Quarantining and disposition of biting or rabid animal:
   a. An animal that has rabies or shown signs of having rabies, and every animal infected with rabies or that has been exposed to rabies, shall be reported by the owner as set forth above and shall immediately be confined ma secure place by the owner. The Director of Animal Control has the discretion to allow the dog owner to secure the dog or to require the dog owner to surrender the dog to Department of Animal Control
   b. The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to an authorized

official upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal, if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

c. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten days by the Department of Animal Control and/or the City/County Health Department. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements including confinement by the owner, may be made by the director of animal control and/or the director of health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or animal control officer to make an inspection or examination during the period of quarantine. If the animal dies within ten days from the date of the bite, the person having custody shall immediately surrender the dog to the Department of Animal Control. If, at the end of the ten-day period, the director of animal control examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in KMC 9.10.040.

d. Unvaccinated bitten animals

   i. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed.
   ii. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, the cost of such confinement to be paid m advance by the owner. The animal shalt be destroyed if the owner does not comply.

e. Vaccinated bitten animals

   i. If the bitten or exposed animal hos been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of 45 days following revaccination, or
   ii. If the animal is not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months.
   iii. The animal shall be destroyed if the owner does not comply with this Section.

f. Removal of quarantined animal: It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Department of Animal Control. It is unlawful for any person to permit or suffer to escape any such animal from its place of quarantine or impoundment.

g. If any animal bites or attacks or person or animal two times or more in a 12-month period such animal may be immediately impounded by the Department of Animal Control without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal end the Director of Animal Control may seek a court order or exercise discretion as provided in KMC 9.08.140 for destruction of the animal. Parties owning such animal shall, if possible, be notified immediately of the animal's location by the Department of Animal Control.

9.12.020 Bites, Duty To Report

1. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Department of Animal Control.
2. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Department of Animal Control or the City/County Health Department within 24 hours of the bite, regardless of whether or not the biting animal is a species subject to rabies.
3. A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the Department of Animal Control or the City/County Health Department within 24 hours of his first professional attendance. He shall report the name, sex, and address of the person bitten as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Department of Animal Control in ascertaining the immunization of the animal.
4. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Department of Animal Control. The report shall contain the name and address of the owner of the wounded, injured, or bitten animal, the name and address of the owner, a description of the animal that caused the injury, and the location of the incident.
5. Any person not conforming to the requirements of this Section shall be in violation of this ordinance.

9.14 Enforcement And Penalties

9.14.010 Violation

9.14.010 Violation

Any person violating the provisions of this ordinance either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine m an amount not to exceed $750.00 or imprisoned in the Summit County Jail not to exceed 90 days, or both such fine and imprisonment or such further fines and imprisonments provided for a class C misdemeanor pursuant to □§ 76-3-101 et seq, UCA 1953, as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition, Summit County may also pursue civil remedies for any violation of this Ordinance.

10 Transportation Code

10.10 Parking Regulations
10.12 Obstructions On Public Rights-Of-Way
10.16 General Off-Highway Vehicle Use

10.10 Parking Regulations

10.10.010 General Provisions
10.10.020 Definitions
10.10.030 Standard Parking Regulations
10.10.040 Time Limitations
10.10.050 Seasonal Limitations For Parking
10.10.060 Compliance Required, Fines, Impoundment
10.10.070 Requests For Relief From Parking Restrictions

10.10.010 General Provisions

1. Citation: This Chapter shall be referred to as the CITY PARKING CODE.
2. Applicability: This Chapter is applicable on all public ways within the Kamas City limits.
3. Tow Enforcement: Because unlawfully parked cars prevent access to large areas by emergency vehicles and snowplows, as well as local residents, Kamas City Police Department is authorized to enforce this Chapter by towing or otherwise removing vehicles parked in violation of this Chapter without first having given notice to the owner of the vehicle that it may be towed if not removed.
4. Regulations Not Exclusive: The parking regulations established by this Chapter are not all encompassing. and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by law enforcement officers directing traffic during periods of heavy traffic volume or during periods of emergencies.
5. Presumption Of Responsibility: The presence of any vehicle on any street which is parked in violation of the regulations of this Chapter is prima facie evidence that the registered owner of the vehicle parked the vehicle in violation of this Chapter, or permitted others to park his vehicle in violation of this Chapter, and is deemed responsible for the violation and for the fine imposed.

10.10.020 Definitions

As used in this Chapter, the following terms shall have the meanings stated, unless the context clearly requires some other meaning.

DELIVERY VEHICLES: Shall include any motor vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

MOTOR VEHICLE: Any automobile, truck, motorcycle, trailer, backhoe, loader or other piece of construction machinery, and every other means of conveyance of persons or cargo included within the Utah motor vehicle code.

PARKING: Stopping, standing or leaving a motor vehicle in a fixed spot or location on a street for any length of time, except when required to stop or stand because of the flow of traffic or to yield to other traffic, or in compliance with the requirements of traffic control devices or law enforcement officers.

STREET: Every street, alley, roadway or parking lot and five (5) feet either side thereof under the control and/or maintenance of Kamas City, whether on public or private property. The term "street" shall not include private driveways, or private roadways.

10.10.030 Standard Parking Regulations

1. Parking Prohibited in Certain Places: It shall be unlawful and a violation of this Chapter for any person to park a vehicle, or to permit others to park a vehicle in any of the following manners or places on a street:
    a. On a sidewalk or across a sidewalk.
    b. In front of, or within five feet (5') on either side of a driveway.
    c. Within an intersection, or within fifteen feet (15') of an intersection.
    d. In front of or within five feet (5') from a fire hydrant.

e. In or on a crosswalk.
f. Within twenty feet (20') of a crosswalk at an intersection.
g. Within thirty feet (30') from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach.
h. Within twenty feet (20') of the entrance to a fire station, or on the street opposite of the entrance to a fire station if designated a no parking area by signs.
i. Alongside any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street.
j. On a bridge or other elevated portion of a street, or under an overpass.
k. At any place marked by signs as a no parking zone.
l. In such location or manner that the car is parked opposite of the flow of traffic on the street, except as provided in this Chapter.
m. In a parking stall designated for the use of disabled or handicapped persons without a proper permit.
n. In a manner which blocks an access ramp for disabled persons.
o. In a manner which abuses the parking privileges granted to disabled persons under a properly issued permit.

2. Parking May Not Obstruct Traffic: No person shall park a vehicle on a street in any manner that obstructs a street. sidewalk or driveway and impedes the free movement of vehicular or pedestrian traffic.
3. Stopping Or Parking On Streets

   a. When stopping or parking a vehicle. it must be parked in a manner that leaves an unobstructed width along the vehicle for the passage of other vehicles.
   b. This Section shall not apply to vehicles which are parked as a result of mechanical failures or are otherwise disabled to an extent that the vehicle cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled vehicle to activate warning lights on the vehicle. and to open the hood in order to give notice to other vehicles on the street that traffic is blocked by a disabled vehicle. It is also the duty of the owner or operator of a disabled vehicle to obtain assistance as soon as possible under the circumstances to have the disabled vehicle removed from the traffic lane.

4. Parking For Certain Purposes Prohibited: It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes:

   a. Displaying the vehicle for sale.
   b. Greasing. servicing or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle.
   c. Displaying of advertising.
   d. Selling food or other merchandise, or soliciting orders for food or merchandise. except when properly licensed by the City to do so.
   e. Camping or other habitation.

5. Condition Of Unattended Vehicles: It shall be unlawful for any person to park a vehicle on a street or public parking lot without stopping the engine, locking the ignition, and removing the key from the ignition, and if the vehicle is parked on a readily perceptible grade, the wheels must be turned toward the curb or edge of the road and the parking brake set.
6. Double Parking: No person shall park a vehicle on a street at the side of another vehicle which is also parked. except while actually engaged in loading or unloading passengers or cargo, and except when complying with the instructions of a police officer, allowing an emergency vehicle to pass. or when necessary to avoid other traffic.
7. Parallel Parking: It shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow. with the right hand wheels (passenger side) not more than eighteen inches (18") from the curb, shoulder or snow bank, whichever is nearer to the traffic lane.
8. Angle Parking: Angle parking is permitted only when designated by posted signs, and then, only when conditions are such that angle parking does not result in obstruction of the driving lanes such that traffic has to deviate from its normal course to avoid the parked vehicles. Further, no vehicle in excess of twenty feet (20') in length shall park in an angled parking place at any time.
9. Overnight Parking, Camping: It shall be unlawful to park a vehicle on a public street, or within a public parking lot, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation.
10. Parking On Narrow Alleys And Streets Prohibited: It shall be unlawful for any person to park a vehicle on any street or alley in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least twelve feet (12') in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a twelve foot (12') wide traffic lane, or in any other manner to obstruct the free movement of traffic through the alley or narrow street.
11. Lighting Requirements: The owner or operator of a vehicle is not required to provide any warning lights on any lawfully parked vehicle. Any vehicle that is parked so as to obstruct the normal flow of traffic, whether illegally parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred feet (500'). The light shown to the front of the vehicle shall be white or amber, and the light shown to the rear of the vehicle shall be red. If the headlights are

left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a vehicle so parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud or other obstructions so the lights are clearly displayed.

12. Parking of unregistered vehicle and trailers prohibited: No person who owns or has possession, custody, or control of any unregistered vehicle, utility trailer, house trailer, boat trailer, or any other type of vehicle or trailer, shall park or store such vehicle upon any public street or City Right of Way.

10.10.040 Time Limitations

1. It shall be unlawful to leave a vehicle parked on any street or public parking lot for more than seventy two (72) consecutive hours. After seventy two (72) consecutive hours, the vehicle is subject to impoundment.
2. No person who owns or has possession, custody, or control of any dismantled, partially dismantled, or inoperable vehicle, machinery or equipment, or parts thereof, shall park or store such stated items upon any public street or City Right of Way for a period of time exceeding 72 hours, except as may be permitted under pertinent provisions of other ordinances of the City.
3. A person may not move a vehicle or leave and reenter a parking space for the sole purpose of avoiding the effect of this ordinance.

10.10.050 Seasonal Limitations For Parking

1. Special Winter Limitations: It shall be unlawful to park any vehicle on any public street in Kamas City during the winter season designated as November thru April 1st. Vehicles so parked are subject to citation and or impoundment.
2. Parking Not To Obstruct Snow Removal: It shall be unlawful to park any vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment. Vehicles so parked are subject to citation and or impoundment.

10.10.060 Compliance Required, Fines, Impoundment

1. Compliance Required Compliance with this Chapter is required when proper signs are posted, or when the regulation is such that no sign is required under this Chapter. It shall be unlawful to park any vehicle in violation of the regulations established by this Chapter, or in violation of regulations contained on posted signs.
2. Obligation of Owner to Move Vehicle It is the obligation of the owner or operator of a vehicle to remove that vehicle when it is illegally parked. When an officer finds an illegally parked vehicle that is impeding traffic or snow removal, the officer is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to an impound yard.
3. Nature of Violation Violations of this Chapter are Class C Misdemeanors.
4. Towing Costs In addition to fine on the violation, the owner of the vehicle is responsible for paying towing fees and impound fees, which are regulated by the current State Code, for the release of the vehicle.
5. Release of Impounded Vehicles Impounded vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded vehicles shall be released under the regulations established by Kamas City Police Department.

10.10.070 Requests For Relief From Parking Restrictions

Requests for relief from the parking restrictions in these rules and regulations may be made by the Mayor, City Council, or Chief of Police as it pertains to emergencies, special events and community or private functions or events.

10.12 Obstructions On Public Rights-Of-Way

10.12.010 Permits Required For Excavations, Driveways, Encroachments, And Structures
10.12.020 Emergency Conditions
10.12.030 Winter Season
10.12.040 Applications
10.12.050 Approval Of Applications
10.12.060 Permits
10.12.070 Fees
10.12.080 Completion Bond
10.12.090 Supervision And Inspection
10.12.100 Failure To Comply
10.12.110 Penalty

10.12.010 Permits Required For Excavations, Driveways, Encroachments, And Structures

1. It shall be unlawful for any person, firm, or corporation to place, make, enlarge or change any excavation, driveway, encroachment or structure within the right-of-way for any City Road without complying with the provisions of this Ordinance and obtaining a permit as provided herein.
2. It shall be unlawful, and punishable as provided for herein, to make any excavation or to place any encroachment or structure in any City right-of-way not described in the approved permit application or which exceeds in size the dimensions or which does not conform to the conditions described in said application.

10.12.020 Emergency Conditions

Emergency excavations and encroachments may be made without prior permit if the reason for the excavation or encroachment is to prevent loss of life or damage to property which appears to be imminent if the action is delayed by waiting to secure said permits. In such emergency situations, those making the excavation or encroachment MUST contact the City Road Superintendent at the earliest possible time, but in no case later than the first working day following the emergency work in order to secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for the prior permit requirement.

10.12.030 Winter Season

No permits for excavation shall be issued during the winter season except in emergency situations of where the City Road Superintendent has determined that weather and ground conditions are such that satisfactory back filling and/or road repair may be completed or where applicant files a completion bond in double the amount called for in KMC 10.12.070. For the purposes of this Section, "winter season" begins October 15th of each year and ends May 1st of the succeeding year.

10.12.040 Applications

Applications for all permits shall be made to the City Road Superintendent as provided and shall describe the location of the intended excavation, encroachment of structure, the pertinent dimensions thereof, the purpose therefor, the person, firm, or corporation doing the actual work and the name of the person, firm or corporation for whom or by which the work is being done and shall contain an agreement that the applicant will comply with all ordinances, laws and adopted standards of Kamas City and the State of Utah relating to the work to be done. The application shall also provide for an agreement that the applicant shall indemnify the City for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or constructing any such excavation, encroachment or structure.

10.12.050 Approval Of Applications

The City Public Roads Director shall approve all permits and shall set conditions of approval where appropriate. Encroachment of City rights-of-way shall only permit the planting of grass or the placement of gravel or asphalt. Under no circumstances shall any fences, hedges, trees, landscaping rocks, lawn sprinkling systems, or other like structures be allowed on the City right-of-way. Any of said items shall be removed upon notice of the City Road Superintendent. In the event that the City must dig in the City right-of-way, any structures, landscaping, or asphalt placed in the City right-of-way without prior permit will be removed by the City and shall not be replaced.

10.12.060 Permits

All permits issued pursuant to this Ordinance shall be valid for a period of 60 days, except that no permit shall extend into the winter season as outlined in KMC 10.12.030, unless compliance with said is made.

10.12.070 Fees

A review fee shall accompany each application for a permit in accordance with the current adopted fee resolution of Kamas City. Fees must accompany the application unless other payment arrangements have been approved by the Road Superintendent. Permits for work that has already been completed without prior approval, except emergency encroachments or excavations as outlined in KMC 10.12.020, shall pay an additional fee of one hundred ($100.00) dollars.

10.12.080 Completion Bond

Applicants shall file a completion bond with the City Clerk in the amount set by the current adopted fee resolution of Kamas City for all excavations in the City right-of-way. This may be cash, a letter of credit from an F.D.I.C. insured financial

institution, or a corporate surety bond. The bond shall be valid for a period of two years from the date of completion, to guarantee that the conditions of any permit together with any restorative work is completed properly. The bond will be released upon recommendation of the City Road Superintendent after the two-year period.

10.12.090 Supervision And Inspection

The City Road Superintendent shall from time to time inspect or cause to be inspected, all work done pursuant to permits to insure the enforcement of the provisions of this title. Notification shall be given to the City Superintendent at least forty-eight (48) hours prior to the commencement of any work. The Completion Bond shall not be released without an inspection made to determine satisfaction of all applicable provisions of this Ordinance.

10.12.100 Failure To Comply

In the event of failure on the part of any person, firm, or corporation to comply fully with the provisions of this Ordinance, law enforcement authorities of Kamas City are authorized to:

1. Initiate civil action by citation or information under KMC 10.12.110 and/or proceed to forfeit bond, or
2. Give written notice to such person, firm, or corporation to remove such installation from the right-of-way. Such notice may be served either by personal service or by mailing the notice to said person, firm, or corporations by registered mail and posting a copy thereof on such installation for a period of 10 days. If such installation is not removed within 10 days after the notice is complete, said highway authorities may remove the same at the expense of the person, firm, or corporation and recover the costs and expenses, and also the sum of $300.00 for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or,
3. If such person, firm, or corporation disputes or denies the existence of such installation, or refuses to remove or permit its removal, said highway authorities may bring an action against such person.

10.12.110 Penalty

Any person who violates the provisions of this Ordinance is guilty of Class "C" Misdemeanor. Each day of a continuing violation shall be deemed a separate offense. Violators shall be cited in accordance with KMC 15.23 of the Zoning Ordinance, Violations and Penalties.

10.16 General Off-Highway Vehicle Use

10.16.010 Designation Of Off-Highway Vehicle Routes
10.16.020 Specific Regulations For Operation Of OHV'S Within City Limits

10.16.010 Designation Of Off-Highway Vehicle Routes

All Kamas City streets and roads, including right of ways, within the Kamas City limits are allowable routes for OHV's except for state highways SR 248 West of Main Street, SR 32, known as Main Street and Hwy 1 SO, known as Center Street. Operating an OHV on cultivated, landscaped, or otherwise developed property is prohibited unless allowed by the property owner. The following described intersections are hereby designated as state highway crossings:

1. 100 and 200 East crossing Center Street.
2. 100 and 200 North and 100 South crossing Main Street.

10.16.020 Specific Regulations For Operation Of OHV'S Within City Limits

1. OHV's must be in safe running conditions and be operated at all times in a safe manner and in accordance with all applicable state, county and city traffic laws. This includes proper speed limits, signaling and obeying yield and stop signs.
2. It is illegal for any person to use an OHV in connection with acts of vandalism, harassment of wildlife or domestic animals, or in the commission of a crime. It is also illegal for anyone to operate any OHV in such a manner as to damage the environment which includes excessive noise, water or air pollution, abuse of land or watershed including littering, or impairment of plant or animal life.
3. The OHV must be legally licensed or registered.
4. The maximum speed for OHV's shall be as posted for general motor vehicular traffic. The violation of this provision shall be punishable consistent with speed violations for general motor vehicles.
5. All OHVs must be equipped with:

a. Brakes sufficient to stop and hold the machine.
b. A noise control device and spark arrester. State, county and city noise regulations shall be enforced.
c. Functioning headlights and taillights while being operated between sunset and sunrise.
d. Where an OHV is not equipped with lights, a safety flag no shorter that four and one-half feet (41/2') tall must be attached and the OHV must not be operated between sunset and sunrise.

6. Any person operating an OHV on Kamas City streets must meet one of the following requirements:

   a. No one under eight (8) years of age is allowed to operate any OHV on public lands, roads, streets or trails in Utah.
   b. Operators between the ages of eight (8) and thirteen (13) must have in their possession a Utah OHV education certificate and be under the direct visual supervision of an adult who is at least eighteen (18) years of age.
   c. Operators between the ages of fourteen (14) and fifteen (15) must have in their possession a Utah OHV education certificate.
   d. Operators age sixteen (16) and older must have in their possession a valid state driver's license.

7. Properly fastened helmets, having at least a "DOT Approved" safety rating for motorized use are required for all OHV operators and passengers under the age of 18 years.

13 Community Development And Public Facilities

13.08 Telecommunications; Use Of Rights Of Way; Franchise
13.09 Tax On The Gross Receipts Of Telecommunications Service Providers
13.10 Granting Cable Television System Franchise To All West/Utah Inc
13.12 Gas Distribution System Franchise
13.18 Ground Water Protection
13.20 Flood Damage And Prevention

13.08 Telecommunications; Use Of Rights Of Way; Franchise

13.08.010 Definitions
13.08.020 Authority Granted
13.08.030 Construction Permits Required
13.08.040 Grant Limited To Occupation
13.08.050 Term Of Franchise
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13.08.070 Maps And Records
13.08.080 Work In Public Ways
13.08.090 Restoration After Construction
13.08.100 Emergency Work Permit Waiver
13.08.110 Dangerous Conditions
13.08.120 Non-Liability Of City For Act Of Franchisee
13.08.130 Insurance
13.08.140 Abandonment And Removal Of The Franchisee's Communication Facilities
13.08.150 Modifications
13.08.160 Forfeiture And Revocation
13.08.170 City Ordinances And Regulations
13.08.180 Survival
13.08.190 Severability
13.08.200 Assignment
13.08.210 Notice
13.08.220 Entire Franchise
13.08.230 Attorney's Fees
13.08.240 Governing Law/Venue
13.08.250 Acceptance

13.08.010 Definitions

For the purposes of this franchise, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

Affiliate means the entity which owns or controls, is owned or controlled by, or is under common ownership with the Franchisee.

City means the City of Kamas, Utah.

Communication(s) Service shall mean any telecommunications services, telecommunications capacity, or dark fiber, provided by the Franchisee using its Communication System or facilities, either directly or as a carrier for its subsidiaries, affiliates, or any other person engaged in Communication Service, including but not limited to, the transmission of voice, data, or other electronic information, facsimile reproduction, burglar alarm monitoring, meter reading, and home shopping, or other subsequently developed technology that carries an electronic signal over fiber optic cable or copper cable. Communication Service shall also include non-switched, dedicated, and private line, high capacity fiber optic transmission services to firms, businesses, or institutions within the City.

Communication Systemor Facilities shall mean the Franchisee's fiber optic and/or copper cable system constructed and operated within the City's public ways and shall include all cables, wires, fibers, conduits, ducts, pedestals, and any associated converter, equipment, or other facilities within the City's public ways designed and constructed for the purpose of providing Communication Service.

FCC means the Federal Communications Commission, or any successor governmental entity hereto.

Franchise shall mean the initial authorization, or renewal thereof granted by the City, through this ordinance or subsequently adopted ordinance, which authorizes construction and operation of the Franchisee's Communication System and associated Facilities for the purpose of offering Communications Service.

Franchisee means All West Communications, Inc., a Utah corporation, or the lawful successor, transferee, assignee, or affiliate thereof.

Person means an individual, partnership association, joint stock company, trust, corporation, or governmental entity.

Public Way shall mean the surface of and any space above or below any public street, highway, freeway, bridge, path, alley, court, boulevard, sidewalk, parkway, lane, drive, circle, or any other public right of way including, but not limited to, public utility easements, utility strips, or rights of way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon, now or hereafter held by the City in the Service Area which shall entitle the City and the Franchisee the use thereof for the purpose of installing, operating, repairing, and maintaining the Communications System. Public way shall also mean any easement now or hereafter held by the City within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights of way which within their proper use and meaning, entitle the City and the Franchisee the use thereof for the purposes of installing or transmitting the Franchisee's Communications Service over wires, cables, conductors, amplifiers, appliances, attachments, and other property as may be ordinarily and necessarily pertinent to the Communications System.

Service Area means the present municipal boundaries of the City and shall include any additions thereto by annexation or other legal means.

13.08.020 Authority Granted

The City hereby grants to the Franchisee its heirs, successors, legal representatives, affiliates and assigns, subject to the terms and conditions hereinafter set forth, the right, privilege and authority to utilize the public ways of the City for construction and operation of the Franchisee's Communications System and to acquire, construct, operate, maintain, replace, use, install, remove, repair, reconstruct, inspect, sell, lease, transfer, or to otherwise utilize in any lawful manner, all necessary equipment and facilities thereto for the Franchisee's Communications System, and to provide Communications Service.

13.08.030 Construction Permits Required

1. Prior to site specific location and installation of any portion of its Communications System within a public way, the Franchisee shall apply for and obtain a construction permit and pay all fees pursuant to the ordinances and resolutions of the City presently existing or as amended from time to time. All other codes and ordinances of the Franchising Authority that pertain to such construction shall be complied with.
2. Unless otherwise provided in said permit, the Franchisee shall give the City at least 48 hours' notice of the Franchisee's intent to commence work in the public ways. The Franchisee shall file plans or maps with the City showing the proposed location of its Communication Facilities and pay all duly established permit and inspection fees associated with the processing of the permit. In no case shall any work commence within any public way without said permit except as otherwise provided in this franchise.

13.08.040 Grant Limited To Occupation

Nothing contained herein shall be construed to grant or convey any right, title, or interest in the public ways of the City to the Franchisee nor shall anything contained herein constitute a warranty of title.

13.08.050 Term Of Franchise

The first term of this franchise shall be for a period of thirty (30) years from the date of acceptance as set forth herein, and will continue thereafter on a year to year basis unless either party provides written notice to the other party one hundred twenty (120) days notice of its intent to renegotiate the terms and conditions of this Franchise. At the end of that term, additional terms and extensions will be negotiated upon terms and conditions deemed reasonable to both the City and the Franchisee.

13.08.060 Non-Exclusive Grant

This Franchise shall not in any manner prevent the City from entering into other similar agreements or granting other or further franchises in, under, on, across, over, through, along or below any of said public ways of the City. However, the City shall not permit any such future Franchisee to physically interfere with the Franchisee's Communication Facilities. In the event that such physical interference or disruption occurs, the City Engineer may assist the Franchisee and such subsequent Franchisee in resolving the dispute. Further, this franchise shall in no way prevent or prohibit the City from using any of its public ways or affect its jurisdiction over them or any part of them, and the City shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of the same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new public ways all in compliance with this franchise.

13.08.070 Maps And Records

After construction is complete, the Franchisee shall provide the City with accurate copies of as-built plans and maps in a form and content prescribed by the City Engineer. These plans and maps shall be provided at no cost to the City and shall include hard copies and digital copies in a format specified by the City Engineer.

13.08.080 Work In Public Ways

1. During any period of relocation, construction, or maintenance, all surface structures, if any, shall be erected and used in such places and positions within said public ways and other public properties so as to interfere as little as possible with the free passage of traffic and the free use of adjoining property. The Franchisee shall, at all times, post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or the laws of the State of Utah.
2. The Franchisee shall cooperate with the City and all other persons with authority from the City to occupy and use the public ways of the City in coordinating construction activities and joint trenching projects. By March 1st of each calendar year, the Franchisee shall provide the City with a schedule of its proposed construction activities in, around, or that may affect the public ways of the City. The Franchisee shall also meet with the City and other grantees, franchisees, permittees, and other users of the public ways of the City annually or as determined by the City to schedule and coordinate construction activities. The Public Works Director shall coordinate all construction locations, activities and schedules to minimize public inconvenience, disruption, or damage to the public ways of the City.
3. If either the City or the Franchisee shall at any time after the installation of the facilities plan to make excavations in an area covered by this franchise and as described in this Section, the party planning such excavation shall afford the other upon receipt of written request to do so an opportunity to share such an excavation provided that: (1) such joint use shall not unreasonably delay the work of the party causing the excavation to be made or unreasonably increase its costs; (2) such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties; and (3) either party may deny such request for safety reasons or if their respective uses of the trench are incompatible.
4. If the City should at any time after the installation of the facilities need the facilities moved for purposes of the City constructing, installing, maintaining, repairing or upgrading any public infrastructure of the City the Franchisee shall bear all cost of the removal and replacement of the facilities. Except in cases of emergencies the City shall give the Franchisee 45 days' notice of the City's need to have the facilities moved.

13.08.090 Restoration After Construction

The Franchisee shall, after the installation, construction, relocation, maintenance, removal or repair of its Communication Facilities within the public ways restore the surface of said public ways and any other City-owned property that may be disturbed by the work to at least the same condition the public way or City-owned property was in immediately prior to any such installation, construction, relocation, maintenance or repair, reasonable wear and tear excepted. The Franchisee agrees to promptly complete all restoration work and to promptly repair any damage caused by such work to the public ways or other affected area at its sole cost and expense according to the time and terms specified in the construction permit issued by the City in accordance with the applicable ordinances of the City.

13.08.100 Emergency Work Permit Waiver

In the event of any emergency in which any of the Franchisees' Communication Facilities located in, above, or under any public way break, are damaged, or if the Franchisee's construction area is otherwise in such a condition as to immediately endanger the property, life, health, or safety of any individual, the Franchisee shall immediately take proper emergency measures to repair its facilities, to cure or remedy the dangerous conditions for the protection of property, life, health, or safety of individuals without first applying for and obtaining a permit as required by this franchise. However, this shall not relieve the Franchisee from the requirement of notifying the City of the emergency work and obtaining any permits necessary for this purpose after the emergency work. The Franchisee shall notify the City by telephone immediately upon

learning of the emergency and shall apply for all required permits not later than the second succeeding day during which the City Hall is open for business.

13.08.110 Dangerous Conditions

Whenever construction, installation or excavation of the Communication Facilities authorized by this franchise has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining public way, street, or public place, or endangers the public street, utilities or City-owned property, the City Engineer may reasonably request the Franchisee to take action to protect the public, adjacent public places, City-owned property, streets, utilities and public ways. Such action may include compliance within a prescribed time. In the event that the Franchisee fails or refuses to promptly take the actions directed by the City or fails to fully comply with such directions, or if emergency conditions exist which require immediate action, the City may enter upon the property and take such actions as are necessary to protect the public, the adjacent streets, utilities, public ways to maintain the lateral support thereof or actions regarded as necessary safety precautions and the Franchisee shall be liable to the City for the reasonable costs thereof.

13.08.120 Non-Liability Of City For Act Of Franchisee

The City shall not at any time become liable or responsible to any person, firm, corporation, or individual for any damage, injury, including loss of life or loss by reason of the activities of Franchisee under this franchise, and Franchisee hereby indemnifies the City and holds it harmless against all such liabilities, loss, cost, damage, or expense which may be incurred by the City by reason of the exercise or arising out of the implementations of this franchise.

13.08.130 Insurance

The Franchisee shall procure and maintain insurance against claims for injuries to persons or damages to the property which may arise from, or in connection with the exercise of the rights, privileges, and authority granted hereunder to the Franchisee, its agents, representatives, or employees. The Franchisee shall provide to the City for its inspection an insurance certificate naming the City as an additional insured as its respective interests may appear prior to the commencement of any work or installation of any facilities pursuant to this franchise. Such insurance certificate shall evidence:

1. Comprehensive general liability insurance written on an occurrence basis, including contractual liability coverage with limits inclusive of umbrella or excess liability coverage of not less than: (1) $2,000,000 for bodily injury or death to each person; and (2) $3,000,000 for property damages resulting from any one accident.
2. Automobile liability for owned, non-owned, and hired vehicles with a limit inclusive of umbrella or excess liability coverage of $300,000 for each person and $500,000 for each accident.
3. Workers' compensation within statutory limits.

The liability insurance policies required by this Section shall be maintained by the Franchisee throughout the term of this franchise and such other period of time during which the Franchisee is operating without a franchise hereunder, or is engaged in the removal of its Communication System. Payment of deductibles and self-insured retentions shall be the sole responsibility of the Franchisee. The insurance certificate required by this Section shall contain a clause stating that the coverage shall apply separately to each insured against whom a claim is made or suit is brought except with respect to the limits of the insurer's liability. The Franchisee's insurance shall be primary insurance with respect to the City. Any insurance maintained by the City, its officers, officials, employees, consultants, agents, and volunteers shall be in excess of the Franchisee's insurance and shall not contribute with it.

13.08.140 Abandonment And Removal Of The Franchisee's Communication Facilities

Upon the expiration or termination of the rights granted under this franchise, the Franchisee shall either, at Franchisee's sole option, remove all of its Communication Facilities from the public ways of the City within ninety (90) days or abandon the Facilities in place. Upon permanent abandonment and Franchisee's agreements to transfer ownership of the Communication Facilities to the City, the Franchisee shall submit to the City a proposal and instruments for transferring ownership to the City. Any such facilities which are not permitted to be abandoned in place which are not removed within one (1) year of receipt of said notice shall automatically become the property of the City.

13.08.150 Modifications

The City and the Franchisee hereby reserve the right to alter, amend, or modify the terms and conditions of this franchise upon the written agreement of both parties to such alteration, amendment or modification. Said modifications shall be approved by the City by ordinance and accepted by the Franchisee consistent with this Section.

13.08.160 Forfeiture And Revocation

1. This franchise may be terminated for failure by Franchisee to comply with the material provisions hereof and other provisions of the City ordinances.
2. If the City has reason to believe that the Franchisee is in violation of this franchise or other provisions of the City ordinances, the following procedures shall be followed by the City:
    a. The City shall provide the Franchisee with a detailed, written notice by certified mail detailing the violation, the steps necessary to cure such violation, and the time period within which the violation must be cured. Within thirty (30) days thereafter, Franchisee shall respond demonstrating that no violation occurred, that any problem has been corrected, or with a proposal to correct the problem within a specified period of time.
    b. Franchisee may request an extension of time to cure an alleged violation if construction is suspended or delayed by the City or where unusual weather, natural consequences, extraordinary acts of third parties, or other circumstances which are reasonably beyond the control of the Franchisee delay progress, provided that the Franchisee has not, through its own actions or inactions, contributed to the delay.
    c. If said response is not satisfactory to the City, the City may declare the Franchisee to be in default with written notice by certified mail to Franchisee. Within ten (10) business days after notice to Franchisee, Franchisee may deliver to the City a request for a hearing before the City Council. If no such request is received, the City may declare the franchise terminated for cause.
    d. If Franchisee files a timely written request for hearing, such hearing shall be held within thirty (30) days after the City's receipt of the request therefor. Such hearing shall be open to the public and Franchisee and other interested parties may offer written and/or oral evidence explaining or mitigating such alleged noncompliance. Within ten (I 0) days after the hearing, the City Council on the basis of the record will make the determination as to whether there is cause for termination and whether the franchise will be terminated. The City Council may, in its sole discretion, fix an additional time period to cure violations. If the deficiency has not been cured at the expiration of any additional time period, or if the City Council does not grant any additional period, the City Council may, by resolution, declare the franchise to be terminated.
    e. If Franchisee appeals revocation and termination, such revocation may be held in abeyance pending judicial review by a court of competent jurisdiction provided the Franchisee is otherwise in compliance with this franchise.
3. Franchisee shall not be deemed to be in default failure, violation or noncompliance with any provision of this franchise where performance was rendered impossible due to an act of God, fire, flood, storm, or other element or casualty, theft, war, disaster, strike, lockout, boycott, prevailing war, or war preparation, or bona fide legal proceedings, beyond the control of the Franchisee.

13.08.170 City Ordinances And Regulations

Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this franchise, including any valid ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public and including adopting a municipal telecommunication license tax under Utah Code 10-1-40 I et seq. The City shall have the authority at all times to control by appropriate regulations the locations, elevation, manner or construction and maintenance of facilities by the Franchisee and the Franchisee shall promptly conform with all such regulations unless compliance would cause the Franchisee to violate other requirements of the law.

13.08.180 Survival

All of the provisions, conditions and requirements of this franchise shall be in addition to any and all other obligations and liabilities the Franchisee may have to the City at common law by statute or by contract. The provisions, conditions and requirements of KMC 13.08.080 Work in Public Ways; KMC 13.08.090 Restoration after Construction; KMC 13.08.110 Dangerous Conditions; KMC 13.08.120 Non-Liability of City for Acts of Franchisee; KMC 13.08.130 Insurance; KMC 13.08.140 Abandonment and Removal of the Franchisee's Communication Facilities; shall survive the expiration or termination of this franchise and any renewals or extensions thereof and remain effective until such time as the Franchisee removes its Communication Facilities from the public ways, transfers ownership of said facilities to a third party, or abandons said system in place as provided herein. All of the provisions, conditions, regulations and requirements contained in this franchise shall further be binding upon the heirs, successors, executors, administrators, legal representatives, and assigns of the Franchisee and all privileges as well as all obligations and liabilities of the Franchisee shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever the Franchisee is named herein.

13.08.190 Severability

If any Section, sentence, clause or phrase of this franchise shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other Section, sentence, clause or phrase of this franchise.

13.08.200 Assignment

This Agreement may not be assigned or transferred without prior written notice to the City except that the Franchisee may freely assign this franchise without notice in whole or in part to a parent, subsidiary, or affiliated corporation or as part of any corporate financing, reorganization, or refinancing. In the case of transfer or assignment as security by mortgage or other security instrument in whole or in part to secure indebtedness, such notice shall not be required unless and until the secured party elects to realize upon the collateral.

Franchisee may, without the prior written notice to the City: (1) lease the facilities or any portion thereof to another; (2) grant an indefeasible right of user interest in the facilities or any portion thereof to another; or (3) offer to provide capacity or band width in its facilities to another, provided that Franchisee at all times retains exclusive control over such facilities and remains responsible for locating, servicing, repairing, relocating, or removing its facilities pursuant to the terms and conditions of this franchise.

13.08.210 Notice

Any notice or information required or permitted to be given to the parties under this franchise may be sent to the following addresses unless otherwise specified:

City:
Kamas City
170 N. Main
Kamas, Utah 84036

Franchisee:
All West Communications, Inc.
50 West 100 North
Kamas, Utah 84036
Attn: CEO

Notice shall be deemed given upon receipt in the case of personal delivery three (3) days after deposit in the U.S. mail in the case of regular mail, or next day in the case of overnight delivery.

13.08.220 Entire Franchise

This franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon approval and acceptance of this franchise. Provided further that the City and the Franchisee reserve all rights they may have under the law to the maximum extent possible and neither the City nor the Franchisee shall be deemed to have waived any rights they may have or may acquire in the future by entering into this franchise.

13.08.230 Attorney's Fees

If any suit or other action is instituted in connection with any controversy arising under this franchise, the prevailing party shall be entitled to recover all of its costs and expenses including such sum as the court may judge reasonable for attorney's fees.

13.08.240 Governing Law/Venue

This franchise shall be governed by and construed in accordance with the laws of the State of Utah. The venue and jurisdiction over any dispute related to this franchise shall be with the Utah State Court in the county in which the City is located, or with respect to any federal question, with the United States District Court for the District of Utah in Salt Lake City.

13.08.250 Acceptance

Within sixty (60) days after the passage and approval of this ordinance, this franchise shall be accepted by the Franchisee by its filing with the City Clerk an unconditional written acceptance thereof. Failure of the Franchisee to so accept this franchise within said period of time shall be deemed a rejection thereof and the rights and privileges herein granted shall after the expiration of the sixty (60) day period, absolutely cease unless the time period is extended by ordinance duly passed for that purpose.

13.09 Tax On The Gross Receipts Of Telecommunications Service Providers

13.09.010 Definitions
13.09.020 Levy Of Tax
13.09.030 Rate
13.09.040 Rate Limitation And Exemption Therefrom
13.09.050 Effective Date Of Tax Levy
13.09.060 Interlocal Agreement For Collection Of The Tax
13.09.070 Procedure For Taxes Erroneously Recovered From Customers
13.09.080 Repeal Of Inconsistent Taxes And Fees
13.09.090 Adoption By Reference

13.09.010 Definitions

As used in this ordinance:

Commission means the State Tax Commission.

Customer

1. Subject to this Section, "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
2. For purposes of this ordinance, "customer" means:
   a. the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or
   b. if the end user is not the person described in this Section, the end user of telecommunications service.
3. "Customer" does not include a reseller:
   a. of telecommunications service; or
   b. for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

End user means the person who uses a telecommunications service.

1. For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

Gross Receipts attributed to the municipality means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code Title 59, Chapter 12, Sales and Use Tax Act and determined in accordance with Utah Code Section 59- 12-215.

Gross receipts from telecommunications service means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

1. a tax, fee, or charge:
   a. imposed by a governmental entity;
   b. separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
   c. imposed only on a telecommunications provider;

2. sales and use taxes collected by the telecommunications provider from a customer under Utah Code Title 59, Chapter 12, Sales and Use Tax Act; or
3. interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

Gross receipts from telecommunications service includes a charge necessary to complete a sale of a telecommunications service.

Mobile telecommunications service is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

Municipality means Kamas City.

Place of primary use

1. for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:
   a. the residential street address of the customer; or
   b. the primary business street address of the customer; or
2. for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

Service Address Notwithstanding where a call is billed or paid, "service address" means:

1. if the location described in this Section is known, the location of the telecommunications equipment:
   a. to which a call is charged; and
   b. from which the call originates or terminates;
2. if the location described in this Section is not known but the location described in this Section is known, the location of the origination point of the signal of the telecommunications service first identified by:
   a. the telecommunications system of the telecommunications provider; or
   b. if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or
3. if the locations described in this Section are not known, the location of a customer's place of primary use.

Telecommunications Provider

1. Subject to this Section, "telecommunications provider" means a person that:
   a. owns, controls, operates, or manages a telecommunications service; or
   b. engages in an activity described in this Section for the shared use with or resale to any person of the telecommunications service.
2. A person described in this Section is a telecommunications provider whether or not the Public Service Commission of Utah regulates:
   a. that person; or
   b. the telecommunications service that the person owns, controls, operates, or manages.
3. "Telecommunications provider" does not include an aggregator as defined in Utah Code Section 54-Sb-2.

Telecommunications service means

1. telecommunications service, as defined in Utah Code Section 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state;
2. mobile telecommunications service, as defined in Utah Code Section 59-12-102
   a. that originates and terminates within the boundaries of one state; and
   b. only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
3. an ancillary service as defined in Utah Code Section 59-12-102.

Telecommunications tax or fee

1. Except as provided in this Section, "telecommunications tax or fee" means any of the following imposed by a municipality on a telecommunications provider:
    a. a tax;
    b. a license;
    c. a fee;
    d. a license fee;
    e. a license tax;
    f. a franchise fee; or
    g. a charge similar to a tax, license, or fee described in this Section.
2. "Telecommunications tax or fee" does not include
    a. the municipal telecommunications license tax authorized by Utah Code Title 10, Chapter 1, Part 4; or
    b. a tax, fee, or charge, including a tax imposed under Utah Code Title 59, Revenue and Taxation, that is imposed:
        i. on telecommunications providers; and
        ii. on persons who are not telecommunications providers.

13.09.020 Levy Of Tax

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality.

13.09.030 Rate

The rate of the tax levy shall be 3.5% of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality subject to the following: If the location of a transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications services shall be the lower of (1) the rate imposed by the taxing jurisdiction in which the transaction is located or (2) the rate for nonmobile telecommunication services shall be the rate imposed by the municipality in which the customer's service address is located; or for mobile telecommunications service, the rate imposed by the municipality of the customer's primary place of use.

13.09.040 Rate Limitation And Exemption Therefrom

This rate of this levy shall not exceed 3.5% of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality that vote in:

1. a municipal general election;
2. a regular general election; or
3. a local special election.

13.09.050 Effective Date Of Tax Levy

This tax shall be levied on the first day of a calendar quarter and after a 90 day period beginning on the date the Commission received notice pursuant to Utah Code Section 10-1-403.

13.09.060 Interlocal Agreement For Collection Of The Tax

On or before the effective date of the ordinance, the municipality shall enter into the uniform interlocal agreement with the Commission as described in Utah Code Section 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax.

13.09.070 Procedure For Taxes Erroneously Recovered From Customers

A customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer municipal telecommunications license taxes authorized by Utah Code Title 10, Chapter 1, Part 4 unless the customer meets the same requirements that a purchaser is required to meet to bring a

cause of action against a seller for a refund or credit as provided in Utah Code Subsection 59-12-110.1 (3).

13.09.080 Repeal Of Inconsistent Taxes And Fees

Any tax or fee previously enacted by this municipality under authority of Utah Code Section 10-1-203 on "telecommunication providers" for telecommunication services as defined herein or Utah Code Title 11, Chapter 26, Local Taxation of Utilities Limitation is hereby repealed.

Pursuant to Utah Code Section 10-1-406, nothing in this ordinance shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with Utah Code Section 72-7-102 and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right of way or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right-of-way; nor does this ordinance limit the municipalities right to charge fees or taxes on persons that are not subject to municipal telecommunications license tax under this ordinance and locate telecommunications facilities, as defined in Utah code section 72-7-108, in this municipality.

13.09.090 Adoption By Reference

Adoption by reference of any amendments to the provisions of Title 10, Chapter 1, Part 4 and Title 59, Chapter 12, Part 1 of the Utah Code.

Any amendments to the provisions of Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act and Title 59, Chapter 12, Part l, Tax Collection that relate to levying or collecting a municipal telecommunications tax, are hereby adopted by reference.

13.10 Granting Cable Television System Franchise To All West/Utah Inc

13.10.010 Definitions
13.10.020 Grant Of Authority
13.10.030 Non-Exclusive Grant
13.10.040 Term Of Franchise
13.10.050 Conditions Of Street Occupancy
13.10.060 Safety Requirements
13.10.070 System Construction And Extension
13.10.080 Operational Standards; Force Majeure
13.10.090 Office; Complaints
13.10.100 Rates
13.10.110 Franchise Payments
13.10.120 Indemnification Of City
13.10.130 Procedures
13.10.140 Procedure Upon Termination
13.10.150 Approval Of Transfer
13.10.160 Miscellaneous Provisions
13.10.170 Compliance With Applicable Laws And Ordinances
13.10.180 Violations; Penalties
13.10.190 Line Severing

13.10.010 Definitions

When used in this ordinance, unless the context otherwise requires, the following terms and their derivatives shall have the meaning herein given (and when not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural):

City means the City of Kamas.

Council means the governing body of the City.

Grantee means All West/Utah, Inc., its successors and assigns ("All West"), the grantee of rights under this ordinance.

Person means any natural person, company or entity of any kind.

Franchise area means that area within the corporate limits of the City as now or hereafter constituted.

Street means the surface of and the space above and below any public street, way, place, right of way, road, highway, freeway, bridge, tunnel, lane, path, bike path, alley, court, sidewalk, parkway, drive, communications or utility easement, by whatever name called, now or hereafter existing as such within the franchise area.

Property of Grantee" means all property owned, installed or used by the Grantee in the conduct of a CATV business in the City.

CATV means a cable television or similar or like system.

Cable Television System means a system composed of, without limitation, antenna, cables, wires, lines, towers, wave guides, or any other conductors, converters, equipment or facilities, designed, constructed or wired for the purpose of producing, receiving, amplifying and distributing by coaxial cable radio, television or other electronic or electrical signals to and from persons, subscribers and locations in the franchise area.

Basic CATV Service means the distribution of broadcast television signals by the Grantee.

Subscriber means any person or entity receiving and paying for basic CATV service.

Gross Subscriber Revenues means all remuneration received directly by the company from subscribers in payment for regularly furnished CATV service as described in KMC 13.10.110, but shall not include any taxes on services furnished by the Grantee imposed on any subscriber or user by any government, governmental unit, political subdivision, agency or instrumentality, and collected by the Grantee.

13.10.020 Grant Of Authority

There is hereby granted by the City to the Grantee the right and privilege to engage in the business of operating and providing a CATV system in the City, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street or streets laid out or dedicated and all extensions thereof and additions thereto in the franchise area, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including but not limited to any public utility or other Grantee franchised or permitted to do business in the City.

13.10.030 Non-Exclusive Grant

The right to use and occupy said streets for the purposes herein set forth, shall not be exclusive to the Grantee.

13.10.040 Term Of Franchise

The franchise and rights herein granted shall commence on the date of the final passage hereof and shall continue in force and effect for ten (10) years after said effective date, subject to such modifications as to which the City and the Grantee may hereafter agree. Thereafter, the franchise and rights granted herein shall automatically renew for successive ten (10) year periods unless the City revokes such franchise and rights by ordinance on or before the expiration of the initial term or any renewal period hereof.

13.10.050 Conditions Of Street Occupancy

1. All transmission and distribution structures, poles, lines, and equipment installed or erected by the Grantee within the franchise area shall be so located as to cause minimum interference with the proper use of streets and with the rights and reasonable convenience of property owners who adjoin any of said streets. The CATV system shall be constructed and operated in compliance with applicable governmental construction and electrical codes. A City Encroachment Permit is required for all work done in the City streets and right-of-ways.
2. In case of disturbance of any street or paved area, the Grantee shall, at its expense and in accordance with generally accepted construction practices, replace and restore such street or paved area in as good condition as theretofore.

3. The Grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the Grantee when lawfully required by the City by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, storm drains, irrigation lines, or water pipes, or any other type of structures or improvements by the City; but, the Grantee shall in all cases have the right of abandonment of its property, subject to City ordinances, and if public funds are available to any utility company for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the Grantee.
4. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings, provided:
    a. The expense of such temporary raising or lowering of wires is paid by said person, including, if required by the Grantee, making such payment in advance; and
    b. The Grantee is given not less than three (3) business days advance notice to arrange for such temporary wire changes.
    c. For any City project requiring lines to be raised or lowered the City will not be responsible for the expense.
5. The Grantee shall have the authority to trim trees overhanging any streets in the franchise area so as to prevent branches from coming in contact with the Grantee's wires and cables, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the Grantee's expense.
6. Subject to any applicable state or federal regulations or tariffs, the City shall have the right to make additional use, for any public purpose, of any poles or conduits controlled or maintained exclusively by or for the Grantee in any street, provided:
    a. such use by the City does not interfere with the use by the Grantee;
    b. such use by the City does not commercially compete with the Grantee; and
    c. the City holds the Grantee harmless against and from all claims, demands, causes of actions, suits, actions, proceedings, damages, costs or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits.

13.10.060 Safety Requirements

1. The Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.
2. All structures and all lines, equipment and connections in, over, under and upon all streets of the franchise area shall be kept and maintained in a safe and suitable condition and in good order and repair.

13.10.070 System Construction And Extension

1. The Grantee is hereby authorized to extend the system within the franchise area to the extent that such extension is or may become technically and economically feasible.
2. Whenever the Grantee shall have received written requests for service from at least 15 subscribers within 400 cable meters (1300 cable feet) of its aerial trunk cable, or from at least 25 subscribers within 400 cable meters (1300 cable feet) of its underground trunk cable, it shall extend its system to such subscribers solely for the usual connection and service fees for all subscribers, provided that such extension is technically and economically feasible. The 400 meters shall be measured in extension length of Grantee's cable required for service located within the public way or easement and shall not include length of necessary drop to the subscriber's home or premises.
3. No person in the Grantee's service area shall be arbitrarily refused service; but in recognition of the capital costs involved in unusual circumstances, including, without limitation, instances when the distance from distribution cable to connection of service to subscribers is more than 45 meters (150 cable feet) or when a subscriber density exists less than the density specified hereinabove, service may be made available on the basis of costs of materials, labor and easements, in order to prevent inequitable burdens on cable subscribers in more densely populated areas.

13.10.080 Operational Standards; Force Majeure

1. The Grantee shall operate and maintain its cable television system in full compliance with the standards set forth by the Federal Communications Commission.
2. The Grantee shall have no obligation to construct or extend the system, nor to provide, repair, replace, maintain or operate CATV service, for any cause beyond Grantee's control, including, without limitation, acts of God, fire, flood, earthquakes, hurricane, unavoidable casualty, extraordinary delays in transportation, strikes, lockouts, picketing, boycotts, embargoes, government orders or other requirements, acts of civil or military authorities, governmental

restrictions, regulations or controls, enemy or hostile governmental action, civil commotion, energy shortages, acts or omissions of carriers, or activities or other emergency conditions including weather conditions incompatible with good quality workmanship.

13.10.090 Office; Complaints

The Grantee shall maintain a business office or agent which subscribers may telephone during regular business hours without incurring added message or toll charges, so that complaints regarding cable television operations may be promptly reported to the Grantee.

13.10.100 Rates

The Grantee shall maintain on file with the City, a schedule setting forth all rates and charges to be made to subscribers for "basic," "tier," and "pay" television service, including connection and service charges. Notice of changes in rates and charges shall be filed with the City at least 30 days in advance of the effective date thereof.

13.10.110 Franchise Payments

1. The Grantee shall pay the City a sum equal to three and one half percent (3.5%) of the Gross Subscribers Revenues per annum derived by the Grantee from all subscribers located within the City.
2. Gross Subscriber Revenues for purposes of this ordinance are defined as all revenues received by Grantee from "basic," "tier," "premium" and "pay" television supplied to subscribers within the City, including connection and service charges.
3. Within 60 days after the first day of July of each year, during the term of this ordinance, the U Grantee shall file with the City a report of such revenues as described within this Section for the next preceding twelve (12) month period, which report shall include a computation of the tax due. The City shall determine the accuracy of the tax computation, and if he finds any errors, shall report the same to Grantee for correction. The records of the Grantee reflecting the information relevant in determining revenues described in this Section shall be available for inspection by the City Council or its duly authorized representative at all reasonable hours and upon reasonable notice of not less than 15 days.
4. The payments described in this Section shall be in lieu of any and all other franchise, occupation, privilege, pole, wire, instrument, excise or other taxes except general ad valorem property taxes, sales taxes, City license tax and other special improvement taxes lawfully levied by the City or any other subdivision of the State of Utah pursuant to law.
5. The business of cable television is hereby classified as a "retail business" for licensing purposes and the franchise shall pay the annual license fee for such business at the rate in effect each year for such businesses, but it will not be singled out for tax treatment different from other members of that general class of business. The Grantee is authorized to charge and collect this franchise fee from the subscribers in addition to the charges for services heretofore or hereafter approved by the City in the same manner as such billing and collection is authorized under the utility franchises issued by the City.

13.10.120 Indemnification Of City

1. The Grantee shall at all times protect and hold the City harmless from all claims, actions, suits, liability, loss, expense or damages of every kind and description, including investigation costs, court costs, and reasonable attorney's fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of the Grantee in the ownership, construction, repair, replacement, maintenance and operation of said cable television system and by reason of any license, copyright, property right or patent of any article or system used in the construction or use of said system, provided the City gives the Grantee prompt notice of any such claims, actions, and suits, without limitation, in writing. The Grantee shall maintain in full force and effect during the life of any franchise, comprehensive general liability insurance with limits inclusive of umbrella or excess liability coverage of not less than (1) $2,000,000 for bodily injury or death to each person; and (2) $3,000,000 for property damages resulting from any one accident.
2. The City may require that any and all investigation of claims made by any person against the City arising out of any use or misuse of privileges granted to the Grantee hereunder shall be made by, or at the expense of the Grantee or its insurer. The Grantee may bring its obligations to carry any insurance required hereby within the coverage of any so-called blanket policy or policies of insurance now or hereafter carried, by appropriate amendment, endorsement or otherwise, provided, however, the interests of the City shall be as fully protected thereby as if the Grantee had obtained individual policies of insurance.

13.10.130 Procedures

1. Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the City in regard to the

operations of the Grantee's cable television system, shall be taken only after thirty (30) days written notice to the Grantee of such action or proposed action, and the Grantee has been given an opportunity to respond in writing and at any hearing which may be specified by the City.

2. The notice required by this Section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the City. If a hearing is to be held, the notice shall give the date and the time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The company shall be a necessary party to any hearing conducted in regard to its operations.

13.10.140 Procedure Upon Termination

Upon expiration of the franchise, if the Grantee shall not have acquired an extension renewal thereof and accepted the same, it may have and it is hereby granted, the right to enter upon the streets or other property of the City, for the purposes of removing therefrom any or all of its property or otherwise. In so removing said property, the Grantee shall refill, at its expense, any excavation that it shall make and shall leave said streets in as good condition as that prevailing prior to the Grantee's removal of its property.

13.10.150 Approval Of Transfer

The Grantee shall not sell or transfer its plant or system to another, other than a person controlling, controlled by or under common control with the Grantee, nor transfer any rights under this franchise to another without prior written notification to the City. No sale or transfer of the Grantee's assets used in the performance of this franchise shall be effective until the vendee, assignee or lessee has filed in the office of the City clerk an instrument duly executed reciting the fact of such sale, assignment or lease, accepting the terms of the franchise and agreeing to perform all the conditions thereof. Neither this section nor other sections of this franchise shall preclude the mortgaging, hypothecating, or assigning of rights in the system, or the pledge of stock by the Grantee for the purpose of financing.

13.10.160 Miscellaneous Provisions

1. When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the City clerk.
2. The Grantee shall assume the cost of publication of this franchise ordinance when such publication is required by law. A bill for publication costs shall be presented to the Grantee by the City clerk.
3. In the case of any emergency or disaster, the Grantee shall, upon request of the City make available its facilities to the City for emergency use during the emergency or disaster period.

13.10.170 Compliance With Applicable Laws And Ordinances

The Grantee shall at all times during the life of this franchise be subject to all lawful exercise of the police power by the City.

The City reserves the right to adopt from time to time in addition to the provisions herein contained such ordinances as may be necessary to the exercise of police power. Such regulation shall be reasonable and not in derogation of the rights herein granted, nor in conflict with the laws of the state or other local or federal laws or regulations.

13.10.180 Violations; Penalties

1. From and after the effective date of this title, it shall be unlawful for any person to construct, install or maintain within any public street in the City, or within any other public property of the City, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing such use of such street or property or area has first been obtained, and unless such franchise is in full force and effect.
2. It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of the franchised CATV system within this City for the purpose of enabling anyone to receive any television signal, radio signal, picture, sound, or other transmission, without payment to the Grantee.
3. It shall be unlawful for any person, without the consent of the owner, willfully to tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, sound or other

transmission.

4. Any person violating or failing to comply with any of the provisions of this Section shall be guilty of a class C misdemeanor.

13.10.190 Line Severing

If at any time the Grantee's cable and/or other equipment is disturbed, damaged, or severed the cost of repair shall be paid by the party responsible for said damage. Th□e Grantee may charge the responsible party for the time and materials expended for repair of said damage. The City will cooperate with the Grantee to assist in enforcing any charge or penalty arising from cable severing or other damage to Grantee's property.

13.12 Gas Distribution System Franchise

13.12.010 Grant Of Franchise
13.12.020 Consideration
13.12.030 Term
13.12.040 Acceptance
13.12.050 Construction And Maintenance Of Facilities
13.12.060 Compliance With Ordinances - Conflict
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13.12.100 Indemnification
13.12.110 Assignment
13.12.120 Insurance
13.12.130 Bonding
13.12.140 Effect Of Invalidity
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13.12.160 Effective Date

13.12.010 Grant Of Franchise

The City grants to Questar Gas a nonexclusive franchise (Franchise) to construct, maintain, and operate in the present and future roads, streets, alleys, highways, and other public rights-of-way within City limits, including any property annexed or otherwise acquired by the City after the effective date of this Franchise, (collectively, Streets) a distribution system for furnishing natural gas to the City and its inhabitants for heating and other purposes. Questar Gas shall have the right to erect, construct, equip, and maintain along, over, and under the Streets a system of mains, pipes, laterals, and related equipment (Facilities) as are reasonably necessary for supplying natural gas service in accordance with this Franchise.

13.12.020 Consideration

In consideration of this Franchise, Questar Gas shall pay to City the sum of $50.00 upon acceptance of this Franchise and shall provide gas service in accordance with the terms of this Franchise.

13.12.030 Term

This Franchise is granted for an initial term of thirty (30) years. At the expiration of the initial term, the Franchise shall continue in effect upon the same terms and conditions for up to two additional terms (each of which is a renewal period) of fifteen (15) years each. The City may terminate the Franchise at the end of the initial term, or at the end of any renewal period, by giving Questar Gas written notice of the City's intent to so terminate not less than ninety (90) calendar days before the expiration of the initial term or any renewal period.

13.12.040 Acceptance

Within sixty (60) days after the passage of this ordinance, Questar Gas shall file with the City an unconditional written acceptance of the Franchise declaring its acceptance of the Franchise and its intention to be bound by the terms and conditions of the Franchise.

13.12.050 Construction And Maintenance Of Facilities

All Facilities shall be constructed and installed so as to interfere as little as possible with traffic over and public use of the Streets and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the Streets. All Facilities shall be constructed in accordance with established gas distribution construction practices and in a manner which protects the Facilities from all traffic loads. Without unreasonable additional cost to Questar Gas, all Facilities that are installed during the term of the Franchise shall be sited to be visually unobtrusive and to preserve the natural beauty and neighborhood aesthetics within the City limits.

Questar Gas shall repair or replace, at its own expense, any and all rights of way, pavements, sidewalks, street improvements, excavations, other facilities, landscaping, or other improvements, public or private, that it damages in the Franchise operations.

13.12.060 Compliance With Ordinances - Conflict

Questar Gas shall comply with all City ordinances, regulations, and requirements and shall pay all applicable excavation fees and charges that are or may be prescribed by the City with respect to the construction, maintenance and operation of all Facilities. However, these obligations shall apply only as long as such ordinances, regulations, requirements, or fees are not preempted by or otherwise in conflict with any applicable statutory or constitutional law, rule, or regulation, or the tariffs approved by regulatory bodies having jurisdiction over Questar Gas, including this Franchise and any lawful revisions made and accepted by Questar Gas during the term of the Franchise.

The City shall have the right to inspect the construction and maintenance of the Facilities to ensure the proper compliance with applicable City ordinances, regulations, and requirements. In the event Questar Gas should fail to comply with the terms of any City ordinance, regulation, or requirement, the City shall give Questar Gas written notice of such non-compliance and the time for correction provided by ordinance or a reasonable time for correction if there is no time frame provided by the applicable ordinance, regulation, or requirement. Excluding any correction, modification, or change to the Facilities, and after written notice and failure of Questar Gas to make correction, the City may, at its sole risk, make such correction itself and charge the cost to Questar Gas including any minimum cost provided by ordinance. The City shall not make, nor request or allow any party other than Questar Gas to make changes, corrections, or modifications of any kind to Questar Gas's Facilities. Nothing in this Franchise limits Questar Gas's right to oppose any ordinance, whether existing, proposed, or adopted, from and after the effective date of this Franchise.

13.12.070 Information Exchange

Upon request by either the City or Questar Gas, as reasonably necessary, Questar Gas and the City shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the City limits, with a view towards coordinating their respective activities in those areas where such coordination may prove mutually beneficial. Any information regarding future capital improvements that may involve land acquisition shall be treated with confidentiality upon request to the extent that the City may lawfully do so.

13.12.080 Relocation

Upon written notice to Questar Gas, the City may require the relocation and removal or reinstallation (collectively, Relocation) of any Facilities located in, on, along, over, across, through, or under any of the Streets. After receipt of such written notice, Questar Gas shall diligently begin such Relocation of its Facilities as may be reasonably necessary to meet the City's requirements. The Relocation of Facilities by Questar Gas shall be at no cost to the City if (i) such request is for the protection of the public health, safety and welfare pursuant to lawful authority delegated to the City; (ii) the Facilities have been installed pursuant to this or any other Questar Gas franchise and not pursuant to a property or other similar right, including, but not limited to, a rightof- way, grant, permit, or license from a state, federal, municipal or private entity; and (iii) the City provides a new location for the Facilities. Otherwise, a Relocation required by the City pursuant to such written notice shall be at the City's expense. Following Relocation of any Facilities, Questar Gas may maintain and operate such Facilities in a new location within City limits without additional payment. If a City project is funded by federal or state monies that include an amount allocated to defray the expenses of Relocation of Facilities, then the City shall compensate Questar Gas up to the extent of such amount for any Relocation costs mandated by the project to the extent that the City actually receives or is otherwise authorized to direct or approve payment of such federal or state funds; however, the City shall ensure that receipt of compensation from federal or state sources shall not restrict or otherwise obligate Questar Gas's ownership of the Facilities in any way.

Notwithstanding the preceding paragraph, Questar Gas shall not be responsible for any costs associated with an authorized City project that are not attributable to Questar Gas's Facilities in the Streets. Further, all such costs shall be allocated among all utilities or other persons whose facilities or property are subject to Relocation due to an authorized City project.

13.12.090 Terms Of Service

Questar Gas shall furnish natural gas service without preference or discrimination among customers of the same service class at reasonable rates, in accordance with all applicable tariffs approved by and on file with regulatory bodies having jurisdiction over Questar Gas, including revisions to such tariffs made during the term of the Franchise, and in conformity with all applicable constitutional and statutory requirements. Questar Gas may make and enforce reasonable rules and regulations in the conduct of its business, may require its customers to execute a gas service agreement as a condition to receiving service, and shall have the right to contract with its customers regarding the installation and operation of its Facilities. To secure safe and reliable service to the customers, and in the public interest, Questar Gas shall have the right to prescribe the sizes and kinds of pipes and related Facilities to be used and shall have the right to refuse service to· any customer who refuses to comply with Questar Gas's rules and regulations.

13.12.100 Indemnification

Questar Gas shall indemnify, defend, and hold the City, its officers and employees, harmless from and against any and all claims, demands, liens, liabilities, damages, actions, and proceedings arising from the exercise by Questar Gas of its rights under this Franchise, including its operations within City limits, and Questar Gas shall pay the reasonable cost of defense plus the City's reasonable attorney fees. Notwithstanding any provision to the contrary, Questar Gas shall not be obligated to indemnify, defend or hold the City harmless to the extent that any underlying claim, demand, lien, liability, damage, action, and proceeding arises out of or in connection with any act or omission of the City or any of its agents, officers or employees.

13.12.110 Assignment

Questar Gas may assign or transfer its rights and obligations under the Franchise to any parent, affiliate, or subsidiary of Questar Gas, to any entity having fifty percent (50%) or more direct or indirect common ownership with Questar Gas, or to any successor-in-interest or transferee of Questar Gas having all necessary approvals, including those from the Utah Public Service Commission or its successor, to provide utility service within the City limits. Otherwise, Questar Gas shall not transfer, assign, or delegate any of its rights or obligations under the Franchise to another entity without the City's prior written approval, which approval shall not be unreasonably withheld, conditioned, or delayed. Inclusion of the Franchise as an asset of Questar Gas subject to the liens and mortgages of Questar Gas shall not constitute a transfer or assignment requiring the City's prior written consent.

13.12.120 Insurance

The Company shall responsibly self-insure or maintain insurance to cover its obligations and liabilities as set forth in Section 10, in lieu of any insurance as may be required in any City ordinances.

13.12.130 Bonding

Questar Gas has, and will maintain, on file with the City a self-bond in the amount of $5,000.00. If City ordinance requires Questar Gas to post any additional or other surety bond, that section of the ordinance is expressly waived.

13.12.140 Effect Of Invalidity

If any portion of this Franchise is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of any remaining portions of this Franchise.

13.12.150 Amendment

This ordinance shall not be altered or amended without the prior written consent of Questar Gas.

13.12.160 Effective Date

This ordinance shall become effective upon the date of acceptance by Questar Gas as established above.

13.18 Ground Water Protection

13.18.010 Purpose
13.18.020 Definitions
13.18.030 Establishment Of Ground Water Protection Zones
13.18.040 Permitted Uses
13.18.050 Prohibited Uses
13.18.060 Administration And Penalties

13.18.010 Purpose

The purpose of this Ordinance is to insure the provision of a safe and sanitary drinking water supply for the City by establishment of ground water protection zones surrounding the wellheads for all wells and collection areas for all springs that are the supply sources for the City water system and by the designation and regulation of property uses and conditions that may be maintained within such zones.

13.18.020 Definitions

Ground water means water sources appurtenant to or directly used as culinary water.

Hazardous waste or material means any waste or material determined presently or in the future by the U.S. Environmental Protection Agency, the State of Utah or Kamas City, because of its quantity, concentration or physical, chemical or infectious characteristics to:

1. Cause or significantly contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Nonpoint source means any conveyance not meeting the definition of point source.

Pesticide means either a pesticide used for the control of insects or a herbicide used for the control of plant growth.

Point source means any discernible, confined,and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation with more than ten animal units, landfill, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollution source means point source discharges of contaminants to ground water or potential discharges of liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in the federal Super Fund Amendment and Reauthorization Act. ("SARA", Title III) Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, industrial waste, septic tanks, drain fields, class underground injection wells (as defined in R317-7-3. 5 of the Utah Administrative Code), landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following definitions are part of this Ordinance and clarify the definition of"pollution source":

1. "Animal feeding operation" means a lot or facility where the following conditions are met: Animals have been or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered a single feeding operation if they adjoin each other, if they use a common area or if they use a common system for the disposal of wastes.
2. "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
3. "Extremely those substances defined in Sec. III List of LISTS - Consolidated Reporting Under SARA Title III" hazardous substances" means 302 (EHS) column of the "Title List of Chemicals Subject to (EPA 560/4-91-011) .

Sanitary landfill means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

Septic tank/drain-field systems means a system comprised of a septic tank and a drain-field that accepts domestic waste water from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

Spring collection areas means the area where water is being captured for culinary use.

Wellhead means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

13.18.030 Establishment Of Ground Water Protection Zones

There are hereby established use districts surrounding the wellheads for all wells and the collection areas for all springs located within the City that are supply sources for the City culinary public water system. Each use district is divided into four ground water protection zones. Each zone, except Zone 1, is determined by the average water time of travel through the geological stratum indigenous to the area of the water source to be protected as established by a qualified geologist. The four zones are determined as follows.

1. Zone 1: The 100-foot radius from the wellhead or spring collection area.
2. Zone 2: The 250-day ground water time of travel radius from the wellhead or spring collection area.
3. Zone 3: The 3-year ground water time of travel radius from the wellhead or spring collection area (also known as the "State of Utah Waiver of Criteria Zone").
4. Zone 4: The 15 year ground water time of travel radius from the well head to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.

13.18.040 Permitted Uses

Except uses established before the Effective Date of this Ordinance and used continuously and in the same manner thereafter, which uses may continue, and subject to KMC 13.18.050, the following uses shall be allowed within the ground water protection zones:

1. All Zones
    a. Any agricultural use or single family residential use existing at the time of the adoption of this Ordinance, provided such use is not judged by any court of competent jurisdiction to be a nuisance under the provisions of federal, State or local laws or regulations.
    b. Use of single or multiple-family residence dwellings established on or after the Effective Date of this Ordinance connected to a sanitary sewer system and that has the drainage from impervious surfaces disposed of according to Federal, State or local laws or regulations.
    c. Uses incidental and accessory to the uses set forth in this Section.
2. Zone 4
    a. Use of single-family residence dwellings established on or after the Effective Date of this Ordinance located on at least one acre of land and having a septic tank/drain field system, provided that the system servicing such dwelling has been approved by the Summit County Health Department.
    b. The tilling of the soil and the raising of crops, provided fertilizing and the use of pesticides is accomplished within Federal, State and local guidelines.
    c. Uses incidental and accessory to the uses set forth in this Section..

13.18.050 Prohibited Uses

Except uses established before the Effective Date of this Ordinance and used continuously and in the same manner thereafter, which uses may continue, on or after the Effective Date of this Ordinance, the following uses or conditions shall be and here are prohibited within ground water protection zones, regardless of whether such uses or conditions may otherwise be included as part of a use allowed under KMC 13.18.040:

1. Zones 1 and 2

a. Septic tank/drain field systems.
b. Sanitary sewer lines within 150 feet of a wellhead or spring collection area.
c. Underground storage tanks.
d. Storm water infiltration basins.
e. Impervious surfaces other than roofs of buildings, streets, driveways and walks serving buildings permitted under KMC 13.18.040.
f. Any pollution source as defined herein or in 3-113 of the Utah Administrative Code.

2. Zones 1, 2, 3, & 4: Agriculture industries including, but not limited to, intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.
3. All Zones

a. Surface use, storage, or dumping of hazardous wast or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
b. Sanitary landfills.
c. Hazardous waste or material disposal sites.

13.18.060 Administration And Penalties

The policies and procedures for administration of any ground water protection zone established under this Ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing Kamas City Zoning Ordinance, as the same is presently enacted or may from time to time be amended.

13.20 Flood Damage And Prevention

13.20.010 Statutory Authorization, Findings Of Fact, Purpose And Methods
13.20.020 Definitions
13.20.030 General Provisions
13.20.040 Administration
13.20.050 Provisions For Flood Hazard Reduction

13.20.010 Statutory Authorization, Findings Of Fact, Purpose And Methods

1. STATUTORY AUTHORIZATION: The Legislature of the State of Utah has in (statutes) Title 17 Utah Code, Annotated 1953, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Kamas City, Utah, does ordain as follows:
2. FINDINGS OF FACT

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

3. STATEMENT OF PURPOSE: It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Protect human life and health; Minimize expenditure of public money for costly flood control projects;
b. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
c. Minimize prolonged business interruptions;
d. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
e. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
f. Insure that potential buyers are notified that property is in a flood area.

4. METHODS OF REDUCING FLOOD LOSSES

a. In order to accomplish its purposes, this ordinance uses the following methods:
b. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
c. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
d. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
e. Control filling, grading, dredging and other development which may increase flood damage;
f. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

13.20.020 Definitions

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

ALLUVIAL FAN FLOODING means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

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

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

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, Al-99, VO, Vl-30, VE or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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

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

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

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

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

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

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

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

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

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    a. by an approved state program as determined by the Secretary of the Interior or;
    b. directly by the Secretary of the Interior in states without approved programs.

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

LEVEE SYSTEM means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

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

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

RECREATIONAL VEIDCLE means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

ST ART OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure

on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum,necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

13.20.030 General Provisions

1. LANDS TO WHICH THIS ORDINANCE APPLIES: The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Kamas City.
2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD: The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Summit County," dated March 16, 2006, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
3. ESTABLISHMENT OF DEVELOPMENT PERMIT: A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
4. COMPLIANCE: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
5. ABROGATION AND GREATER RESTRICTIONS: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. INTERPRETATION: In the interpretation and application of this ordinance, all provisions shall be:
    a. considered as minimum requirements;
    b. liberally construed in favor of the governing body; and

c. deemed neither to limit nor repeal any other powers granted under State statutes.

7. WARNING AND DISCLAIMER OR LIABILITY: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

13.20.040 Administration

1. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR: The Kamas City Planner is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate Sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
2. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR: Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
   a. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
   b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
   c. Review, approve or deny all applications for development permits required by adoption of this ordinance.
   d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
   e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
   f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Utah Division of Homeland Security, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
   g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
   h. When base flood elevation data has not been provided in accordance with KMC 13.20.030, the Floodplain Administration shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source in order to administer the provisions of KMC 13.20.050.
3. PERMIT PROCEDURES: Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
   a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
   b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
   c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of KMC 13.20.050;
   d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
   e. Maintain a record of all such information in accordance with this Section. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
      i. The danger to life and property due to flooding or erosion damage;
      ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
      iii. The danger that materials may be swept onto other lands to the injury of others;
      iv. The compatibility of the proposed use with existing 'and anticipated development;
      v. The safety of access to the property in times of flood for ordinary and emergency vehicles;
      vi. The costs of providing governmental services during and after flood conditions including maintenance and

repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

vii. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

viii. The necessity to the facility of a waterfront location, where applicable;

ix. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

x. The relationship of the proposed use to the comprehensive plan for that area.

4. VARIANCE PROCEDURES

a. The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

b. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

c. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this Section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

g. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of KMC 13.20.010.

h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

j. Prerequisites for granting variances:

i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

ii. Variances shall only be issued upon:

(1) showing a good and sufficient cause;
(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

iii. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

i. the criteria outlined in this Section are met, and

ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

13.20.050 Provisions For Flood Hazard Reduction

1. GENERAL STANDARDS: In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

2. SPECIFIC STANDARDS: In all areas of special flood hazards where base flood elevation data has been provided as set forth in this Chapter, the following provisions are required:

a. Residential Construction: new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Section as proposed in KMC 13.20.040, is satisfied.
b. Nonresidential Construction: new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Section. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
c. Manufactured Homes: Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

3. STANDARDS FOR SUBDIVISION PROPOSALS

a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with KMC 13.20.010.
b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this Chapter.
c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to KMC 13.20.030 or KMC 13.20.040.
d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

It is hereby found and declared by Kamas City that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

15 Land Use And Development

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15.01.010 Legislative Intent

This Chapter is intended to:

1. Support the goals of the Kamas City General Plan.
2. Protect and promote public safety, health, and general welfare by providing adequate lighting, clean air, water and sewage control, and fire protection.
3. Protect private property rights.
4. To provide adequate open space for light and air, to prevent overcrowding of the land, and to avoid congestion on the streets.
5. Encourage innovation in residential development and redevelopment.
6. All perpetual open space created by development or redevelopment must be deeded as such.
7. Preserve the character and stability of neighborhoods and conserve property values by encouraging the most appropriate uses of land within zoning districts.

8. Prevent substandard development, waste, inefficient use of land and resources, and danger and congestion in travel and transportation.
9. Foster convenient, compatible and efficient relationships among land uses.
10. Require the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system.
11. Regulate and control the division of land.
12. Protect life and property in areas subject to floods and other natural disasters.
13. Promote prosperity, peace and good order, comfort and aesthetics of the city and its present and future inhabitants and businesses.
14. Protect the tax base and property values.
15. Secure economy in governmental expenditures.
16. Protect the Environment.
17. Promote the development of a more wholesome, serviceable and attractive city resulting from an orderly, planned use of resources.

15.01.020 Scope And Application

The provisions of this Chapter apply to all land and uses of land within the city. This Land Use Ordinance became effective on March 9, 2010, and may be amended from time to time. Any lot of record is entitled to a building permit in its respective zone provided the structure can meet minimum setback requirements and construction standards for Kamas City.

15.01.030 Land Use Map

The boundaries of the zoning districts are set forth on a map entitled "Land Use Map of Kamas City" and adopted as part of this Section. This map shall be kept by the City Recorder and maintained as provided in this Section.

1. Unless otherwise expressly defined on the land use map, zoning district boundary lines are lot lines, section lines, and city limit lines as depicted on the land use map. If uncertainty remains as to the boundary of a zoning district after application of the provisions of this Section, the Planning Commission or City Planner and staff will interpret the district boundary.
2. All amendments to the land use map shall be made by ordinance. The city shall, within a reasonable time after adoption of any such amendment, place the amendment on the land use map.

15.01.040 How To Use This Chapter

A general description of the land use regulations follows. This description is intended to provide the reader with some guidance using the terms of the Land Use Ordinance and is not a substitute for the standards, criteria, and procedures contained herein.

1. Land Use Map: Prior to considering the development or redevelopment of land, an applicant should refer to the official land use map to determine which base zoning and overlay districts correspond to the property. The official land use map is available from the City Recorder and/or the City Planner.
2. Land Use Chapter: Once the applicant has identified the zoning district, the applicant should refer to the Section which corresponds to the applicable zoning district(s). Definitions are also found in KMC 15.02. The applicant should next refer to the development standards within the zoning district Chapter to determine if the property is adequate in size to accommodate the proposed project. The development standards will determine the building setback from the property lines, minimum lot area (if any), minimum open space, maximum height, density, parking requirements for buildings and uses on the property, etc.
3. Overlay Zone: Some areas earmarked for commercial development or located in sensitive lands are in an overlay zone, as well as in a base-zone. Once the overlay zone has been identified, the applicant should refer to both the base zone Chapter and the overlay zone.
4. Use Standards: The applicant should then refer to the use table for the zone. The applicant should first determine if the desired use is allowed in the zone. If the use is allowed as a conditional use, the applicant must apply for and obtain a conditional use permit. Finally, if the use is an existing legal use that is no longer allowed in the zone, and there is a proposal to change or modify a structure associated with the use, the applicant must apply for and obtain a variance from the Administrative Law Judge.
5. Variances/Rezones: If the applicant cannot meet the standards described in this Section, the applicant should determine whether there are alternative development options or any exceptions to the general rules that may accommodate the project. If the project does not meet standards and other development alternatives are not possible, then there are two methods available to attempt to vary the standards; the variance process and a petition for rezone.

a. The variance process is generally used for existing development, or development of a previous, legally created lot. The Administrative Law Judge shall issue a variance upon the applicant's demonstration that the application meets each variance standard detailed in KMC 15.15.050.
b. A petition for rezone is a request to change the development standards for the property in question. The process for requesting a rezone is detailed in KMC 15.03.010. Rezones are discretionary legislative acts.

6. Subdivision of Land: If the applicant would like to subdivide a piece of property, merge a number of different parcels into one parcel, or re-subdivide, the applicant may need to go through the subdivision process as outlined in KMC 15.18 of this land use ordinance. The purpose of the subdivision process is to ensure that proposed building sites are appropriate for development, to obtain an accurate and permanent record of the separate interests of land that are created by subdivision of land, to apportion the costs of public services and facilities serving the subdivision, to provide assurances to future buyers of land that the subdivider owns the land to be sold, to provide legal and physical access to each lot, and to provide for maintenance of improvements, utilities, and amenities. There are a number of divisions of land to which the subdivision regulations do not apply. The applicant should review these exceptions to determine if the project will be required to complete the subdivision process. There is also an abbreviated process for projects that only require relocation of a lot line between two lots within an existing subdivision.
7. Meanings and Intent: All provisions, terms, phrases and expressions contained in this ordinance shall be construed according to KMC 15.01.010.
8. Headings, Illustrations and Text: In case of any difference of meaning or implication between the text of this Chapter and any heading, drawing, table, figure, or illustration, the text shall control.
9. Lists and Examples: Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples not to be exhaustive lists of all possibilities.
10. Computation of Time: References to days are calendar days. Exclude the first day and include the last day. If the last day is a Saturday, Sunday, or holiday observed by Kamas City, that day shall be excluded.
11. References to Other Regulations, Publications and Documents: Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, regulation (as amended) or document, unless otherwise specifically stated.
12. Technical and Non-Technical Terms: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
13. Public Officials and Agencies: All public officials, bodies, and agencies to which references are made are those of Kamas City, unless otherwise indicated.
14. Mandatory and Discretionary Terms: The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are advisory and discretionary terms.
15. Conjunctions: Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
    a. "And" indicates that all connected items, conditions, provisions, or events apply; and
    b. "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

15.01.050 Conflicting Provisions

This Land Use Ordinance is written to harmonize with federal, state and city laws. To the extent a provision of this ordinance conflicts with a federal, state or local law or private contract, the more restrictive provision will control, to the extent permitted by law. Kamas City shall not be responsible for monitoring or enforcing private agreements.

15.01.060 Interpretation

The Kamas City Planner shall have the power to interpret the provisions of this ordinance, provided that the city staff shall consult with the City Attorney concerning legal issues.

15.01.070 Creation Of Vested Rights

Kamas City may alter certain private property rights by amending this ordinance from time to time as provided for in KMC 15.03.010.

1. How Rights Vest: Certain private property rights shall become fixed at law, and may not be altered for a period of time, upon an applicant's:
    a. Submission of a complete application to develop property that is consistent with this ordinance, and
    b. Payment of all applicable permit fees.
2. What Rights Vest: The applicant's rights vest under this ordinance in those rights for which the applicant has applied. For example, if the applicant has applied for a subdivision, and has "vested rights" pursuant to this Section, the applicant's rights vest under the subdivision ordinance, and the applicant is entitled to the benefit of the subdivision ordinance in effect at the time of vesting. An applicant's vested rights under the subdivision ordinance, however, do not vest the applicant under an

adopted building, fire or plumbing code, because the applicant has not submitted a complete application for the applicable permit, nor paid applicable fees. Applications shall not vest if:

a. Revisions to this ordinance are pending at the time of application which would prohibit or further condition the approval sought, or
b. There exists a compelling health, safety or welfare reason.

3. Preservation of Vested Rights/Compliance with Conditions of Approval: An applicant with vested rights must comply with and maintain all conditions of final approval to preserve the vested rights. An applicant's failure to meet or maintain conditions of approval constitutes the applicant's knowing and willful waiver of the applicant's vested right.
4. Applicability of Ordinances that are General in Nature: The establishment of a vested right shall not preclude the application of city ordinances or regulations that are general in nature, applicable to all property subject to land use regulation, and necessary to preserve the health, safety or welfare of the community.

15.01.080 Transitional Provisions

1. Violations Continue: Any violation of the previous Land Use Ordinance will continue to be a violation under this Land Use Ordinance and will be subject to penalties and enforcement under KMC 15.03, unless the use, development, construction, or other activity complies with the provisions of this ordinance.
2. Legal Nonconformities: Any legal nonconforming use under the previous Zoning Ordinance or created by the adoption of this Land Use Ordinance will be a legal nonconforming use under this ordinance. If a legal nonconforming use or structure under the previous Zoning Ordinance becomes conforming because of the adoption of this Ordinance, then the nonconformity expires. A legal nonconforming use will become an illegal non-conforming use if the use lapses for six (6) consecutive months.
3. Approved Projects and Existing Lots: The provisions of this Land Use Ordinance shall affect approved projects and existing lots as follows:

   a. Use permits, variances, architectural or design approvals, subdivided lots, subdivision maps and Planned Unit Developments, which are valid on March 9, 2010, shall remain valid until their expiration date. Projects with valid approvals or permits may be constructed as approved, provided that the permit or project approval is valid and has not lapsed. Any change in the use or occupation of such land shall be made in accordance with the amended provisions of this ordinance.
   b. No provision of this ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to March 9, 2010.

4. Vested Rights/Applications in Progress/Reapplication: An applicant with rights vested before March 9, 2010 may opt for review wholly under the terms of the previous Zoning Ordinance or under this Land Use Ordinance. Any re-application for a permit that has expired must comply with the standards in effect at the time of re-application. Projects for which no application has been submitted and accepted as complete prior to March 9, 2010 shall be subject to all requirements and standards of this ordinance.
5. Exactions: Kamas City may impose an exaction(s) on proposed land use development if:

   a. An essential link exists between a legitimate governmental interest and each exaction, and
   b. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

15.02 Definitions

15.02.010 Definitions

15.02.010 Definitions

For the purpose of this code, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". A "person" includes a group of people, a corporation, a partnership, a limited liability company, an incorporated association of persons, such as a club.

Access: The provision of vehicular and/or pedestrian ingress and egress to building lots, structures or facilities.

Accessory Buildings, Large: An accessory building larger than 600 square feet that is located on the same lot as a residence.

Accessory Building, Occupied: A building on the same lot as the principal building and that is:

1. Clearly incidental to, and customarily associated with such principal building
2. Operated and maintained for the benefit of the principal use, and
3. A dwelling unit or home office.

Accessory Building, Unoccupied: A building on the same lot as the principal building and that is:

1. Clearly incidental to, and customarily associated with such principal building
2. Operated and maintained for the benefit of the principal use, and
3. Not a dwelling unit.

Accessory Use or Building: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

Administrative Law Judge: Person designated as the appeal authority to hear and decide appeals and variances pertaining to land use.

Adult/Sexually Oriented Business: Adult/sexually oriented business means any or all of the following or any portions of the following: Adult book store, adult video store, adult novelty store, adult motion picture theater, adult theater, and tattoo parlors.

Affected Entity: A county, municipality, independent special district under Utah Title 17A, Chapter 2, Independent Special Districts, local district under Utah Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Utah Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

1. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land.
2. The entity has filed with the municipality a copy of the entity's general or long-range plan.
3. The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

Agriculture: The tilling of soil, raising of crops and animals, grazing, horticulture, gardening and other similar uses for private or commercial purposes.

Agricultural Industry or Business: An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, or storage, including but not limited to food packaging or processing plants, and similar uses as determined by the Planning Commission with a conditional use permit. This definition does not include hog farms, commercial poultry businesses or rendering facilities.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Animal Waste: The excrement and discharge from an animal, or animal carcasses, or tissues.

Animal Hospital/Veterinary Offices: An establishment where animals are medically treated or lodged by a licensed veterinarian.

Antenna: A transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

Appeal: A request for review of Kamas City's interpretation of any provision of an ordinance or a request for a variance.

Appeal Authority: A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Applicant: The owner of the property that is the subject of the application, or the owner's agent.

Application: A form or checklist supplied by the city indicating the data and information necessary to process the applicant's proposed project(s).

Area of Special Flood Hazard: The land in the floodplain within Kamas City subject to a one percent or greater chance of flooding in any given year.

Assembly Facility: A facility where parts are put together to develop a final product.

Assisted Living Center: Residences that provide for semi-independent living. See Group Home.

Athletic Club/Fitness Center: An establishment providing facilities for physical development, exercise, sports, or recreation.

Auto, Truck & Recreational Vehicle Sales & Rental: Sales and rental of both new and used motor vehicles, but not to include non-serviceable or junk vehicles.

Automotive Repair Establishment: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment. Automotive salvage yards are not included.

Automotive Service Station: An establishment whose primary purpose is the retail sale of gasoline or other motor vehicle related fuel, oil, or lubricant. Secondary activities may include minor automotive repair, maintenance, or automatic car wash.

Balcony: A platform that projects from the wall of a building and is enclosed by a railing or parapet.

Banking or Financial Service: A bank, credit union, savings and loan association, or other establishment with a primary purpose of receiving, lending, exchanging, or safeguarding money, or performing financial advisory service.

Bar, Tavern, Lounge, or Club: An establishment intended primarily for the on-premise sale and consumption of alcoholic beverages, open either to the public or operated as a private club for members only.

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

Basement: The lowest habitable story of a building, usually below ground level.

Bed and Breakfast: A building where, for compensation, meals and lodging are provided.

Bond, Public Improvement: A one (1) year guarantee to the City that all public improvements have been installed to city specifications and will operate properly.

Building: Any structure, whether temporary or permanent, having walls, a roof, and used or built for the shelter or enclosure of persons, animals, possessions, or property.

Building Area: The portion of a lot that is within the envelope formed by the required yards or setbacks, within which a structure can be located.

Building Height: The vertical distance from the average finished grade surface at the building wall to the highest point of the roof. Chimneys, flagpoles, church towers and other similar structures not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

Building Inspector: Kamas City official who is designated to inspect buildings under construction and upon completion.

Building, Main: A building within which the principal land use of the lot is conducted.

Building Pad: The building pad denotes that area in which the proposed new structure(s) must be located.

Business: A legally recognized organization designed to provide goods and/or services to consumers.

Canopy: A roof or awning constructed of fabric or other material and extending outward from a building to provide a protective shield for doors, windows, or other openings.

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

Cemetery: Land or buildings used for the burial or interment of the human dead but not including facilities for embalming.

Chief Executive Officer: The Mayor of Kamas City.

Child Care Center: The provision of child care for business for eight (8) or fewer children under the age of twelve (12), and children with disabilities through age eighteen (18), within a dwelling unit, including the provider's children.

Child Care Facility: The provision of child care for business for nine (9) or more children under the age of twelve (12), and children with disabilities through age eighteen (18), including the provider's children.

Church: A building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the law of the State of Utah.

Cinema, Indoor: An enclosed building used primarily for the presentation of motion pictures.

Civic Club: A building or use, other than a church or school, operated by a nonprofit association or organization for a social, fraternal, political, civic, or philanthropic purpose, which may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

Clear Vision Area: An area outlined by the sight distance triangle where solid fencing or natural vegetation is restricted to a height of four feet (4') and where all structures or other items that would obstruct vision are prohibited.

Clear Vision Restriction: Any fencing within the (25') front setback is restricted to a height of four feet (4').

Co-location: The location of a telecommunication facility on an existing structure, tower, or building in a manner that precludes the need for that telecommunications facility to be located on a freestanding structure of its own.

Complete Application: A submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

Conditional Use: A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of a zone district, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Conservation Easement: An Easement designed to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

Conservation Subdivision: The subdivision of land that results in the protection of land of conservation value (i.e. agricultural, natural, or historical resources).

Construction Services: Commercial activity in the clearing, dredging, excavating, and grading of land and other activity associated with buildings, structures, or other types of real property such as bridges, dams, or roads.

Constitutional Taking: Final action by the City to physically take or exact private real property that requires compensation to the owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

Context Map: A map based on data from already published sources such as aerial photographs, USGS topographical maps, FEMA floodplain maps, etc. reproduced to show location of natural features and development patterns within the area of a development site.

Convenience Goods Sales and Services: Stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable.

Council: Members of the City Council of Kamas.

County: The unincorporated area of Summit County.

Coverage: Lot area covered by a building or other impervious surfaces such as parking areas, driveways or sidewalks.

Cul-de-sac: A minor street having an open end and being terminated at the other end by a vehicle turnaround.

Culinary Water Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources.

Cultural, Civic Services: A building primarily used for the public, nonprofit display of art, historic or cultural artifacts.

Design Guidelines: Documentation that is submitted with an application that identifies the requirements and standards for residential densities, building height, bulk and setback requirements by land use type, signage, landscaping, parking, open space and site plan review procedures.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Plan: A map or maps that are submitted with an application that identifies general land use designations, transportation plans, open space, and community facilities.

Development Site: A tract, lot or parcel of land intended to be used as a commercial, public, quasi-public, utility or other building site.

Development Review Committee: A committee comprised of the City Planner, City Engineer, Building Inspector, Public Works Director, etc. to review specific types of development and ensure compliance with all land use regulations and requirements.

Disability: A physical or mental impairment that substantially limits one or more of a person's major life activities.

Disabled Care: A long-term care facility for disabled persons.

District: A portion of the area of Kamas City shown on a zoning map and given a zone classification as set forth in this ordinance.

Dry-Cleaning Establishment: An establishment for the cleaning or dyeing of fabrics.

Dwelling: Any building, or portion thereof, which is designed for residential purposes.

Dwelling, Multi-family: A building arranged or designed to be occupied by up to four (4) families living independently of each other in separate, but attached dwellings.

Easement: A negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.

Elderly Care: A long-term care facility for the elderly. The term does not include a health care facility.

Elderly Person: A person who desires or needs to live with other elderly persons in a group setting, who may or may not be capable of living independently.

Enforcement Authority: The person or persons responsibility for the enforcement of, or compliance to land use regulations.

Equipment Rental, Heavy: A facility for the rent or lease of vehicles or equipment in excess of one ton used in farming, construction, or other related services.

Equipment Rental, Light: A facility for the rent or lease of tools and small equipment.

Escrow: A deposit of cash with the City or an approved, alternate security in lieu of cash held to ensure a guarantee.

Exaction: Act of demanding or levying by force or authority.

Existing Resources and Site Analysis Map: A document showing the location of noteworthy natural and cultural features including note-worthy trees, geological formations, significant view corridors into the property from public roads or highways, etc.

Exotic Animals: A species that is not indigenous to the Kamas Valley.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons who are not related, occupying the same dwelling unit on a continuous basis.

Farm Animals/Livestock: Animals other than household pets that may, where permitted, be kept and maintained on private property (not to include exotic animals).

Fence: A structure constructed for reasons of privacy, security, or aesthetics that is located in such a manner as to separate or divide areas, including hedges and masonry walls and may or may not be sight obscuring or opaque.

Fence, Electric: A fence wired with low voltage (12 volt max) electricity.

Fence, Razor: A fence with razor coil, cable or tooth wire along certain portions.

Fence, Wildlife: Open fencing allowed at a height 6 feet or higher when a need is shown to protect animals from entering or leaving an area.

Final Action: The final vote or the approved, written decision on a matter.

Final Plat: A recordable subdivision or plan.

Fireworks Sales/Stands: The temporary display and sale of legally allowed fireworks. This use requires a Kamas City business license and a temporary permit issued from the South Summit Fire District.

Flag/Panhandle Lot: A lot of record created prior to December 2004 with street access, but without street frontage.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or run-off of surface waters from any source.

Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The area of a building, including all enclosed areas. Gross floor area does not include unenclosed porches, balconies, patios and decks, vent shafts, courtyards or garages, up to a maximum floor area of 600 square feet.

Floor Area, Net Leasable Space: Gross floor area excluding common hallways, mechanical and storage areas, and restrooms.

Frontage: The length of the property line of the lot fronting on one side of a street.

Gated Community: A subdivision or residential area where primary access is regulated through a gated entry point.

Garage: An accessory building or portion of a main building for the parking or temporary storage of automobiles.

General Plan: A comprehensive plan for Kamas City, prepared and adopted by the Planning Commission and City Council, pursuant to state law, and including land use planning and development goals, objectives and policies.

Governing Body: The Kamas City Council.

Grade: The elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance.

Gross Acreage: The total area of the development, including all rights-of-way and other nonresidential uses.

Group Home: A profit or non-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter may also provide some combination of personal care, social, or counseling services, and transportation.

Handicapped Person: A person who has a severe, chronic disability that is attributable to mental or physical impairments, that is likely to continue indefinitely, and that results in a substantial functional limitation.

Health Care Center (Convalescent Center): A publicly or privately operated facility, other than a hospital, intended for the long-term, in-patient care of human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners.

Health Department: The Utah State Division of Environmental Health or local health agency having jurisdiction.

Heavy/Farm Equipment Sales: Vehicles or equipment in excess of one ton used in farming, construction, or other related services.

Height, Building: The vertical distance from the existing natural grade to the highest point of the roof.

Home Occupation: An occupation, profession, activity, or use that is clearly a secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital: An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for in-patients, and including as related facilities, laboratories, out-patient departments, training facilities, and staff offices.

Hotel/Motel: A building designed or occupied as a temporary abiding place of individuals who are lodged, with or without meals.

Household Pets: Animals or birds ordinarily permitted in the house and kept for company or pleasure, but not including a sufficient number of dogs to constitute a kennel (maximum of three).

Impervious Materials: Matter that is impenetrable by moisture.

Inaction: An application is inactive and subject to denial on the basis of inactivity if, through the act or omission solely of the applicant and not the City:

1. More than six (6) months have passed since a request for additional information was made by the City without a response from the applicant.
2. Upon notice the applicant is more than sixty (60) days in default of the payment of any fee assessed by resolution, or has not paid the fee under protest.
3. The applicant has stated his/her intent to abandon the project.
4. The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for, or
5. Any Conditional Use Permit, if not put into effect within one (1) year shall be null and void.

Indoor Recreation Facility: A facility containing (but not limited to) uses such as gymnasiums, basketball and racket ball courts, swimming pools, etc. for recreational use.

Industrial (or Research) Park: A tract of land that is subdivided and developed according to a plan for the use of a community of industries and related uses and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Industry, Light: The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment entirely within an enclosed structure, with no outside storage, serviced by small (1 ton) trucks or vans, and imposing a nearly negligible impact upon the surrounding environment by noise, vibration, smoke, dust, or pollutants.

Itinerant Merchant: Any person, firm or corporation, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality.

Intermittent Use: A temporary business of selling and delivering goods, wares and merchandise within the City of Kamas for any time period of 30 days or less.

Kennel: A place where more than three (3) dogs are bred, trained, and/or boarded.

Land Use Application: An application required by a municipality's land use ordinance.

Land Use Authority: A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Land Use Ordinance: A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

Landscape Services: Those involved in the design, implementation or maintenance of trees, shrubs, plants and other vegetation.

Landscaping: A combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. In addition, the combination of design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences, walks, or benches, but such objects alone shall not meet the requirements of this ordinance. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner as determined by the Planning Commission.

Laundromat: An establishment in which patrons wash, dry, or dry-clean clothing and other fabrics in coin-operated, self-service machines.

Laundry: An establishment at which clothing and other fabrics are washed and pressed.

Lattice Tower: A self-supporting multi-sided, open steel frame structure used to support telecommunications antenna equipment.

Legislative Body: The Kamas City Council.

Liquor Store: A retail sales store authorized by the Utah State Liquor Commission to sell packaged alcoholic beverages for off-premise consumption.

Local Jurisdiction: Kamas City

Lot: A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width, and lot area as are required by this ordinance and having frontage upon a street.

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection does not exceed one hundred thirty-five degrees (135). A corner lot fronts two streets.

Lot Depth: The minimum distance measured from the front property line to the rear of the same property boundary.

Lot Line: The legal boundary line of a piece of property.

Lot, Width: The distance between the side lot lines.

Lot Line, Front: The distance between the side lot lines at the front of the property.

Lot Line, Rear: The property line opposite the front lot line.

Lot Line, Side: Any lot or property line other than a front or rear lot line.

Lumber Sales and Storage: The sale and display of lumber and building supplies, including the outside storage of lumber and related merchandise.

Manufacturing Use: Research and development facilities, testing laboratories, and facilities for the production, fabrication, processing, or assembly of goods and products.

Manufactured Home: A multi-sectional mobile home not exceeding two (2) stories in height that is designed to be installed on a permanent foundation system and was manufactured after June 15, 1976.

Massage Therapy Services: See Office, Professional.

Medical Clinic: See Office, Professional.

Mental Health Center: A publicly or privately-operated facility, intended for the diagnosis and treatment of mental or emotional disorders.

Mobile Home: A detached single-family dwelling unit of not less than thirty feet in length, designed for long-term occupancy and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other work. Presectionalized, modular, or prefaricated houses not placed on permanent foundations, shall be regarded as mobile homes and only authorized in mobile home parks.

Mobile Home Lot: A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures which complies with all relevant building codes and ordinances.

Mobile Home Pad: Part of the mobile home space which has been prepared and reserved for the placement of one mobile home.

Mobile Home Park: A residential development in which owners of mobile homes or manufactured housing may rent or lease a lot on which to place their home. Such developments shall provide all of the amenities and improvements typical of subdivisions.

Mobile Home Park Plumbing System: The park sewer and water supply systems within the park property line.

Mobile Home Service Building: A building which is not a mobile home which houses separate toilet and bathing facilities for men and women and which may also have laundry facilities, sink, and other facilities as may be required by the ordinances of Kamas City.

Mobile Home Park Sewage System: Any pipe or line not built into the mobile home which is used for the disposal of human waste.

Model Home: A dwelling unit used initially for display or marketing purposes, with a certificate of occupancy, which typifies the units that will be constructed.

Modular Home: A permanent dwelling structure built of prefabricated units which are assembled and erected on the site, and which meets the International Building Code.

Monument Sign: A sign six feet or less in height which is flush to the ground.

Mortuary, Funeral Home: An establishment in which the human dead are prepared for burial or cremation. The facility may include a chapel for the conducting of funeral services, spaces for informal gatherings, and related accessory uses.

Multi-family Housing: A type of residential structure with more than one dwelling unit in the same building, not to exceed four (4) units per building.

Municipal Facilities: Those improved properties owned by the municipality.

Museum: A depository for collecting and displaying objects having scientific, historical or artistic value.

Natural Waterways:Those areas, varying in width, along streams, creeks, springs, gullies, or washes that are natural drainage

channels.

Natural Vegetation: Those plants, shrubs and trees that are indigenous to the Kamas Valley.

New Development: Any new construction activity.

Non-complying Structure: A pre-existing structure that legally existed before its current zoning designation and because of a zoning change does not conform to the zoning district's development standards.

Non-conforming Sign: A sign or sign structure or portion thereof lawfully existing prior to the adoption of this ordinance which does not conform to all height, area, lighting or other regulations prescribed in the zone in which it is located.

Non-conforming Use: A use of a lot or parcel that legally existed on the lot or parcel before its current zoning designation, has been maintained continuously for the preceding twelve months, and does not conform with the zoning regulations that now govern the land.

Nursery: A business that grows, cultivates, and/or distributes and sells plants and other landscaping or horticulture related items.

Nursing Home: A business described also as a "rest home", or "convalescent home", other than a hospital, in which persons are lodged long-term and furnished with care rather than diagnosis or treatment.

Office, Business or Government: A place intended for the conducting or administration of services by a business enterprise or unit of government.

Office, Professional: A place intended for the conducting of a recognized learned profession. Such uses include offices or clinics devoted to the treatment and care of human illness or injury (medical, dental, chiropractic offices, massage therapist, and similar uses). Other professions so defined would include, but not be limited to accountants, architects, engineers, and lawyers. Definition does not allow for in-patient care facilities or adult-oriented businesses.

Official Streets Master Plan: As adopted by the City Council, the designation of each existing and planned street and right-of-way, and those located on approved and filed plats, for the purpose of providing for the development of the streets, highways, roads, and rights-of-way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each street and right-of-way is based upon its location in the respective zoning district of the city, its present and estimated future traffic volume and its relative importance and function.

Official Zoning Map: The map adopted by the City Council pursuant to law showing the streets, zoning districts, and city boundaries, and any amendments or additions thereto resulting from the approval of rezones, subdivisions or annexation plats and the subsequent filing of such approved plats.

Open Space: An area of land that is valued for natural processes and wildlife, for agricultural production, for active and passive recreation, and/or for providing other public benefits.

Ordinary High Water Mark: The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In interconnected channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

Outdoor Recreation, Park or Playground (Public or Private): An area free of buildings except for rest rooms, dressing rooms, equipment storage and maintenance buildings, and open air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

Outdoor Recreational Activity: Recreational activities involving off-highway vehicles and similar motorized vehicles for recreational use and horse arenas, equestrian parks and equine activity.

Owner: Any person, or group of persons, having record title to property.

Packaging and Delivery Services: A business or organization that handles collations, labeling, packaging and distribution of items.

Parcel: An unplatted unit of land described by metes and bounds and designated by the Summit County Recorder's Office with a unique tax identification number.

Parking Area: An un-enclosed area or lot other than a street used or designed for parking.

Parking Area, Private: An open area, other than a street, used for the parking of automobiles for occupants of a dwelling or hotel.

Parking, Public: A parking area or parking facility to be used by the public.

Parking, Residential: A parking area or structure used exclusively for residential, non- commercial uses.

Parking, Shared: The development and use of parking areas on two (2) or more separate properties for joint use by the businesses or residents of those properties.

Personal Services: Work performed by a provider for a customer for services rendered. Kamas City allows only the following uses; cosmetology, music, dance, art, or martial arts instruction, esthetician, massage therapy, personal trainer, travel agent, florist, dietitian, and handyman.

Pet Grooming: The grooming of small pets such as dogs and cats, provided that no more than five (5) animals may be on the premises at one time and that no lodging of animals is allowed.

Photo Lab: A business where one buys, sells, and repairs camera equipment and supplies and develops, copies, enlarges and restores photographs.

Planned Unit Development (PUD): A site-specific zoning district tailored to a specific location and use. PUDs are used to specify development parameters for projects that are not easily accommodated in standard zoning districts. PUDs allow greater flexibility in specifying a range of land uses, development conditions or restrictions, and site specific compatibility standards. However, the development quality of a PUD must be equal to or better than what would be required by standard zoning, and the PUD must be compatible with surrounding developments.

Planned Unit Development Agreement: The development plan and design guidelines that are agreed upon by Kamas City and the developer.

Planning Commission: The Kamas City Planning Commission.

Plat: A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Section 10-9 -804.

Preschool: The education or teaching of children including kindergarten preparation, music lessons, etc.

Preliminary Plat: The preliminary drawings of a proposed subdivision, specifying the layout, uses, and restrictions.

Professional Services: Accounting, legal, medical and other such services provided by a formally certified member of a professional body.

Property: Any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of the same person or persons.

PropertyLine: The boundary line of a parcel or lot.

PropertyLine, Front: That part of a parcel or lot, which abuts a street.

Public Hearing: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Meeting: A meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings.

Public Improvement: Any building, water system, drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the city may ultimately assume responsibility, or which may affect a city improvement.

Public Right-of-Way: An area of land that is legally described in a registered deed for the provision of public access.

Public Service: Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs such as police (with jail), fire service, ambulance, post office, or judicial court, but not including public utility stations or maintenance facilities.

Public Street: A street, including the entire right-of-way, which has been dedicated to and accepted by Kamas City or other governmental agency or which has been devoted to public use by legal mapping, use or other means.

Public Utility Stations: A structure or facility used by a public or quasi-public agency to store, distribute, generate, or chemically treat water, power, gas, sewage, equipment, or other service elements.

Quasi-Public: Essentially public (as in services rendered) although under private ownership or control.

Reasonable Notice: The requirements of reasonable notice are met if notice of hearing or meeting is posted in at least three public places and/or published in a newspaper of general circulation.

Reception Center: A building in which weddings, christenings, bar mitzvahs, or other cultural events are held and where guests are received.

Record of Survey Map: A graphic illustration of a survey of land prepared in accordance with state laws.

Recreation Vehicle: A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, and vacation use, which is either self- propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home or a fifth-wheel trailer.

Recreational Vehicle Park: Any area or tract of land or separately designed section where lots are rented to one or more owners or users of recreational vehicles for a temporary time.

Repair Services, Small Appliance or Equipment: An establishment for the repair of household or other small appliances or equipment and at which no such appliances or their parts are stored out-of-doors.

Residential: An area primarily used for housing.

Restaurant, Fast Food, Drive-In: An establishment distinguished from a traditional sit- down restaurant in that service is provided from a counter or window for consumption either off or on the premises.

Restaurant, Cafe, Confectionery: An establishment where food is prepared and served to customers for consumption on the premises.

Retail Sales:Stores, department stores, or shops intended for sale of goods or merchandise.

Ridgeline: The natural crest of a hill or mountain.

Right-of-Way: A strip of land, dedicated to public use that is occupied, or reserved to be occupied, by a street, crosswalk, trail, utilities, or for other special use.

Riparian Buffer: A vegetated area near a stream or waterway that helps shade and partially protect that stream or waterway from the impact of adjacent land uses.

Road Classification: The streets and rights-of-way designated on the Streets Master Plan (See General Plan).

Road, Right-of-Way Width: The distance between property lines measured at right angles to the centerline of the street.

Sanitary Sewer Authority: The department with responsibility to review and approve the feasibility of sanitary sewer services

or onsite wastewater systems.

Satellite Receiving Station:Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite, microwave, or other electromagnetic energy signals.

School, Private or Quasi-Public: A school operated by a private or quasi-public organization or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction.

Schools, Public: An educational facility operated by a school district or other public agency of the State of Utah.

Screen or Screened: The act, process, or result of visually and/or audibly shielding or obscuring a structure or use from adjacent property by fencing, walls, berms, densely planted vegetation or other features.

Senior Citizen Center: A government sponsored public building, other than a church or school, serving the social and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

Sensitive Lands: Areas of ground containing natural or environmentally hazardous areas, floodplains, slopes greater than 15%, stream corridors, wetlands, wildlife corridors, etc. Entry corridors, scenic view sheds, foothills and ridgelines may also be designated as Sensitive Lands as determined by the Staff, Planning Commission and City Council.

Setback: The required minimum distance between a building or structure and the closest of the following:

1. Property line
2. Platted street, or
3. Existing curb or edge of a street.

Shopping Center, Commercial: A completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store, or supermarket (maximum floor space of 40,000 square feet per business).

Significant Vegetation: Includes all large trees six inches (6”) in diameter or greater measured at breast height, all groves of small trees, and all clumps of oak or maple covering an area fifty square feet (50sf) or more.

Sign: Any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks, by which anything is made known. Sign shall also include the sign structure supports, lighting system and any attachment, ornaments or other features.

Site Walk: An on-site visit of property with the applicant, planning staff, Planning Commission members and/or adjoining property owners to discuss existing resources.

Site Development Standards: Regulations unique to each zone concerning standards for development including, but not limited to lot areas, setbacks and building height.

Site Distance Triangle: A triangular area at the intersection of two (2) streets bounded by top back of curb/property line and a line connecting them at points twenty-five feet (25’) from the intersection of the two (2) curb lines/property lines.

Sketch Plat: A sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

Slope: The amount or degree of inclination of ground from horizontal.

Small Animal Clinic: An establishment where small animals such as dogs, cats, birds, and other small household pets are medically treated by a licensed veterinarian. (No overnight stays) Amended September 14, 2010

Small Engine Repair: An establishment engaged in the repair and maintenance of small engines with an engine displacement size no greater than 2000 cc. This includes but is not limited to motorcycles, OHVs, ATVs, home and garden tools and equipment, outboard motor watercraft (engine removed), snowmobiles, chainsaws, and other similar small engines.

Solicitors: A solicitor is any person who goes upon the premises of any business or private residence, not having been invited by the occupant thereof for the purpose of selling, offering for sale, or taking orders for merchandise or services door to door within the city.

Special District: An entity established under the authority of Utah Title 17A, Special Districts.

Stable, Private: A detached accessory structure used for the keeping and housing of livestock by the occupants of the premises.

Stable, Public: A stable other than a private stable.

Stealth Telecommunications Facility: A telecommunications facility, which is disguised as another object or otherwise concealed from public view.

Stream: A naturally fed watercourse, that flows year-round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

Stream Corridor: The corridor defined by the stream's ordinary high water mark.

Street: A private or public right-of-way, highway, avenue, boulevard, parkway, road, bridge or public easements.

Street, Arterial: A street which provides for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use and also provides access to highways.

Street, Local:A street that provides for direct access to abutting land and for local traffic movements.

Street, Major Collector: A street that provides for a high volume of traffic movement between major arterials and local streets, and direct access to abutting property.

Street, Minor Collector: A street which conveys traffic to more dwellings and includes through traffic between access streets and collectors.

Street, Private: A right-of-way or easement in private ownership, not dedicated or maintained as a public street.

Streetscape: The distinguishing characteristics of a particular street including paving materials, adjacent space on both sides of the street, landscaping, retaining walls, sidewalks, building facades, lighting, medians, street furniture and signs.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels or separate interest. "Subdivision" includes the division of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. See Utah Code 10-9a-103(50)(a)&(b).

Subdivision Amendment: A change in a map of an approved or recorded subdivision plat if such change affects any right-of-way, or lot line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling subdivisions.

Subdivision, Major: All subdivisions of six or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the Kamas City General Plan, Official Land Use Map, Streets Master Plan, or these regulations.

Subdivision, Minor: Any subdivision containing five lots or less not requiring a new street or extension of municipal facilities that may require the recordation of a plat and all or part of the development requirements of a major subdivision, and not in conflict with any provision or portion of the Kamas City General Plan, Official Land Use Map, Streets Master Plan, or these regulations.

Subdivision Plat: The final map or drawing, on which the applicant's plan of subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

Subdivision, Simple Lot: Any subdivision containing not more than two (2) lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Kamas City General Plan, Official Land Use Map, Streets Master Plan, or these regulations.

Subdivision Yield Plan: A plan that exhibits the base density allowed in the underlying zone minus areas protected through Sensitive Area Designation prior to preliminary plat for a Conservation Subdivision.

Surplus, Second-Hand Store: An establishment that sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, military surplus, and other heavy equipment.

Telecommunications Facility: A telecommunications facility of less than thirty-five feet (35') in height consisting of antenna, equipment shelters, and related structures used for transmitting and/or receiving telecommunications and/or radio stations.

Temporary Use: A use, activity or special event that is not permanent in nature and after a 72-hour time period ceases or is removed.

Theater, Concert Hall: A building or amphitheatre used primarily for the presentation of live stage productions or performances.

Townhouse: One of a row of up to four (4) homes sharing common walls, with no neighbors above or below.

Transfer Station: A facility designed for the transfer of solid waste.

Twin Home: A type of multi-family housing that will accommodate two residences.

Unincorporated: The area outside of the incorporated boundaries of cities and towns.

Use: The activity occurring on a lot or parcel of land for which the land or a building is designed, or for which it may be designed.

Use, Pre-Existing: A use, which validly existed prior to the adoption of this land use ordinance and has not been abandoned for more than six (6) months.

Vending Cart: A small-wheeled, non-motorized vehicle from which to sell food and/or merchandise for immediate consumption or use.

Warehouse Storage: A building in which goods, merchandise, and/or equipment are stored for eventual distribution. (Not rental units)

Wholesale Distribution: The selling of goods in large quantities to be retailed by others.

Xeriscape: Landscaping designed specifically for areas that are susceptible to drought, or for properties where water conservation is practiced.

Yard, Front: An open, unoccupied space, in the same lot with a building, between the front line of the main building and the street line and extending for the full width of the lot.

Yard, Rear: A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line. On lots that are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line.

Yard, Side: An open, unoccupied space, except as otherwise provided in this ordinance, on the same lot with the building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

Zoning Map: A map, also known as a Land Use Map, adopted as part of a land use ordinance that depicts land use zones,

overlays, or districts.

15.03 Administration And Enforcement

15.03.010 Amendments To The Land Use Code Or Map
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15.03.010 Amendments To The Land Use Code Or Map

Amendments to this Land Use Ordinance shall be made in the following manner:

1. Application: An applicant must file a written request for an amendment with the City Planner. The City Council, Planning Commission, or owner applicant may initiate an amendment as provided below. An owner applicant shall pay the filing fee prescribed by resolution, and shall file an application, which shall include, without limitation:
    a. Stamped and addressed envelopes of all owners of all property for which the amendment is requested and for all property within one thousand feet (1000') of the boundaries of the area for which the amendment is requested.
    b. The legal description of all property included.
    c. Physical address of property, and
    d. A written statement addressing the criteria required for approval pursuant to this Section.
2. Hearings before Planning Commission: The Planning Commission shall hold a public hearing on all amendments to this Land Use Ordinance or to the Land Use Zoning Map. The City Planner shall cause a notice, including a description of the property for which the zoning amendment is requested, a brief explanation of the proposed zoning, and the date, place and time of the public hearing, to be prepared as provided in this Section. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of the application. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the application.
3. Action by Planning Commission: Following the public hearing, the Planning Commission shall adopt a recommendation to the City Council, advising the Council to approve, disapprove, or modify the proposal. If the Planning Commission fails to take action within sixty (60) days of the close of the public hearing, the City Council shall consider the matter forwarded from the Planning Commission with a negative recommendation.
4. City Council: The City Council may hold a public hearing for proposed amendments to this Land Use Ordinance or Land Use Zoning Map if forwarded from the Planning Commission.
5. Criteria/Required Findings: The City's land use zoning is the result of a detailed and comprehensive appraisal of the City's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the City, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the Planning Commission may recommend, and the City Council may grant a rezoning application only if it determines that the rezoning is consistent with the policies and goals of the Kamas City General Plan and that the applicant has demonstrated that:
    a. The proposed rezoning is necessary either to comply with the Kamas City General Plan, proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of adoption of the Kamas City General Plan.
    b. The existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage, or
    c. The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

15.03.020 Reviewing Bodies

The City Planner (CP), the Administrative Law Judge (ALJ), the Planning Commission (PC), and the City Council (CC) each have the following primary authority to review applications for compliance with this Chapter.

Reviewing Bodies

A- Appeal, D- Decision, R- Review, Rec- Recommendation

Type of Review	CP	PC	CC	ALJ
Administrative Lot Line Adjustment	R			
Allowed Use - Appeal	R	D	A	
Conditional Use	R	Rec	D	A
Conditional Use - Administrative	D	A		
Planned Unit Development	R	Rec	D	A
Non-Complying Structure	D			A
Plat Amendment	R	Rec	D	A
Subdivision/Condo	R	Rec	D	
Map Amendment	R	Rec	D	
Variance	R			A

1. No building permit shall be valid for any structure unless the permit for the proposed structure has been submitted to and has been approved by the Planning Commission.
2. No new use shall be valid on any property unless the use is allowed in the zone, or unless a Conditional Use Permit has been properly issued for the use.
3. No subdivision map shall be recorded unless all conditions of subdivision approval have been satisfied or otherwise secured.
4. The City Planner initially reviews all complete applications requiring action by the Planning Commission and recommends approval or rejection to the Planning Commission, according to the type of application filed. The City Planner may process one (1) application at a time, per property or may process coordinated applications simultaneously. The Planner may recommend to the Planning Commission certain conditions of approval to applications for Conditional Use Permits.
5. The Kamas City Staff issues permits for allowed uses. The City Treasurer issues business licenses.
6. The Planning Commission reviews, and forwards a recommendation to the City Council regarding each application for subdivision approval, subdivision plat amendment, Conditional Use Permits, initial zoning, rezoning, planned unit development, and amendments to this ordinance.
7. The Administrative Law Judge hears all requests for variances, modifications of non-complying structures, and zoning appeals.
8. No review shall occur until all applicable fees are paid. All fees are assessed as outlined in the Kamas City Fee and Rate Resolution.

15.03.030 Permits And Inspections

1. Initial Contact: An applicant for new development shall contact the City Planner to discuss the scope and purpose of the proposed development in relation to the requirements of this code, including the following:
    a. An allowed use within the zone.
    b. Compliance with all applicable development requirements of the zone, including building height, setbacks, and lot coverage.
    c. The parcel must be a legally subdivided lot.
    d. Compliance with the parking requirements for the zone.
    e. Conformity with applicable design guidelines, if any, for the zone, and
    f. Can adequately be serviced by roads, existing or proposed utility systems or lines.

2. Building Permit: All building permits must first be approved by the City Planner and/or the Planning Commission. Upon approval of the building and site plan drawings, and payment of all applicable fees, the Building Official shall issue a building permit to the applicant. The Building Official shall not issue any building permit for any building, construction or repair of any building unless it fully conforms to all zoning regulations or ordinances of Kamas City in effect at the time of application. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the governing body.
3. Inspections: The Building Inspector shall inspect the project during construction through its completion to verify conformance with approved plans.
4. Permits: Permits issued in violation of this Land Use Ordinance, or based on fraudulent information, are null and void.

15.03.040 Conditional Use/Administrative Conditional Use Review

There are certain uses that, because of unique characteristics or the potential for detrimental impacts, may not be compatible in some areas of a zone or may be compatible only if certain conditions are imposed. The City Planner will evaluate all Conditional Use Permit applications. The Planner may issue Administrative Conditional Use Permits or may recommend to the Kamas City Planning Commission certain conditions of approval to applications for Conditional Use Permits. The City Planner and Planning Commission shall review all applications for a Conditional Use Permit according to KMC 15.23 of this Land Use Ordinance.

15.03.050 Notice

The City shall notice all public hearings that are required by this ordinance.

1. Public Hearing Requirements: The City Planner or City Recorder shall provide reasonable notice of all public hearings and meetings, which notice shall contain a description of the property, with a brief explanation of the proposed use, and the date, place and time of the public hearing, which notice shall be:
   a. Posted in at least three (3) public places in the City and in addition, one may include the subject property for annexation, rezone, and major subdivision applications, if deemed necessary.
   b. When required, either published in or submitted to a newspaper of general circulation within the City at least ten (10) days before the date of the Planning Commission hearing.
   c. When required, sent by first class mail to all owners of property within one thousand feet (1000') of the subject property.
2. Notice to Affected Entities: When required by law, the City Planner shall provide notice by first class mail to affected entities as defined in KMC 15.02.
3. Purpose of Notice: The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of a proposed modification to the General Plan, an application for rezone, or an application for single family, multi-family, commercial or industrial development.
4. Effect of Notice: Proof that notice was given pursuant to this Section is prima facie evidence that notice was properly given. If notice given under authority of this Section is not challenged as provided for under State Law within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice was adequate and proper.

15.03.060 Termination Of Projects For Inaction/abandonment

Applicants must move their projects either to approval or denial in a reasonable expeditious manner. Upon fourteen (14) days written notice to the applicant, the city may formally deny an application, which remains inactive for six (6) months. Delays occasioned by the city shall not constitute cause for terminating an application. An applicant may appeal the City Planner's denial of a project for inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate subject to conditions, or may deny reinstatement. If reinstatement is denied, the application is formally denied.

15.03.070 Penalties

Any person, firm, partnership, or corporation, and the principals or agents thereof violating or causing the violation of this ordinance, or a permit issued pursuant to this ordinance, shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the Municipal Code.

1. In addition, the city shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

2. Private citizens of the city or owners of property within the city may file an action to enjoin the continuation of a violation affecting their interests.

15.03.080 Appeals And Reconsideration Process

The applicant, staff, or any other person with standing to challenge a decision administering or interpreting this ordinance may appeal the decision as follows:

1. Zoning Code Interpretation and Administration: All City decisions which interpret or administer this Land Use Ordinance (except Conditional Use Permits), may be appealed to the Administrative Law Judge within ten (10) days of final action, by filing notice of appeal with the City Staff. The City Council shall hear appeals of Planning Commission decisions with respect to a Conditional Use Permit. The appeal must be filed with the City Recorder within ten (10) days of the Planning Commission decision.
2. Administrative Law Judge: The District Court hears appeals of decisions of the Administrative Law Judge filed within thirty (30) days of the final decision.
3. Form of Appeals: Appeals must be filed with the City Planner and must be by letter or petition, with the name, address, and telephone number of the petitioner, his/her relationship to the project or subject property, and a comprehensive statement of the reasons for the appeal, including the specific provisions of law that are alleged to be violated by the action taken.
4. Written Findings Required: The appellate body shall prepare detailed and written findings of fact, which explain the circumstances of the body's decision and conclusions of law in support of its decision.
5. Action on Appeals to a City Body: The city shall comply with the following standards for all appeals to a city body under this ordinance.
    a. The city, in consultation with the appellant, shall set a date for the appeal.
    b. The city shall notify the owner of the appeal date.
    c. The city body hearing the appeal shall consider the written appeal, final action and all other pertinent information from the appellant and the City Planner.
    d. The city body hearing the appeal, may affirm, reverse, or affirm in part and reverse in part any properly appealed decision or may remand the matter with directions for specific areas of review or clarification. Appellate review is limited to consideration of only those matters raised in the written appeal and the staff's responses thereto, unless the body, by motion, enlarges the scope of the appeal to accept information on other matters.
    e. The city shall prepare written findings for review and approval within thirty (30) working days of the appellate decision.
6. City Council Call-up: Within fifteen (15) calendar days of final action on any decision, the City Council, on its own motion, may call up for review any final action taken by the Planning Commission. The City Recorder shall give prompt notice of the call-up to the Chairman of the Planning Commission together with the date set by the Council for consideration of the merits of the matter. The recorder shall also provide notice as required by this Section. In calling a matter up, the Council may limit the scope of the hearing to certain issues.
7. Notice: Notice of all appeals or call-ups shall be given by mailing courtesy notice seven (7) days prior to the hearing to the applicant and all parties who requested mailed courtesy notice for the original action.
8. Stay of Approval: Pending Review of Appeal: Upon call-up, or appeal, any approval granted by the Planning Commission or staff will be suspended until the reviewing body has taken final action on the appeal.
9. Appeal From the City Council: The applicant or any person aggrieved by the city action on the project may appeal from the final action of the Administrative Law Judge or City Council to a court of competent jurisdiction. The decision shall stand, and those affected by the decision may act in reliance on it unless and until a court enters a provisional or final order modifying or suspending the decision.
10. Finality of Action: Final action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law on the matter in question.

15.03.090 Constitutional Takings Review And Appeal

To promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the City Council and all commissions and boards shall adhere to the following before authorizing the seizure or exaction of property:

1. Takings Review Procedure: Prior to any proposed action to exact or seize property, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney

shall review all such matters pursuant to the guidelines established in this Section. Upon identifying a possible constitutional taking, the City Attorney shall inform the council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the city for failure to follow the recommendation of the City Attorney.

2. Takings Guidelines: The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, § 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential connection to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand nor limit the scope of the city's liability for a constitutional taking.
3. Appeal: Any owner of private property who believes that his/her property is proposed to be "taken" by an otherwise final action of the city may appeal the city's decision to the Administrative Law Judge within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Administrative Law Judge shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Administrative Law Judge, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in this Section. The decision of the Administrative Law Judge shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Administrative Law Judge's rejection of an appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

15.03.100 General Enforcement Authority

Whenever the City Planner finds that a violation of this code or applicable state codes has occurred or continues to exist, the procedure outlined herein shall be followed. The City Planner has the authority and power necessary to gain compliance with the provisions of the violated ordinance or statute. These powers include the power to issue notices of violation, to issue misdemeanor citations, to abate violations existing on public or private property, and to use any other remedies available under the city ordinances and applicable state codes.

If the City Planner finds that any of the provisions of this Land Use Ordinance are being violated, the person responsible for such violation will be notified in writing. This notice will state the nature of the violation, and order the action necessary to correct it. The City Planner may take any other action authorized by law to ensure compliance with the Land Use Ordinance or to prevent violation of it. The City Planner may request other city officials to assist with the enforcement of this Land Use Ordinance, including planning and zoning staff, building inspectors, police officers, the Administrative Law Judge and/or the city attorney.

15.03.110 Notice Matrix

15.04 Planning Commission

15.04.010 Establishment Of The Planning Commission
15.04.020 Appointment-Term
15.04.030 Powers And Duties
15.04.040 Organization

15.04.010 Establishment Of The Planning Commission

There is created a Planning Commission to be composed of five members who are appointed by the mayor with the advice and consent of the Kamas City Council from among qualified electors of the city.

15.04.020 Appointment-Term

The terms of the Planning Commission shall be staggered. Each member of the Planning Commission shall serve for a term of five (5) years and until their successor is qualified and appointed, provided that the term of the members shall be such that the term of one member shall expire one year, the second member the next, the third the next, the fourth the next, and the fifth the following year. Members may serve a maximum of three (3) consecutive terms. Terms of members of the Planning Commission shall begin on the 1st day of January each year.

The governing body may remove any member of the Planning Commission for cause and after public hearing, if one is requested. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term. An unexpired term shall not be counted toward the maximum number of terms. The Mayor, with the advice

and consent of the City Council, may appoint one (1) alternate member to the Planning Commission for a term not to exceed five (5) years. The prior term of an alternate member who subsequently becomes a full time member shall not prevent that member from serving three consecutive terms. The Planning Commission shall select a chairperson and vice chairperson annually who will serve for a term of one (1) year. The vice chairperson shall serve as chairperson during any period of the chairpersons' absence, inability, refusal, or failure to act. Nothing shall prohibit the chairperson or vice chairperson from serving consecutive terms.

15.04.030 Powers And Duties

The Planning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the City Council.
2. Prepare and recommend land use ordinances and maps, and amendments to the land use ordinances and maps, to the City Council.
3. Administer provisions of the land use ordinance, where specifically provided for in the land use ordinance.
4. Prepare and recommend subdivision ordinances and amendments to those subdivision ordinances to the City Council that regulates the subdivision of land in Kamas City.
5. Recommend approval or denial of subdivision applications as provided in KMC 15.18.
6. Recommend approval or denial of conditional use permits to the City Council as provided in KMC 15.23 of this Land Use Ordinance.
7. Recommend an Appeal Authority for the City of Kamas to the City Council.
8. Advise the City Council on matters as the City Council directs and hear or decide any matters that the City Council designates, including those powers authorized by state law.
9. Conduct such public hearings as are required by law or as may be deemed necessary by the Planning Commission.
10. Exercise any other powers that are necessary to enable the Planning Commission to perform its functions or delegated to it by the City Council.

15.04.040 Organization

The Planning Commission may adopt such rules that it deems necessary for the conduct of its proceedings. Meetings of the Commission shall be held at the call of the chairperson and at such times as the Planning Commission may determine. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Recorder/Clerk, which shall be the office of the Planning Commission, and shall be a public record.

1. Meetings: The Planning Commission shall meet as necessary and at such times as the Planning Commission may determine. Meetings shall be held at the Kamas City offices or at such other reasonable location(s) within Kamas City as the Planning Commission may deem necessary. Meetings shall be held in accordance with the provisions of Title 52, Chapter 4, UCA (1953 edition), as amended, entitled "Open and public meetings", or any successor statute enacted in its place.
2. Quorum: Three (3) members of the Planning Commission shall constitute a quorum. A majority of the voting members present at a meeting at which a quorum is present shall be required for any action. No less than three (3) yes votes are required for passage of any action.

15.05 Appeal Authority

15.05.010 Appointment-Term
15.05.020 Organization
15.05.030 Powers And Duties
15.05.040 Appeals
15.05.050 Appeals
15.05.060 Notice To Council
15.05.070 Zone Boundary Adjustment
15.05.080 Administrative Law Judge Decision On Appeal
15.05.090 District Court Review Of Administrative Law Judge Decision

15.05.010 Appointment-Term

1. The Appeal Authority for Kamas City shall consist of an Administrative Law Judge, appointed by the Mayor with the advice and consent of the Kamas City Council.
2. The term of an Administrative Law Judge shall be four (4) years concluding at midnight on the thirty-first (31) day of December of the year of term expiration. At the expiration of the term, the Mayor may reappoint the Judge to additional four year terms with the advice and consent of the Kamas City Council.
3. Any judge may be removed for cause by the governing body upon written charges and after a public hearing, if a public hearing is requested by the governing body or the Administrative Law Judge being removed.
4. Upon the removal of a Judge or the written resignation of any Judge, the Mayor shall pursue the selection of a new Judge to fill the vacancy. Upon the need for the filling of a vacancy or establishing a new Administrative Law Judge, the Mayor shall act to post notice of the Administrative Law Judge vacancy in at least three locations within the city and in a newspaper of general circulation in the city. Said notice shall include at least the general responsibilities of the Judge, direction for interested applicants to submit a letter of interest, procedure for submitting letters of interest, and the closing date of the vacancy's notice. The notice shall be advertised for not less than ten (10) days.

15.05.020 Organization

1. The Administrative Law Judge may hold meetings, as the Appeal Authority, according to Utah State Code, Title 52, Chapter 4, Open and Public Meetings, or any successor statute enacted in its place.
2. The Administrative Law Judge must be present in order to conduct any public meeting of the Appeal Authority or to hear items of business before the Appeal Authority.
3. The Administrative Law Judge will listen to the facts presented and will base his/her decision upon his/her understanding of that information.
4. The Administrative Law Judge may develop, adopt and maintain additional bylaws and/or rules of decorum and order to be followed during meetings of the Appeal Authority. All Appeal Authority hearings shall be conducted as quasi- judicial proceedings and in accordance with Utah State Code § 10-9a-701 et. seq.
5. Pursuant to Utah State code § 10-9a-701, any adversely affected party being heard by the Appeal Authority shall be required to present to the Appeal Authority every theory of relief that they can raise in district court.

15.05.030 Powers And Duties

The powers and duties of the Appeal Authority shall be as follows:

1. Hear and decide appeals from zoning decisions applying the zoning ordinance.
2. Hear and decide variances from the terms of the zoning ordinance.
3. Hear and decide on violations of codes and ordinances within Kamas City.

15.05.040 Appeals

1.
    a. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.
    b. Any person, including any officer, department or board of Kamas City affected by a decision administering or interpreting a zoning ordinance or affected by the grant or refusal of a building permit or by any other decision of the Planning Commission in the administration or interpretation of the zoning ordinance may appeal such decision to the Administrative Law Judge. An appeal must be made within thirty (30) days from the date of such decision by filing with the City Recorder a written notice of appeal specifying the grounds thereof. When an appeal is taken from a decision of the Planning Commission, the City Planner shall forthwith transmit to the Administrative Law Judge all papers, if any, constituting the record upon which the action appealed from was taken.
    c. An appeal filed in accordance with this Section stays all proceedings in the appeal action, unless the officer from whom the appeal is taken certifies to the Administrative Law Judge that by reason of facts stated in the certificate, the stay would in his/her opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Administrative Law Judge or by the district court on application and notice and on due cause shown.
    d. The Administrative Law Judge shall fix the time for hearing any appeal within fifteen (15) days of the date of filing such appeal with the City Recorder and shall give public notice thereof in accordance with the Utah Open and Public Meetings Act, as well as notice to the parties in interest.

e. Proceedings and hearings before the Administrative Law Judge shall be had pursuant to rules adopted by the Administrative Law Judge and in conformance with general principles of due process. Any party in interest may appear at such hearing in person, by agent, or by an attorney of his/her choice.
f. The person or entity making the appeal has the burden of proving that an error has been made.

2.

a. Only decisions applying to the zoning ordinance may be appealed to the Administrative Law Judge.
b. A person may not appeal, and the Administrative Law Judge may not consider, any zoning ordinance amendments.
c. The City Council shall hear and decide appeals of Planning Commission decisions.

3. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

15.05.050 Appeals

Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Administrative Law Judge for a variance from the terms of the zoning ordinance.

1. The Administrative Law Judge may grant a variance only if each of the following conditions are met:
   a. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
   b. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
   c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
   d. The variance will not substantially affect the general plan and will not be contrary to the public interest.
   e. The spirit of the zoning ordinance is observed and substantial justice is done.
2. An determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under this Section, the Administrative Law Judge may not find an unreasonable hardship unless the alleged hardship:
   a. Is located on or associated with the property for which the variance is sought, and
   b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under this Section, the Administrative Law Judge may not find an unreasonable hardship if the hardship is self-imposed or economic.
4. In determining whether or not there are special circumstances attached to the property under this Section, the Administrative Law Judge may find that special circumstances exist only if the special circumstances:
   a. Relate to the hardship complained of, and
   b. Deprive the property of privileges granted to other properties in the same district.
5. The applicant shall bear the burden of proving all of the conditions justifying a variance have been met.
6. Variances run with the land.
7. The Administrative Law Judge may not grant use variances.
8. In granting a variance, the Administrative Law Judge may impose additional requirements on the applicant that will:
   a. Mitigate any harmful affects of the variance; or
   b. Serve the purpose of the standard or requirement that is waived or modified.

15.05.060 Notice To Council

Before any application for a variance or building permit is heard by the Administrative Law Judge, the Administrative Law Judge shall give Kamas City at least fifteen (15) days notice of any hearing to consider the application.

15.05.070 Zone Boundary Adjustment

Where a zone boundary line divides a lot in a single ownership at the time of the passage of this Chapter, the Administrative Law Judge may permit a use authorized on either portion of such lot to extend not more than fifty feet (50’) into the other portion of the lot.

15.05.080 Administrative Law Judge Decision On Appeal

In exercising the above-mentioned powers the Administrative Law Judge may affirm, wholly or partly, or may modify the order, requirement, decision or determination of the zoning official.

15.05.090 District Court Review Of Administrative Law Judge Decision

1. Any person adversely affected by any decision of the Administrative Law Judge may petition the district court for a review of the decision.
2. In the petition, the plaintiff may only allege that the Administrative Law Judge's decision was arbitrary, capricious, or illegal.
3.
    a. The petition is barred unless it is filed within 30 days after the Administrative Law Judge's decision is final.
    b.
        i. The time under this Section to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 63-34-13 until 30 days after:

            (1) the arbitrator issues a final award, or
            (2) The private property ombudsman issues a written statement under Utah Code Annotated 63-34-13(4) (b) declining to arbitrate or to appoint an arbitrator.

        ii. A tolling under this Section operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.
        iii. A request for arbitration filed with the private property ombudsman after the time under this Section to file a petition has expired does not affect the time to file a petition.
4.
    a. The Administrative Law Judge shall transmit to the district court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
    b. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this Section.
5.
    a. If there is a record, the district court's review is limited to the record provided by the Administrative Law Judge. The court may not accept or consider any evidence outside the record from the Administrative Law Judge hearing unless that evidence was offered to the Administrative Law Judge and the court determines that it was improperly excluded by the Administrative Law Judge.
    b. If there is no record, the court may call witnesses and take evidence.
6. The court shall affirm the decision of the Administrative Law Judge if the decision is supported by substantial evidence in the record.
7.
    a. The filing of a petition does not stay the decision of the Administrative Law Judge.
        i. Before filing a petition under this Section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 63-34-24, the aggrieved party may petition the Administrative Law Judge to stay his/her decision.
        ii. Upon receipt of a petition to stay, the Administrative Law Judge may order his/her decision stayed pending district court review if the Administrative Law Judge finds it to be in the best interest of Kamas City.
        iii. After a petition is filed under this Section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 63-34-13, the petitioner may seek an injunction from the district court staying the Administrative Law Judge's decision.

15.06 A-40 Agriculture

15.06.010 Purpose
15.06.020 Use Table
15.06.030 Development Standards
15.06.040 Fencing

15.06.050 Performance Standards
15.06.060 Parking
15.06.070 Landscaping

15.06.010 Purpose

To create an agricultural zone which:

1. Maintains continuity with existing Summit County AG-40 zoning and regulations.
2. Protects valuable agriculture and open space as well as maintaining the historic nature and feel of the community.
3. Promotes recreational and conservation developments that enhance the character and economy of the community.

15.06.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Occupied	✓			
Accessory Structure Unoccupied	✓			
Agricultural Industry	✓			✓
Agriculture	✓			
Animal Hospital	✓			✓
Bed and Breakfast	✓			✓
Child Care for business • Center: 8 children or less • Facility: 9 Children or more			✓ ✓	✓ ✓
Church	✓			
Civic Club	✓			
Dwelling, Single Family	✓			
Farm Animals/Livestock	✓			
Fence, Electric	✓			
Fence, Corner Lot	✓			
Fence, Razor		✓		
Fence, Wildlife/Large Animal		✓		
Group Home • Assisted Living • Elderly • Disabled	✓ ✓ ✓			✓ ✓ ✓
Heavy/Farm Equip Sales	✓			✓
Home Occupation		✓		✓

Household Pets (limit 3)	✓			
Intermittent Commercial Use		✓		✓
Kennel			✓	✓
Landscape Services			✓	✓
Manufactured Home	✓			
Nursery	✓			✓
Outdoor Rec. Activities			✓	✓
Outdoor Rec-Park-Play	✓			✓
Preschool			✓	✓
Public Rights of Way	✓			
Public Utility Stations: except sewer				
Recreational Vehicle Park			✓	✓
Schools, Private-Quasi Public	✓			✓
Schools, Public	✓			
Small Engine Repair	✓			✓
Stables, Private	✓			
Stables, Public	✓			✓

15.06.030 Development Standards

Minimum Lot and Development Standards

	Area	Width	Setbacks	Height
Standard	40 acres	Average width 200' With minimum 100' frontage	Front: 40’ Side: 20’ Rear: 40’ Accessory Structure, Unoccupied Accessory Structure, Occupied 50’ Front / 20’ Side/40’ rear (1000 sf maximum living area)	35’ max* 35’ max* 25’ max
Exceptions			Corner Lot: A corner lot shall have 2 fronts-40’minimum 2 sides-20’ minimum Front is determined by location of streets.	* Note

*Chimneys, flagpoles, church towers and other similar structures in excess of 35’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structure to have access: All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency vehicles.
2. Farm Animals: Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred and maintained according to the following point system:
    a. Animals may total 50 points per ½ acre of ground used solely for their care and keeping.
    b. Animals shall be worth the following points each:

i. Chickens, pigeons, pheasants and other similar birds: 2 points
ii. Rabbits, chinchillas and other similar animals: 5 points
iii. Geese, ducks, peafowl, turkey and other similar birds: 10 points
iv. Sheep, goats, llamas, calves, foals and other similar sized animals: 25 points
v. Horses, cattle, and other similar sized animals: 40 points
vi. The keeping of swine will be allowed only to a maximum of ten animals.
vii. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.

c. Any building, structure or corral in which livestock is kept must be at least one hundred (100) feet from any existing dwelling on a neighboring lot or parcel or fifty (50) feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.
d. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.

3. Public Utility Stations: In any zone where residences are allowed, public utility stations shall meet the following requirements:

a. Each station shall be located on a lot not less than 2,000 square feet in area.
b. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
c. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards shall be at least ten (10) feet.
d. Fencing will be determined on the approval of the Kamas City Planning Commission.

15.06.040 Fencing

Fencing

Clear Vision Restriction* (See definition)	Setbacks	Height	Wildlife/Large Animal	Electric	Razor	Corner Lot
25'	Front: 0 Exception: 25' front for electric fence	Front: 6' (8' min for Razor) Side: 6' Rear: 6'	Conditional Use Permit	Permitted	Conditional Use Permit	Administrative Conditional Use

15.06.050 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other nuisances to the premises upon which they are located and properly disposed of in a timely fashion (3-6 months).
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.06.060 Parking

Parking standards in KMC 15.25 also apply to the following on-site parking requirements:

Parking

USES	PARKING REQUIREMENT
Accessory Structure: Occupied	3 spaces in addition to requirements for Primary Structure
Animal Hospital	3 spaces per 1,000 square foot area

Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Church	1 space per 1,000 square foot area
Dwelling, Single Family	3 spaces per dwelling unit (min. 160 sq. ft. per space)
Group Home	2 spaces per 3 beds
Home Occupation	To be determined by the Planning Commission
Schools: Private, Quasi Public, Public - Elementary and Middle Schools - High School and Higher Learning	- 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 5 students - 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 2 students

15.06.070 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials. See KMC 15.24 Landscape Standards.

15.07 A-5 Agriculture

15.07.010 Purpose
15.07.020 Use Table
15.07.030 Development Standards
15.07.040 Fencing
15.07.050 Performance Standards
15.07.060 Parking
15.07.070 Landscaping

15.07.010 Purpose

To create an agricultural zone which:

1. Allows for and protects agricultural uses within Kamas City by controlling density and coverage and providing for compatible land uses.
2. Provides an open space buffer between commercial and residential areas that mitigates potential impacts between residential and other land use.

15.07.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Agricultural Industry	✓			✓
Agriculture	✓			
Animal Hospital	✓			✓
Bed and Breakfast	✓			✓
Child Care for business				

• Center: 8 children or less • Facility: 9 Children or more			✓ ✓	✓ ✓
Church	✓			
Civic Club	✓			
Dwelling	✓			
Farm Animals/Livestock	✓			
Fence, Electric	✓			
Fence, Corner Lot	✓			
Fence, Razor		✓		
Fence, Wildlife/Large Animal		✓		
Group Home • Assisted Living • Elderly • Disabled	✓ ✓ ✓			✓ ✓ ✓
Heavy/Farm Equip Sales	✓			✓
Home Occupation		✓		✓
Household Pets (limit 3)	✓			
Intermittent Commercial Use		✓		✓
Kennel			✓	✓
Landscape Services			✓	✓
Manufactured Home	✓			
Nursery	✓			✓
Outdoor Rec. Activities			✓	✓
Outdoor Rec-Park-Play	✓			✓
Preschool			✓	✓
Public Rights of Way	✓			
Public Utility Stations: except sewer				
Recreational Vehicle Park			✓	✓
Schools, Private-Quasi Public	✓			✓
Schools, Public	✓			
Small Engine Repair	✓			✓
Stables, Private	✓			
Stables, Public	✓			✓

15.07.030 Development Standards

Minimum Lot and Development Standards

	Area	Width	Setbacks	Height
Standard	5 acres	Average width 200' With minimum 100' frontage	Front: 40' Side: 15' Rear: 40' Accessory Structure, Unoccupied	35' max* 35' max*
Exceptions			Corner Lot: A corner lot shall have 2 fronts-40' minimum 2 sides-20' minimum Front is determined by location of streets.	* Note

*Chimneys, flagpoles, church towers and other similar structures in excess of 35', not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structure to have access: All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency vehicles.
2. Farm Animals: Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred and maintained according to the following point system:
   a. Animals may total 50 points per ½ acre of ground used solely for their care and keeping.
   b. Animals shall be worth the following points each:
      i. Chickens, pigeons, pheasants and other similar birds: 2 points
      ii. Rabbits, chinchillas and other similar animals: 5 points
      iii. Geese, ducks, peafowl, turkey and other similar birds: 10 points
      iv. Sheep, goats, llamas, calves, foals and other similar sized animals: 25 points
      v. Horses, cattle, and other similar sized animals: 40 points
      vi. The keeping of swine will be allowed only to a maximum of five animals.
      vii. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.
   c. Any building, structure or corral in which livestock is kept must be at least one hundred (100) feet from any existing dwelling on a neighboring lot or parcel or fifty (50) feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.
   d. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.
3. Public Utility Stations: In any zone where residences are allowed, public utility stations shall meet the following requirements:
   a. Each station shall be located on a lot not less than 2,000 square feet in area.
   b. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
   c. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards shall be at least ten (10) feet.
   d. Fencing will be determined on the approval of the Kamas City Planning Commission.

15.07.040 Fencing

Fencing

Clear Vision Restriction* (See definition)	Setbacks	Height	Wildlife/Large Animal	Electric	Razor	Corner Lot
		Front: 6'				

25'	Front: 0 Exception: 25' front for electric fence	(8' min for Razor) Side: 6' Rear: 6'	Conditional Use Permit	Permitted	Conditional Use Permit	Administrative Conditional Use 2 Fronts - 4'

15.07.050 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located and properly disposed of in a timely fashion (3-6 months).
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.07.060 Parking

Parking standards in KMC 15.25 also apply to the following on-site parking requirements:

Parking

USES	PARKING REQUIREMENT
Animal Hospital	3 spaces per 1,000 square foot area
Business Commercial, less intensive	3 spaces per 1,000 square foot area
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Church	1 space per 1,000 square foot area
Dwelling, Single Family	3 spaces per dwelling unit (min. 160 sq. ft. per space)
Group Home	1 space per 2 beds
Home Occupation	To be determined by the Planning Commission
Schools: Private, Quasi Public, Public - Elementary and Middle Schools - High School and Higher Learning	1 parking space for each faculty member and other full-time employee plus 1 parking space for every 5 students 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 2 students

15.07.070 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials. See KMC 15.24 Landscape Standards.

15.08 A-1 Agriculture

15.08.010 Purpose
15.08.020 Use Table
15.08.030 Development Standards
15.08.040 Fencing
15.08.050 Performance Standards
15.08.060 Parking
15.08.070 Landscaping

15.08.010 Purpose

To create an agricultural zone which:

1. Allows for and protects agricultural uses within Kamas City by controlling density and coverage and providing for compatible land uses.
2. Provides an open space buffer between other residential zones.

15.08.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Agriculture	✓			
Animal Hospital			✓	✓
Bed and Breakfast	✓			✓
Child Care for business • Center: 8 children or less • Facility: 9 Children or more			✓ ✓	✓ ✓
Church	✓			
Civic Club	✓			
Dwelling	✓			
Farm Animals/Livestock	✓			
Fence, Electric	✓			
Fence, Corner Lot	✓			
Fence, Razor		✓		
Fence, Wildlife/Large Animal		✓		
Group Home • Assisted Living • Elderly • Disabled	✓ ✓ ✓			✓ ✓ ✓
Home Occupation		✓		✓
Household Pets (limit 3)	✓			
Intermittent Commercial Use		✓		✓
Manufactured Home	✓			
Nursery	✓			✓
Outdoor Rec-Park-Play	✓			✓
Preschool			✓	✓
Public Rights of Way	✓			

Public Utility Stations: except sewer			✓	
Schools, Private-Quasi Public	✓			✓
Schools, Public	✓			
Small Engine Repair	✓			✓
Stables, Private	✓			
Stables, Public	✓			✓

15.08.030 Development Standards

Minimum Lot and Development Standards

	Area	Width	Setbacks	Height
Standard	1 acre	Average width 200' With minimum 100' frontage	Front: 25' Side: 10' Rear: 15' Accessory Structure, Unoccupied	27' max 27' max
Exceptions			Corner Lot: A corner lot shall have 2 fronts- 25' minimum, 2 sides-10' minimum. Front is determined by location of streets.	*Note

*Chimneys, flagpoles, church towers and other similar structures in excess of 27', not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structure to have access: All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency vehicles.
2. Farm Animals: Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred and maintained according to the following point system:
   a. Animals may total 50 points per ½ acre of ground used solely for their care and keeping.
   b. Animals shall be worth the following points each:
      i. Chickens, pigeons, pheasants and other similar birds: 2 points
      ii. Rabbits, chinchillas and other similar animals: 5 points
      iii. Geese, ducks, peafowl, turkey and other similar birds: 10 points
      iv. Sheep, goats, llamas, calves, foals and other similar sized animals: 25 points
      v. Horses, cattle, and other similar sized animals: 40 points
      vi. The keeping of swine will be allowed only to a maximum of two animals.
      vii. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.
   c. Any building, structure or corral in which livestock is kept must be at least one hundred (100) feet from any existing dwelling on a neighboring lot or parcel or fifty (50) feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.
   d. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.
3. Public Utility Stations: In any zone where residences are allowed, public utility stations shall meet the following requirements:
   a. Each station shall be located on a lot not less than 2,000 square feet in area.
   b. Each station shall be located on a lot that has adequate access from a street, alley, or easement.

c. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards shall be at least ten (10) feet.
d. Fencing will be determined on the approval of the Kamas City Planning Commission.

15.08.040 Fencing

Fencing

Clear Vision Restriction* (See definition)	Setbacks	Height	Wildlife/Large Animal	Electric	Razor	Corner Lot
25'	Front: 0 Side: 0	Residential Front: 4' Front: 6' (8' min for Razor) Side: 6' Rear: 6'	Administrative Conditional Use Permit	Permitted	Administrative Conditional Use Permit	Administrative Conditional Use 2 Fronts - 4'

15.08.050 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located and properly disposed of in a timely fashion (3-6 months).
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.08.060 Parking

Parking standards in KMC 15.25 also apply to the following on-site parking requirements:

Parking

USES	PARKING REQUIREMENT
Accessory Structure: Occupied	3 spaces in addition to requirements for Primary Structure
Animal Hospital	3 spaces per 1,000 square foot area
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Church	1 space per 1,000 square foot area
Dwelling, Single Family	3 spaces per dwelling unit (min. 160 sq. ft. per space)
Home Occupation	To be determined by the Planning Commission
Schools: Private, Quasi Public, Public - Elementary and Middle Schools - High School and Higher Learning	- 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 5 students - 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 2 students

15.08.070 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be maintained with suitable landscaping of plant, shrubs, trees, grass or other landscaping materials. See KMC 15.24 Landscape Standards.

15.09 R-A Residential

15.09.010 Purpose
15.09.020 Use Table
15.09.030 Development Standards
15.09.040 Residential Site Plan Review
15.09.050 Fencing
15.09.060 Performance Standards
15.09.070 Parking
15.09.080 Landscaping

15.09.010 Purpose

To create a rural residential zone which is intended as a permanent residential district for those areas of the community where it is desirable to maintain low residential densities.

15.09.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Agriculture	✓			
Bed and Breakfast	✓			✓
Child Care for business • Center: 8 children or less • Facility: 9 Children or more			✓ ✓	✓ ✓
Church	✓			
Dwelling	✓			
Farm Animals/Livestock	✓			
Fence, Electric		✓		
Fence, Corner Lot		✓		
Fence, Razor		✓		
Fence, Wildlife/Large Animal		✓		
Group Home • Assisted Living • Elderly • Disabled	✓ ✓ ✓			✓ ✓ ✓
Home Occupation				✓
Household Pets	✓			
Intermittent Commercial Use		✓		✓
Manufactured Home	✓			

Outdoor Rec-Park-Play	✓			✓
Preschool			✓	✓
Public Rights of Way	✓			
Public Utility Stations: except sewer			✓	
Schools, Private-Quasi Public	✓			✓
Schools, Public	✓			
Stables, Private	✓			

15.09.030 Development Standards

Minimum Lot and Development Standards

	Area	Width	Setbacks	Height
Standard	½ acre	100’	Front: 25’ Side: 10’ Rear: 15’ Accessory Structure: 25’ Front / 5’ Side/ 5’ Rear	27’ max From center of building envelope at existing grade 25’ max
Exceptions			Corner Lot: A corner lot shall have 2 fronts- 25’ minimum, 2 sides- 10’ minimum. Front is determined by location of streets.	* Note

*Chimneys, flagpoles, church towers and other similar structures in excess of 27’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structure to have access: All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency vehicles.
2. Farm Animals: Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred and maintained according to the following point system:
   a. Animals may total 50 points per ½ acre of ground used solely for their care and keeping.
   b. Animals shall be worth the following points each:
      i. Chickens, pigeons, pheasants and other similar birds: 2 points
      ii. Rabbits, chinchillas and other similar animals: 5 points
      iii. Geese, ducks, peafowl, turkey and other similar birds: 10 points
      iv. Sheep, goats, llamas, calves, foals and other similar sized animals: 25 points
      v. Horses, cattle, and other similar sized animals: 40 points
      vi. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.
   c. Any building, structure or corral in which livestock is kept must be at least one hundred (100) feet from any existing dwelling on a neighboring lot or parcel or fifty (50) feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.
   d. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.
3. Public Utility Stations: In any zone where residences are allowed, public utility stations shall meet the following requirements:
   a. Each station shall be located on a lot not less than 2,000 square feet in area.
   b. Each station shall be located on a lot that has adequate access from a street, alley, or easement.

c. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards shall be at least ten (10) feet.
d. Fencing will be determined on the approval of the Kamas City Planning Commission.

15.09.040 Residential Site Plan Review

The site plan drawings for residential site plan review shall include:

1. Dated drawings prepared on one 22” x 34” format plus one 8 ½” x 11” drawing.
2. Indicated scale shall be no less than 1” = 40’.
3. Name of project/development, address and owner/contractor’s name.
4. Parcel dimensions.
5. North orienting arrow.
6. Total site area.
7. Parking and driveway area.
8. Location of new building(s) and structure(s).
9. Location of existing building(s) and structure(s).
10. All existing sewer mains, water mains, fire hydrants, natural gas and electric lines.
11. Building elevations.
12. Any further information related to site development as requested by Kamas City Officials.

15.09.050 Fencing

Fencing

Clear Vision Restriction* (See definition)	Setbacks	Height	Wildlife/Large Animal	Electric	Corner Lot
25'	Front: 0 Side: 0	Front: Solid 4' Side: 6' Rear: 6'	Administrative Conditional Use Permit	Administrative Conditional Use Permit	Administrative Conditional Use 2 Fronts: 4'

15.09.060 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located and properly disposed of in a timely fashion (3-6 months).
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.09.070 Parking

Single-family dwellings in any residential zone shall provide two (2) parking spaces within a private enclosed garage. Parking standards in KMC 15.25 also apply to the following on-site parking requirements:

Parking

USES	PARKING REQUIREMENT
Bed and Breakfast	3 spaces for residence plus 1 space per room for rent
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Church	1 space per 1,000 square foot area
Dwelling, Single Family	3 spaces per dwelling unit (min. 162 sq. ft. per space)

Group Home	1 space per 3 beds
Home Occupation	To be determined by the Planning Commission
Schools: Private, Quasi Public, Public - Elementary and Middle Schools - High School and Higher Learning	1 parking space for each faculty member and other full-time employee plus 1 parking space for every 5 students 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 2 students

Parking and storage of any commercial vehicles and construction equipment in excess of 12,000 pounds in the R-A Zone is prohibited

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15.09.080 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials. See KMC 15.24 Landscape Standards.

15.10 R-1 Residential

15.10.010 Purpose
15.10.020 Use Table
15.10.030 Development Standards
15.10.040 Residential Site Plan Review
15.10.050 Fencing
15.10.060 Performance Standards
15.10.070 Parking
15.10.080 Landscaping

15.10.010 Purpose

To create a residential zone that provides for single family dwellings.

15.10.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Agriculture	✓			
Bed and Breakfast	✓			✓
Child Care for business • Center: 8 children or less • Facility: 9 Children or more			✓ ✓	✓ ✓
Church	✓			
Dwelling	✓			
Farm Animals/Livestock	✓			

Fence, Electric		✓		
Fence, Corner Lot		✓		
Group Home • Assisted Living • Elderly • Disabled	✓ ✓ ✓			✓ ✓ ✓
Home Occupation		✓		✓
Household Pets	✓			
Manufactured Home	✓			
Outdoor Rec-Park-Play	✓			✓
Preschool			✓	✓
Public Rights of Way	✓			
Schools, Private-Quasi Public	✓			✓
Schools, Public	✓			

15.10.030 Development Standards

Minimum Lot and Development Standards

	Area	Width	Setbacks	Height
Single Family	10,000 sf	100’	Front: 25’ Side: 10’ Rear: 15’ Accessory Structure: 25’ Front / 5’ Side/ 5’ Rear	27’ max From center of building envelope at existing grade 25’ max
Exceptions			Corner Lot: A corner lot shall have 2 fronts- 25’ minimum, 2 sides-10’ minimum, Front is determined by location of streets.	* Note

*Chimneys, flagpoles, church towers and other similar structures in excess of 27’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structure to have access: All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency vehicles.
2. Farm Animals: Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred and maintained according to the following point system:
   a. Animals may total 50 points per ½ acre of ground used solely for their care and keeping.
   b. Animals shall be worth the following points each:
      i. Chickens, pigeons, pheasants and other similar birds: 2 points
      ii. Rabbits, chinchillas and other similar animals: 5 points
      iii. Geese, ducks, peafowl, turkey and other similar birds: 10 points
      iv. Sheep, goats, llamas, calves, foals and other similar sized animals: 25 points
      v. Horses, cattle, and other similar sized animals: 40 points
      vi. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.

c. Any building, structure or corral in which livestock is kept must be at least one hundred (100) feet from any existing dwelling on a neighboring lot or parcel or fifty (50) feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.
d. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.

15.10.040 Residential Site Plan Review

The site plan drawings for residential site plan review shall include:

1. Dated drawings prepared on one 22” x 34” format plus one 8 ½” x 11” drawing.
2. Indicated scale shall be no less than 1” = 40’.
3. Name of project/development, address and developer’s name.
4. Parcel dimensions.
5. North orienting arrow.
6. Total site area.
7. Parking and driveway area.
8. Location of new buildings and structures.
9. Location of existing buildings and structures.
10. All existing sewer mains, water mains, fire hydrants, natural gas and electric lines.
11. Building elevations.
12. Any further information related to site development as requested by Kamas City Officials.

15.10.050 Fencing

Fencing

Clear Vision Restriction* (See definition)	Setbacks	Height	Wildlife/Large Animal	Electric	Corner Lot
25'	Front: 0 Side: 0	Front: Solid 4' Side: 6' Rear: 6'	Conditional Use Permit	Conditional Use Permitted	Administrative Conditional Use 4' Front Yard Fence - Residential

15.10.060 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located and properly disposed of in a timely fashion (3-6 months).
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.10.070 Parking

Single-family dwellings in any residential zone shall provide two (2) parking spaces within a private enclosed garage. Parking standards in KMC 15.25 also apply to the following on-site parking requirements:

Parking

USES	PARKING REQUIREMENT
Bed and Breakfast	3 spaces for residence plus 1 space per room for rent
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Church	1 space per 1,000 square foot area
Dwelling, Single Family	3 spaces per dwelling unit (min. 162 sq. ft. per space)

Group Home	2 spaces per 3 beds
Home Occupation	To be determined by the Planning Commission
Schools: Private, Quasi Public, Public - Elementary and Middle Schools - High School and Higher Learning	1 parking space for each faculty member and other full-time employee plus 1 parking space for every 5 students 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 2 students

Parking and storage of any commercial vehicles and construction equipment in excess of 12,000 pounds in the R-1 Zone is prohibited.

15.10.080 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials. See KMC 15.24 Landscape Standards.

15.11 R-M Residential

15.11.010 Purpose
15.11.020 Use Table
15.11.030 Development Standards
15.11.040 Site Plan Review
15.11.050 Fencing
15.11.060 Performance Standards
15.11.070 Parking
15.11.080 Landscaping

15.11.010 Purpose

To create a residential zone that provides a well planned and well kept housing development that creates a compatible mixture of single and multi-family dwellings. Rezoning to the R-M Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods.

15.11.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Church	✓			
Dwelling-Single	✓			
Dwelling-Twin home			✓	
Dwelling-Multi-family			✓	
Fence, Corner Lot		✓		
Group Home • Assisted Living • Elderly • Disabled	 ✓ ✓ ✓			 ✓ ✓

				✓
Household Pets (one only)	✓			
Manufactured Home	✓			
Outdoor Rec-Park-Play	✓			✓
Public Rights of Way	✓			
Townhouse (maximum of 4 units)			✓	

15.11.030 Development Standards

Minimum Lot and Development Standards

	Area	Width	Setbacks	Height
Single Family	10,000 sf	100’	Front: 25’ Side: 10’ Rear: 15’ Accessory Structure: 25’ Front / 5’ Side	27’ max From center of building envelope at existing grade 25’ max
Two Family	15,000 sf	100’	Front: 25’ Side: 10’ Rear: 15’ Accessory Structure: 25’ Front / 5’ Side	27’ max From center of building envelope at existing grade 25’ max
Multiple families Up to four (4) individual units	20,000 sf	150’	Front: 25’ Side: 10’ Rear: 15’ Accessory Structure: 25’ Front / 5’ Side	27’ max From center of building envelope at existing grade 25’ max
Exceptions			Corner Lot: A corner lot shall have 2 fronts-25’ minimum 2 sides-10’ minimum	* Note

*Chimneys, flagpoles, church towers and other similar structures in excess of 27’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

15.11.040 Site Plan Review

The site plan drawings for residential site plan review shall include:

1. Dated drawings prepared on one 22” x 34” format plus one 8 ½” x 11” drawing.
2. Indicated scale shall be no less than 1” = 40’.
3. Name of project/development, address and developer’s name.
4. Parcel dimensions.
5. North orienting arrow.
6. Total site area.

7. Parking and driveway area.
8. Lighting plan.
9. Location of new buildings and structures.
10. Location of existing buildings and structures.
11. Location of dumpster/waste management facility.
12. All existing sewer mains, water mains, fire hydrants, natural gas and electric lines.
13. Building elevations.
14. Any further information related to site development as requested by Kamas City Officials.

Multi-family dwellings are permitted as a conditional use in the R-M Zone with the following conditions:

1. Lot Size: The minimum lot size for any multi-family project consisting of 4 individual units shall be 20,000 square feet.
2. Open Space: For each individual dwelling, an area of no less than 1000 square feet shall be preserved and dedicated as open space, i.e., for each twin home, 2000 square feet of open space is required. For each 4-plex, 4000 square feet of open space is required.
3. Parking: For each individual family unit, 3 spaces per unit shall be improved for parking. At least one space per dwelling unit shall be within an enclosed private parking garage. Property dedicated for parking may not overlap with property dedicated for open space.
4. Spacing of Buildings: Up to 4 individual family units may be located in a single building. Single-story buildings shall be spaced at least 20 feet apart from one another. Two-story buildings shall be spaced at least 30 feet apart from one another.
5. Structures to have Access: All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency vehicles.
6. Refuse Disposal: The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. All dumpsters shall be enclosed on all four sides.
7. Adequate space must be provided for snow removal, storm water and drainage.
8. Trash collection and recycling areas, service areas,mechanicalequipment and loading docks shall be screened on all sides so that no portion of such areas are visible from public streets and alleys and adjacent properties. Required screening may include new and existing planting, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

15.11.050 Fencing

Fencing

Clear Vision Restriction* (See definition)	Setbacks	Height	Corner Lot
25’	Front: 0 Side: 0	Front: Solid 4’ Side: 6’ Rear: 6’	Administrative Conditional Use 2 Fronts: 4’

15.11.060 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other nuisance feature to the premises upon which they are located and properly disposed of in a timely fashion (3-6 months).
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.11.070 Parking

Multi-family dwellings on the same lot shall provide a minimum of three (3) parking spaces for each dwelling unit, of which at least one space per dwelling unit shall be within an enclosed private parking garage. Parking standards in KMC 15.25 also apply to the following on-site parking requirements:

Parking

USES	PARKING REQUIREMENT
Church	1 space per 1,000 square foot area
Dwelling, Single Family	3 spaces per dwelling unit (min. 162 sq. ft. per space)
Dwelling, Two Family	3 spaces per dwelling unit (min. 162 sq. ft. per space)
Dwelling, Multi Family	3 spaces per dwelling unit (min. 162 sq. ft. per space)
Group Home	2 spaces per 3 beds

Parking and storage of any commercial vehicles and construction equipment in excess of twelve thousand pounds (12,000 lbs.) gross vehicle weight in the R-M Zone is prohibited.

15.11.080 Landscaping

All land, except for building areas, driveways, and parking areas, within the Multi-family Zone shall be landscaped and maintained with trees, plants, shrubs, lawn and ground cover, specifically native and drought tolerant species. At least forty percent (40%) of the net acreage of the entire development shall remain in permanently landscaped areas.

15.12 M-H Mobile Home

15.12.010 Purpose
15.12.020 Use Table
15.12.030 Development Standards
15.12.040 Fencing
15.12.050 Performance Standards
15.12.060 Parking
15.12.070 Landscaping
15.12.080 Zoning And Regulatory Requirements Pertinent To Mobile Home Parks

15.12.010 Purpose

To create a zone that allows for mobile homes and related uses in a well planned and safe environment within Kamas City.

15.12.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Church	✓			
Civic Club	✓			
Dwelling	✓			
Fencing		✓		
Household Pets (limit-1 only)	✓			
Laundromat	✓			
Manufactured Home	✓			
Outdoor Rec-Park-Play	✓			
Public Rights of Way	✓			

15.12.030 Development Standards

The following development standards apply to all new development in the zone:

Minimum Lot and Development Standards

Area	Width	Setbacks	Height
5000 sf	50’	Front: 20’ Side: 10’ Rear: 10’	20’

15.12.040 Fencing

Walls and/or fences in a mobile home park or district shall be erected with a type of material to be approved by the Planning Commission. If the mobile home park sides or backs upon a single family residential district, a screening wall of not more than six feet (6’) shall be erected on the property line separating the districts. All fences along city streets will be required to be four feet (4’).

Fencing

Clear Vision Restriction* (See Definition	Setbacks	Height
25’	Front: 0’ Side: 0	Front: Solid 4’ Side: 6’ Rear: 6’

15.12.050 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located.
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate wattage and directional hooding.

15.12.060 Parking

Parking standards in KMC 15.25 also apply to the following on-site parking requirements:

Parking

USES	PARKING REQUIREMENT
Dwelling, Single Family	3 spaces per dwelling unit (minimum 162 sq. ft. per space)

15.12.070 Landscaping

All land, except for building areas, driveways, and parking areas, within the Mobile Home Park shall be landscaped and maintained with trees, plants, shrubs, lawn and ground cover, specifically native and drought tolerant species.

15.12.080 Zoning And Regulatory Requirements Pertinent To Mobile Home Parks

1. License and permits
    a. No person shall construct, maintain or operate any mobile home park within the city limits without first obtaining a license for the mobile home park from the city office and a certificate of occupancy from the city building inspector.
    b. No person shall use, permit or cause to be used a mobile home which is structurally unsound, which constitutes a

safety hazard, or which does not adequately protect its occupants against the elements. All structures must comply with current Uniform Building Code.

c. No person shall construct, enlarge, alter, improve or convert any lands within the city limits for use as a mobile home park without first obtaining a valid permit for such work from the city office.

d. In addition to any applicable regulations in this Chapter, all development of mobile home parks shall conform to the procedures and standards set forth in KMC 15.18, Subdivisions of the Kamas City Land Use Ordinance.

2. Inspections

a. The building inspector and/or city engineer shall make such inspections of the mobile home park, during development and upon completion, as may be necessary to determine satisfactory compliance with this and other applicable ordinances and regulations and shall take such steps as necessary to enforce compliance.

b. The building inspector and/or fire marshal shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance or regulations issued under it for the purpose of its enforcement.

3. Certificate of Occupancy

a. Upon the final approval by the building inspector that the newly developed mobile home park complies with all applicable city and state regulations, the building inspector shall issue the developer a certificate of occupancy.

4. Physical Requirements for Mobile Home Parks

a. The soil conditions, groundwater level, drainage and topography of mobile home parks shall not create hazards to the property, adjacent properties or to the health and safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse environmental influences, and no portion shall be subject to predictable sudden flooding or erosion. The site shall not be used for any purpose which would expose persons or property to hazards of health or safety.

5. Plans and Lot Placement

a. Mobile home parks within the city shall have acceptable lot markers for each individual mobile home lot. Lot markers for individual mobile home lots shall substantially conform to the depicted lot markers and lot size on the approved plan. The mobile home park owner shall have responsibility to ensure that lot markers conform with this ordinance.

6. Lot Markers

a. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes or other suitable means.

7. Open Space

a. Twenty percent (20%) of the gross area of any mobile home park shall be devoted to useable common open space. This open space and any other area not improved for parking, circulation, buildings, and mobile home sites shall be completely landscaped and maintained. Open space shall be provided on each mobile home lot in an amount equal to at least twenty percent (20%) of the lot area.

8. Utilities

a. All utility lines to individual lots shall be underground. Risers for connections, meters and necessary service attachments which must be above ground shall be as uniform in appearance and as unobtrusive as possible.

9. Water Supply and Distribution

a. The park culinary water supply system shall be connected to the city water system and shall be the only water system used. All water piping fixtures and other equipment shall be constructed in accordance with applicable local, state and federal regulations and shall be of a type and in locations approved by appropriate health agencies.

10. Gas and Electricity

a. Gas equipment and installations within the mobile home park shall be designed and constructed in accordance with applicable codes and regulations.

b. All electrical wiring, fixtures, and other material or equipment shall be designed and constructed in accordance with applicable electrical codes.

11. Telephone and Television

a. When telephone or cable television service is provided, the distribution system shall be underground unless

evidence can be presented demonstrating that such installation is impractical.

12. Sewage Disposal
    a. Connections shall be made to a public sewage system. All joints shall be watertight. Provisions shall be made for sealing riser pipes on unoccupied lots.
    b. Surface drainage shall be diverted away from risers. Rims of risers shall extend at least four inches above ground elevation.
13. Setback, Yard Size, Separation of Buildings
    a. No two mobile homes shall have any point less than twenty feet (20') apart, and all mobile homes shall be set back at least twenty feet (20') from the lot line within the mobile home park. The minimum distance from the shorter dimension side of a mobile home to a boundary of the mobile home park shall be ten feet (10'). The minimum distance from the longer dimension side of a mobile home to a boundary of the mobile home park shall be twenty feet (20'). A strip of land at least ten feet (10') wide surrounding the mobile home park shall be left unoccupied. All separations between lots and boundaries shall be landscaped and maintained.
14. Skirting
    a. Each mobile home shall be skirted within 30 days after installation in a mobile home park. Skirting shall be of aluminum or other durable and non-corrosive metal or other material so constructed and attached to the mobile home as to deter and prevent the entry of animals and to screen from view any materials that might be stored under the mobile home.
15. Carports, Awnings, Patio Covers, etc.
    a. All carports, awnings, patio covers or similar accessory structures shall meet all applicable city building codes, including building permit and inspection requirements.
16. Individual Structures
    a. Free-standing or attached structures may not be located in any portion of the required open space on individual mobile home lots including the ten foot zone that shall surround the outside of the mobile home park. Any such structure shall be separated from any structure on any neighboring lot by at least five feet (5') of open space.
17. Streets and Street Lighting
    a. All streets within a mobile home park will be private and maintained by the Home Owner's Association.
    b. Streets, drives, parking and service areas within the mobile home park shall provide safe and convenient access to dwelling units and supporting facilities and shall allow convenient access for service and emergency vehicles. Access to individual lots within the mobile home park shall be limited to streets internal to the park.
    c. Streets and roads shall have a minimum width of 40', shall be durable, paved and be well drained under normal use and weather conditions.
    d. Adequate space will be provided for snow removal/storage within the trailer park.
    e. Lighting shall be designed to produce a minimum of 0.1 foot candles throughout the street system. Potentially hazardous locations such as major street intersections shall be illuminated with a minimum of 0.3 candles.
18. Parking
    a. Three off-street parking spaces shall be provided for each mobile home lot. The parking spaces must be located on the lot and must have a minimum area of 162 square feet for each space (9' x 18').
19. Inspection of Mobile Home Parks
    a. The building inspector and fire marshal are hereby authorized and directed to inspect the mobile home park, at least yearly by the 1st business day in June, to determine satisfactory compliance with this ordinance and the regulations issued hereunder.
    b. The building inspector and fire marshal, or their representatives, are hereby authorized to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.
20. Penalty and Procedure for Violating this Ordinance
    a. Any person or other entity who violates any provision of this ordinance shall be guilty of an infraction and shall be fined an amount not to exceed $1000 for each offense and shall be required to correct the violation.
    b. Before issuing a citation for an infraction, the building inspector or other authorized person shall issue a warning notice, describing the alleged offense, the location, the ordinance or code section involved, and a statement of what

must be done to correct the violation. The notice shall state the date by which such correction must be completed. Such date shall give five calendar days from the date of the notice, provided that a shorter time shall be specified if there is substantial immediate danger to persons or property. A longer time than five days shall be stated if there would be practical physical difficulties in completing the correction within five days and there is no emergency.

c. Failure of the city to issue a warning as described in this Section, shall not affect the validity of any prosecution for an infraction.

21. Safety and Fire Protection

    a. Mobile home parks shall be subject to the fire and safety rules and regulations as set up by the South Summit Fire Department.
    b. Mobile home parks shall be kept free of litter, rubbish and other flammable materials.
    c. Portable fire extinguishers of a type approved by the fire marshal or his authorized representative shall be kept in mobile home park service buildings and at all other locations designated by the fire marshal and shall be maintained in good operating condition.
    d. Cooking shelters, barbecue pits, fireplaces and stoves shall be located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which they are used and on neighboring property. Installation of stoves and fireplaces must meet current building code regulations. Stoves must be UL approved for mobile homes. An inspection shall be made by the fire marshal prior to operation of such stoves and/or fireplaces.
    e. Fire hydrants shall be installed in accordance with all applicable fire and building codes.

22. Responsibilities of Mobile Home Park Management

    a. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, in a clean and sanitary condition and in a manner free of fire hazards.
    b. The mobile home park management shall notify park occupants of all applicable provisions of this ordinance and shall inform them of their duties and responsibilities under this ordinance and regulations issued hereunder.
    c. The park management shall supervise the placement of each mobile home on its mobile home space, including securing its stability and installing all utility connections.
    d. The park management shall maintain a register containing the names of all park occupants.

23. Responsibilities of Mobile Home Park Occupants

    a. Mobile home park occupants shall comply with all applicable requirements of this ordinance and regulations issued hereunder and shall maintain their mobile home lots, facilities and equipment in good repair, in a clean and sanitary condition and in a manner free of fire hazards.

24. Permit required Prior to Relocation and Occupancy

    a. A mobile home permit shall be required to move any mobile home into a mobile home park. Occupancy may occur after inspection and approval by the City Building Inspector.

25. Conflict with State or Federal Law

    a. Nothing in this ordinance or in its interpretation, application or enforcement shall act or be allowed to operate in conflict with any state or federal law.

15.13 RV Park

15.13.010 Purpose
15.13.020 Design Standards
15.13.030 Establishment Of RV Park
15.13.040 Application Requirements And Procedures
15.13.050 Landscaping And Open Space

15.13.010 Purpose

The purpose of this Chapter is intended to:

1. Provide commercial rental parking spaces and sites for recreational vehicles (RVs), including motor homes, travel trailers, pick-ups, campers and tent trailers.
2. Provide goods and services customarily needed by occupants of the park.

3. Assure reasonable standards for the development of facilities for the occupancy of recreational vehicles on a temporary basis, ranging from short overnight stops to longer destination-type stays of several days to eight (8) weeks

15.13.020 Design Standards

1. Minimum Park Area: The minimum size of an RV park shall be 3 acres.
2. Rental Space Size: Minimum rental space size for those spaces having utility hookups shall be fifteen hundred (1500) square feet. Minimum rental space size for those spaces not having hookups shall be nine hundred (900) square feet. Minimum rental space size shall not include any area required for access roads, off-street parking, service buildings, recreation areas, office and similar RV park needs.
3. Rental Pads: Each site shall be marked and numbered for identification and shall meet all requirements of this code. A minimum of eighty percent (80%) of all spaces shall be equipped with a surfaced area of not less than ten feet by forty feet, containing hookups for water, sewer and electricity. Surfacing shall consist of gravel, asphalt or concrete. Where gravel surfacing is used, the design of the gravel pad shall be approved by the City Engineer to maintain proper drainage and minimize dust. Where provided, each RV unit shall be parked entirely on the surfaced area so that no part thereof obstructs any roadway or walkway within the RV Park. Those spaces not equipped with such a surfaced area, intended for occupancy by recreational vehicles not having self-contained toilet, lavatory or bathing facilities, shall be equipped with a gravel pad, the design of which shall be approved by the City Engineer, of not less than ten feet by twenty-five feet for RV unit parking and a hookup for water. Spaces equipped with such a gravel pad shall not exceed twenty percent (20%) of the total number of spaces in the RV Park.
4. Setback Requirements: Each rental space shall meet the following setback requirements:
   a. Fifty (50) feet when abutting a state or federal highway or designated major arterial.
   b. Twenty-five (25) feet when abutting a public right-of-way other than „a‟ above.
   c. Fifteen (15) feet when abutting any property line other than „a‟ or „b‟ above.
   d. There shall be a minimum distance of ten (10) feet between RV units parked side by side.
   e. There shall be a minimum distance of ten (10) feet between RV units parked end to end.
   f. There shall be a minimum distance of twenty (20) feet between any RV space and any building.
5. Streets: Streets or roadways and parking areas within the RV Park shall be designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be graded to drain and surfaced with gravel, asphalt or concrete, the design of which shall be approved by the City Engineer, to maintain proper drainage and minimize dust. All interior roadways shall be at least thirty-two (32) feet in width for two-way traffic, and at least eighteen (18) feet in width for one-way traffic. Parking shall not be allowed on park streets. A forty-five (45) foot turning radius shall be required on all curves, to allow access by emergency vehicles. Any bridges within the development shall have a capacity of at least sixteen (16) tons, to allow access by emergency vehicles. Road grades shall not exceed six percent (6%). Access into the park from a public street shall meet the same design standards as those of the public street, for a distance of forty (40) feet from the property line into the development. All roadways and walkways within the park shall be adequately lighted at night, to provide safe access.
6. Frontage: All spaces shall have a minimum frontage of twenty-five (25) feet along an interior roadway. Any accessory uses such as attached awnings, steps or pop-outs, shall be considered to be part of the trailer.
7. Sanitary facilities: Every RV Park shall be provided with one or more service buildings equipped with flush toilets, lavatories, showers and laundry facilities meeting minimum Utah State Health Department standards. Such facilities shall be conveniently located at a distance of not more than three or five hundred (300 or 500) feet from any RV served. Such facilities shall be kept in a clean and sanitary condition, and plumbing fixtures shall be maintained in good working order. All such facilities shall be adequately lighted at all times and shall be well ventilated. Portable fire extinguishers of a type approved by the South Summit Fire District shall be kept in the service buildings and at all locations designated by the fire department and shall be maintained in operating condition.
8. Sanitary disposal stations: Every RV Park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner.
   a. Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.
   b. The disposal hatch of sanitary station units shall be connected to the sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV Park water supply system.
   c. Each sanitary station shall have a sign posted stating “Danger: Not to be used for drinking or domestic purposes.”
   d. Sanitary stations shall be approved by the State Department of Health.

9. Utilities: All utilities shall be placed underground.
    a. Water Supply: An accessible, adequate, safe and potable supply of water under pressure shall be provided in every RV Park. The water supply shall be connected to the Kamas City water system and installed to all applicable city standards. All plans and specifications shall be submitted with the zoning or rezoning request. Each rental space equipped with sewer and electrical hookups shall be equipped with two water outlets, to provide connection for the RV and a garden hose. All other rental spaces shall be equipped with one water outlet.
    b. Sanitary Sewer: A minimum of eighty percent (80%) of all rental spaces shall be equipped with a hookup to a public sewage system by way of a branch line and riser pipe at least four (4) inches inside diameter. The riser pipe shall be capped with a watertight cap or plug when not in use. Sanitary sewage systems shall be installed in compliance with the State Health Department standards and the rules and regulations of Kamas City. All plumbing in the RV Park shall comply with state and local regulations.
    c. Electricity: A minimum of eighty percent (80%) of all rental spaces shall be equipped with an electrical outlet supplying at least 110 volts, or 110/220 volts, installed in accordance with applicable state electrical codes.
10. Lighting: Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding. (See KMC 15.25 Parking Standards)
11. Refuse Disposal: The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. Any refuse facility shall be in a centralized enclosed storage facility. Adequate refuse collection and removal shall be the responsibility of the park owner.
12. Fire Protection: Fire hydrants shall be installed throughout all RV Parks in accordance with the specification of the South Summit Fire District. There shall be one (1) hydrant at the entrance to the development, and additional hydrants at a distance not to exceed five hundred (500) feet between hydrants. All buildings within the RV Park shall be equipped with fire extinguishing equipment in good working order of such type, size and number as prescribed by the fire district.
13. Structural Additions: Temporary structures such as canvas awnings, screened enclosures, or platforms, which are normal camping equipment, may be erected but must be removed when the rental space is vacated. No other structural additions shall be built onto or become a part of any RV.
14. Storage Sheds: No storage sheds shall be allowed within an RV rental space.
15. Fires: Fires shall be made only in stoves and other equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires are allowed.
16. Tents: Tents shall be permitted, and their number shall be limited to one tent per rental space. Areas for group tent camping may be established, with the following provisions:
    a. The area set aside for such group use is not a part of any designated open space.
    b. An adequate number of parking spaces is provided.
    c. The area is served by one or more water outlets, and
    d. The area is located no further than five hundred (500) feet from a service building.
17. Registration of occupants: It shall be the responsibility of the owner or manager of the RV Park to keep a current record of the names and addresses of the owners and/or occupants of each RV space, the make, model, year and license number of each RV and motor vehicle by which it is towed, the state, territory or country issuing such licenses, and the arrival and departure dates of each occupant. This record must be made available for inspection to all appropriate agencies whose duties necessitate acquisition.
18. Guest Parking: There shall be provided guest parking in each RV Park at the ratio of one (1) parking space for each five (5) RV or camping sites within the park.
19. Swimming Pools: Swimming pools shall be operated, maintained and used in compliance with recommendations and requirements of the Utah Department of Health‟s regulations and standards.

15.13.030 Establishment Of RV Park

An RV Park may be established on any tract of land held in single ownership or unified control provided that the applicant shall show, and the Planning Commission and the City Council shall find:

1. That the site is in conformance with sound planning principles and the land use plan for that area, as set forth in the general plan.
2. That the site has an acceptable relationship to the major thoroughfare plan of the city, and is accessible to recreational vehicles without causing disruption to residential areas, and
3. That the proposed recreational vehicle park will not overload utility and drainage facilities.

15.13.040 Application Requirements And Procedures

The proponent of a recreational vehicle park, or an expansion thereof, shall make written application for a Conditional Use Permit pursuant to KMC 15.23 of this Land Use Ordinance.

15.13.050 Landscaping And Open Space

A landscape plan, to be approved by the Kamas City Planning Commission, shall be required for RV parks. Landscaping shall be designed to perform the following functions:

1. Screen the RV Park visually and audibly from adjacent properties as completely as possible.
2. Provide an attractive entrance and street frontage.
3. Provide dust and erosion control.
4. Provide a neat, attractive and aesthetically pleasing appearance.

Grass and ornamental landscaping shall be required in all RV parks, together with adequate water outlets to maintain all landscaping. The RV Park shall be screened from adjacent properties by means of fences or walls, six (6) feet in height, or by means of hedges or other landscaping.

There shall be at least two (2) trees per camping site.

Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least twenty percent (20%) of the gross area of the RV Park, and shall be of sufficient size and distribution as to be a functional part of the entire development plan. Open space shall not include any area designated as a roadway, RV rental space, storage area, yard area surrounding the caretakers or manager's residence, or any area required for setbacks as set forth in this Chapter.

15.14 G-C General Commercial

15.14.010 Purpose
15.14.020 Use Table
15.14.030 Development Standards
15.14.040 Fencing
15.14.050 Performance Standards
15.14.060 Parking
15.14.070 Landscaping

15.14.010 Purpose

To create a zone which:

1. Provides for basic retail, commercial, and office service uses in addition to those uses normally permitted in downtown locations. These commercial uses may be relatively large or intense in nature and require convenient access.
2. Their proximity and location in relation to residential districts should be carefully considered in order to avoid any adverse impact on the residential areas.

15.14.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Athletic Club	✓			✓
Automotive Body/Paint Repair Establishment	✓			✓

Automotive Repair	✓			✓
Auto Service Station	✓			✓
Bakery	✓			✓
Banking; Financial Services	✓			✓
Bar, Tavern, Lounge *as per Utah State Code	✓			✓
Bed and Breakfast	✓			✓
Bowling Alley				✓
Child Care for business • Center: 8 children or less • Facility: 9 Children or more			✓ ✓	✓ ✓
Church	✓			
Cinema, Indoor	✓			✓
Civic Club	✓			
Computers/Electronics Sales and Repair	✓			✓
Convenience Goods; Sales	✓			✓
Cultural, Civic Services	✓			✓
Dry Cleaning Establishment	✓			✓
Dwelling	✓			
Equipment Rental, Light	✓			✓
Fence, Corner Lot		✓		
Fence, Razor		✓		
Fireworks Sales/Stands		✓		✓
Furniture Sales, New and Used	✓			✓
Health Care Center				✓
Home Occupation		✓		✓
Hotel/Motel				✓
Household Pets	✓			
Indoor Recreational Facility	✓			✓
Intermittent Commercial Use		✓		✓
Landscape Services			✓	✓
Laundromat	✓			✓
Laundry	✓			✓
Liquor Store, *as per Utah State Code	✓			✓
Lumber Sales and Storage	✓			✓

Mortuary	✓			✓
Museum	✓			✓
Nursery/Greenhouse	✓			✓
Office, Business and Professional	✓			
Office, Geovernment	✓			✓
Outdoor Rec-Park-Play	✓			✓
Packaging and Delivery Services	✓			✓
Personal Services	✓			✓
Pet Grooming	✓			✓
Pharmacy	✓			✓
Photo Lab/Studio	✓			✓
Preschool			✓	✓
Printing/Publishing	✓			✓
Public Rights of Way	✓			
Public Services	✓			
Public Utility Stations: except sewer			✓	
Reception Center	✓			✓
Repair Services, Small App	✓			✓
Restaurant, Fast Food	✓			✓
Restaurant - Cafe	✓			✓
Retail Sales and Service	✓			✓
Shopping Center: Commercial	✓			✓
Small Animal Clinic			✓	✓
Surplus, Second Hand Store	✓			✓
Theatre, Concert Hall	✓			✓
Temporary Outdoor Use		✓		✓
Wholesale Distribution	✓			✓

15.14.030 Development Standards

Minimum Lot and Development Standards

	Area	Width	Setbacks	Height
Standard	7500	90’	Front: 10’ Side: 0’, 15’ next to residential Rear: 5’, 20’ next to residential	27’ max*
Accessory Structures			Front: 25’ Side: 5’ Rear: 5’, 20’ next to residential	25’

Exceptions Single Family Dwelling	10,000sq. ft.	100’	Front: 25’ Side: 10’ Rear: 15’ Accessory Structure: 25’Front 5’ Side	27’ max*

*Chimneys, flagpoles, church towers and other similar structures in excess of 27’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structures to have access: All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency services.
2. Adequate space must be provided for snow removal, storm water and drainage.
3. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Trash collection and recycling areas, service areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from public streets, alleys or adjacent properties. Required screening may include new and existing planting, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.
4. Signs: All signs in the General Commercial shall be in accordance with KMC 15.25 of this land use ordinance.

15.14.040 Fencing

Fencing in the General Commercial Zone shall be handled on a case by case basis as approved by the Planning Commission. No fence, wall, hedge or similar structure in excess of forty-two inches (42”) in height which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed in such a way as to obstruct clear vision. On corner lots, this distance shall be twenty-five (25) feet from the point of intersection of the street right-of-way lines.

A decorative wall or fence at least six feet (6’) in height shall be erected along all property lines which lie adjacent to a residential zone.

15.14.050 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located.
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.14.060 Parking

Parking standards in KMC 15.25, Parking, also apply to the following on-site parking requirements. Lighting standards are required for lots that require more than 25 spaces and are outlined in KMC 15.25.090.

Parking

USES	PARKING REQUIREMENT
Automotive Repair Establishment	2 spaces per service bay plus 3 stalls per 1,000 square feet for office and retail areas
Banking; Financial Services	4 spaces per 1,000 square feet
Bowling Alley	4 spaces per lane
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Church	4 spaces per 1,000 square feet
Health Care Center	5 spaces per 1,000 square feet
Hotel, Motel	1 parking space for each room, plus 3 spaces for owner/manager

Hospital	3 parking spaces per hospital bed
Nursery	2 spaces per 1,000 square feet
Office, Government	4 spaces per 1,000 square feet
Office, Business or Professional	2 spaces per 1,000 square feet
Laundry, Dry Cleaning	3 spaces per 1,000 square feet
Mortuary	5 spaces per 1,000 square feet
Museum	1 space per 2,000 square feet
Reception Center	4 spaces per 1,000 square feet
Restaurant, Fast Food	1 space per 3 seats or 1 space per 100 square feet when number of seats is unknown
Restaurant, Café	1 space per 3 seats or 1 space per 100 square feet when number of seats is unknown
Retail Sales Establishment	4 spaces per 1,000 square feet
Schools: Private, Quasi Public, Public - Elementary and Middle Schools - High School and Higher Learning	1 parking space for each faculty member and other full-time employee plus 1 parking space for every 5 students 1 parking space for each faculty member and other full-time employee plus 1 parking space for every 2 students
Shopping Center: Community	4 spaces per 1,000 square feet
Theatre, Concert Hall	1 space per 2 seats
Public and Quasi-Public Institution, Public Utility, Municipal Facility	4 spaces per 1,000 square feet
Warehouse Storage: commercial only	2 spaces per 1,000 square feet

The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities under the conditions specified herein.

1. Up to twenty-five (25) percent of the parking facilities required by this Chapter for a use considered to be primarily a day -time use may be provided by the parking facilities for a use considered to be primarily a night-time use. Such reciprocal parking areas shall be contiguous and the joint use of such facilities must be assured by covenant of the owner(s) of said properties and recorded in the Summit County Recorder's office.

15.14.070 Landscaping

The landscaping requirements found in this Section are in addition to any other landscaping requirements found in KMC 15.24 of this land use ordinance. Each applicant for commercial development shall submit a complete and detailed landscaping plan for review by the Kamas City Planning Commission concurrently with the submission of other documents and plans.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one (1) tree per thirty (30) lineal feet along the public street. The applicant shall provide appropriate guarantees on the trees, and shall have no less than a 1½" to 2" in caliper in size. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All disturbed ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be sufficiently irrigated. Shrubs, flowerbeds, bark mulch, and other appropriate ground cover is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Parking areas shall be screened from public view using a landscaped berm, decorative screening wall, planted hedge, or other

like manner as approved by the Planning Commission.

15.15 L-I Light Industrial

15.15.010 Purpose
15.15.020 Use Table
15.15.030 Development Standards
15.15.040 Fencing
15.15.050 Performance Standards
15.15.060 Parking
15.15.070 Landscaping

15.15.010 Purpose

To create a zone which:

1. Allows for a compatible mixture of light industrial and heavy commercial uses which do not require intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors.
2. This district includes areas which are well adapted to industrial and commercial development, but proximity to residential or business districts makes it desirable to limit the manner and extent of industrial operations.
3. Each single Light Industrial Zone shall contain a minimum of two (2) acres.

15.15.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Agriculture				
Athletic Club	✓			✓
Automotive Body/Paint Repair Establishment	✓			✓
Automotive Repair	✓			✓
Auto Service Station	✓			✓
Bakery	✓			✓
Banking; Financial Services	✓			✓
Bar, Tavern, Lounge *as per Utah State Code	✓			✓
Bed and Breakfast	✓			✓
Bowling Alley				✓
Child Care for business • Center: 8 children or less • Facility: 9 Children or more			✓ ✓	✓ ✓
Church	✓			
Cinema, Indoor	✓			✓

Civic Club	✓			
Computers/Electronics Sales and Repair	✓			✓
Convenience Goods; Sales	✓			✓
Cultural, Civic Services	✓			✓
Dry Cleaning Establishment	✓			✓
Dwelling	✓			
Equipment Rental, Light	✓			✓
Fence, Corner Lot		✓		
Fence, Razor		✓		
Fireworks Sales/Stands		✓		✓
Furniture Sales, New and Used	✓			✓
Health Care Center				✓
Home Occupation		✓		✓
Hotel/Motel				✓
Household Pets	✓			
Indoor Recreational Facility	✓			✓
Intermittent Commercial Use		✓		✓
Landscape Services			✓	✓
Laundromat	✓			✓
Laundry	✓			✓
Liquor Store, *as per Utah State Code	✓			✓
Lumber Sales and Storage	✓			✓
Mortuary	✓			✓
Museum	✓			✓
Nursery/Greenhouse	✓			✓
Office, Business and Professional	✓			
Office, Geovernment	✓			✓
Outdoor Rec-Park-Play	✓			✓
Packaging and Delivery Services	✓			✓
Personal Services	✓			✓
Pet Grooming	✓			✓
Pharmacy	✓			✓
Photo Lab/Studio	✓			✓
Preschool			✓	✓
Printing/Publishing	✓			✓

Public Rights of Way	✓			
Public Services	✓			
Public Utility Stations: except sewer			✓	
Reception Center	✓			✓
Repair Services, Small App	✓			✓
Restaurant, Fast Food	✓			✓
Restaurant - Cafe	✓			✓
Retail Sales and Service	✓			✓
Shopping Center: Commercial	✓			✓
Small Animal Clinic			✓	✓
Surplus, Second Hand Store	✓			✓
Theatre, Concert Hall	✓			✓
Temporary Outdoor Use		✓		✓
Wholesale Distribution	✓			✓

15.15.030 Development Standards

Minimum Lot and Development Standards

Area	Width	Setbacks	Height
7500 sf	90’	Front: 25’ 0 Side: 25’ next to residential Rear: 5’; 15’ if next to residential	27’ max*

*Chimneys, flagpoles, church towers and other similar structures in excess of 27’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structures to have access — All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency services.
2. Adequatespace must be provided for snow removal, storm water and drainage.
3. Trash collection and recycling areas, service areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from public streets, alleys and adjacent properties.Required screening may include new and existing planting,walls,fences,screen panels, doors, topographic changes,buildings, horizontal separation, or any combination thereof.
4. Farm Animals: Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred and maintained according to the following point system:
    a. Animals may total 50 points per ½ acre of ground used solely for their care and keeping.
    b. Animals shall be worth the following points each:
        i. Chickens, pigeons, pheasants and other similar birds: 2 points
        ii. Rabbits, chinchillas and other similar animals: 5 points
        iii. Geese, ducks, peafowl, turkey and other similar birds: 10 points
        iv. Sheep, llamas, calves, foals and other similar sized animals: 25 points
        v. Horses, cattle, and other similar sized animals: 40 points
        vi. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.
    c. The keeping of swine in any numbers shall not be allowed.

d. Any building,structure or corral in which livestock is kept must be at least 50 feet from any street, dwelling, or sidewalk. This restriction does not include open pasturing on a temporary or seasonal basis.

   i. Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health and safety of any person or property.

e. Each station shall be located on a lot not less than 2,000 square feet in area.
f. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
g. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five(5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards should equal those required for a single family residence in the same district.

5. Public Utility Stations: Public utility stations shall meet the following requirements:

   a. Each station shall be located on a lot not less than 2,000 square feet in area.
   b. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
   c. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards should equal those required for a single family residence in the same district.

15.15.040 Fencing

Fencing in the Light Industrial Zone shall be handled on a case by case basis as approved by the Planning Commission. No fence, wall, hedge or similar structure in excess of forty-two inches (42”) in height which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed in such a way as to obstruct clear vision. On corner lots, this distance shall be twenty-five (25) feet from the point of intersection of the street right-of-way lines.

15.15.050 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature upon which they are located.
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.15.060 Parking

Parking standards in KMC 15.25, Parking, also apply to the following on-site parking requirements. Lighting standards are required for lots that require more than 25 spaces and are outlined in KMC 15.25.090.

Parking

USES	PARKING REQUIREMENT
Animal Hospital	3 spaces per 1,000 square feet
Auto, Truck, RV Sales & Rental	3 spaces per 1,000 square feet
Automotive Repair Establishment	2 spaces per service bay plus 3 stalls per 1,000 square feet of office and retail areas
Bowling Alley	4 spaces per lane
Church	1 space per 1,000 square feet
Equipment Rental	2 spaces per 1,000 square feet
Industrial Park	2 spaces per 1,000 square feet
Laundry, Dry Cleaning	3 spaces per 1,000 square feet
Light Industry	2 spaces per 1,000 square feet

Nursery	2 spaces per 1,000 square feet
Laundromat	3 spaces per 1,000 square feet
Mortuary	5 spaces per 1,000 square feet
Retail Sales Establishment	4 spaces per 1,000 square feet
Warehouse Storage: commercial only	1 space per 2,000 square feet plus 1 space per employee

15.15.070 Landscaping

The landscaping requirements found in this Section are in addition to any other landscaping requirements found in KMC 15.24 of this land use ordinance. Each applicant for heavy commercial/light industrial development shall submit a complete and detailed landscaping plan for review by the Kamas City Planning Commission concurrently with the submission of other documents and plans.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one (1) tree per thirty (30) lineal feet along the public street. The applicant shall provide appropriate guarantees on the trees, and shall have no less than a 1½" to two" (2) in caliper in size. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All disturbed ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be sufficiently irrigated. Shrubs, flowerbeds, bark, mulch, and other appropriate ground cover is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Parking areas shall be screened from public view using a landscaped berm, decorative screening wall, planted hedge, or other manner acceptable to the Planning Commission.

15.16 M-I Manufacturing

15.16.010 Purpose
15.16.020 Use Table
15.16.030 Development Standards
15.16.040 Fencing
15.16.050 Performance Standards
15.16.060 Parking
15.16.070 Landscaping

15.16.010 Purpose

To create a zone which:

1. Provides space for manufacturing and processing uses within Kamas City in appropriate locations.
2. To broaden the tax base and improve the economic base of the community.
3. To promote new industry, to the end that the economic and social well-being of the city and its inhabitants shall be enhanced.
4. To discourage the undesirable mixture of incompatible commercial, industrial, and residential uses.

15.16.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			

Adult/Sexually Oriented Business			✓	✓
Agriculture	✓			
Animal Hospital			✓	✓
Athletic Club	✓			✓
Auto, Truck, RV, ATV, Snowmobile Sales and Rental			✓	✓
Automotive Body/Paint Repair Establishment	✓			✓
Automotive Repair	✓			✓
Auto Service Station	✓			✓
Bakery	✓			✓
Bar, Tavern, Lounge *as per Utah State Code	✓			✓
Bottling Plant	✓			✓
Bowling Alley	✓			✓
Cabinet Shop	✓			✓
Church	✓			
Civic Club	✓			
Computers/Electronics	✓			✓
Construction Services	✓			✓
Convenience Goods; Sales	✓			✓
Dry Cleaning Establishment	✓			✓
Equipment Rental	✓			✓
Farm Animals/Livestock	✓			
Fence, Electric		✓		
Fence, Razor		✓		
Fence, Wildlife/Large Animal		✓		
Fireworks Sales/Stands		✓		✓
Furniture Sales, New and Used	✓			✓
Heavy/Farm Equipment Sales	✓			✓
Household Pets	✓			
Indoor Recreational Facility	✓			✓
Industrial Park	✓			
Intermittent Commercial Use		✓		✓
Landscape Services			✓	✓
Laundromat	✓			✓
Laundry	✓			✓

Light Industry	✓			✓
Lumber Sales and Storage	✓			✓
Metal Works	✓			✓
Nursery/Greenhouse	✓			✓
Packaging and Delivery Services	✓			✓
Pet Grooming	✓			✓
Photo Lab/Studio	✓			✓
Printing/Publishing	✓			✓
Public Rights of Way	✓			
Public Services	✓			
Public Utility Stations: except sewer			✓	
Public Utility Stations w/ sewer			✓	✓
Recreational Vehicle Park			✓	✓
Repair Services, Small App	✓			✓
Retail Sales and Service	✓			✓
Small Engine Repair	✓			✓
Surplus, Second Hand Store	✓			✓
Telecommunications Facility			✓	✓
Temporary Outdoor Use		✓		✓
Warehouse Storage: Commercial Only	✓			✓
Welding Machine Shop	✓			✓
Wholesale Distribution	✓			✓

15.16.030 Development Standards

Minimum Lot and Development Standards

Area	Width	Setbacks	Height
7500 sf	90’	Front: 25’ 0 Side: 25’ next to residential Rear: 5’; 15’ if next to residential	27’ max*

*Chimneys, flagpoles, church towers and other similar structures in excess of 27’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. Structures to have access — All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency services.
2. Adequate space must be provided for snow removal, storm water and drainage.
3. Trash collection and recycling areas, service areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from public streets and alleys and adjacent properties. Required screening may include new and existing planting, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

4. Farm Animals: Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred and maintained according to the following point system:
    a. Animals may total 50 points per ½ acre of ground used solely for their care and keeping.
    b. Animals shall be worth the following points each:
        i. Chickens, pigeons, pheasants and other similar birds: 2 points
        ii. Rabbits, chinchillas and other similar animals: 5 points
        iii. Geese, ducks, peafowl, turkey and other similar birds: 10 points
        iv. Sheep, llamas, calves, foals and other similar sized animals: 25 points
        v. Horses, cattle, and other similar sized animals: 40 points
        vi. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.
    c. The keeping of swine in any numbers shall not be allowed.
        i. Any building, structure or corral in which livestock is kept must be at least 50 feet from any street, dwelling, or sidewalk. This restriction does not include open pasturing on a temporary or seasonal basis.
    d. Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health and safety of any person or property.
5. Public Utility Stations: Public utility stations shall meet the following requirements:
    a. Each station shall be located on a lot not less than 2,000 square feet in area.
    b. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
    c. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards should equal those required for a single family residence in the same district.

15.16.040 Fencing

1. No wall, fence, or opaque hedge or screening material shall be placed or erected within an area which would restrict the sight distance for vehicular traffic in the public right-of-way.
2. A decorative masonry wall at least six (6) feet in height shall be erected along all property lines which lie immediately adjacent to any residential property.

15.16.050 Performance Standards

The operation of any use permitted in this zone is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature upon which they are located.
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.16.060 Parking

Parking standards in KMC 15.25, Parking, also apply to the following on-site parking requirements. Lighting standards are required for lots that require more than 25 spaces and are outlined in KMC 15.25.090.

Parking

USES	PARKING REQUIREMENT
Adult Oriented Business	4 spaces per 1,000 square feet
Animal Hospital	3 spaces per 1,000 square feet
Auto, Truck, RV Sales and Rental	3 spaces per 1,000 square feet
Automotive Repair Establishment	2 spaces per service bay plus 3 stalls per 1,000 square feet of office and retail areas

Bowling Alley	4 spaces per lane
Equipment Rental	2 spaces per 1,000 square feet
Industrial Park	2 spaces per 1,000 square feet
Laundry, Dry Cleaning	3 spaces per 1,000 square feet
Light Industry	2 spaces per 1,000 square feet
Mortuary	5 spaces per 1,000 square feet
Nursery	2 spaces per 1,000 square feet
Retail Sales Establishment	4 spaces per 1,000 square feet
Warehouse Storage: commercial only	1 space per 2,000 square feet gross floor area plus 1 space per employee on the maximum shift

15.16.070 Landscaping

The landscaping requirements found in this Section are in addition to any other landscaping requirements as found in KMC 15.24 of this Land Use Ordinance. Each applicant for manufacturing development shall submit a complete and detailed landscaping plan for review by the Kamas City Planning Commission concurrently with submission of other documents and plans.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one (1) tree per thirty (30) lineal feet along the public street. The applicant shall provide appropriate guarantees on the trees, and shall have no less than a 1½" to 2" caliper in size. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All disturbed ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be sufficiently irrigated. Shrubs, flowerbeds, bark, mulch, and other appropriate ground cover is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Parking areas shall be screened from public view using a landscaped berm, decorative screening wall, planted hedge, or other manner acceptable to the Planning Commission.

15.17 ECC Entry Corridor Commercial

15.17.010 Purpose
15.17.020 Use Table
15.17.030 Development Standards
15.17.040 Performance Standards
15.17.050 Fencing And Screening
15.17.060 Parking
15.17.070 Landscaping
15.17.080 Signs

15.17.010 Purpose

To create a zone which provides an area in Kamas City for commercial uses that are oriented to vehicular traffic and service related uses. For the purposes of Kamas City, this zoning district will encompass all property on both sides of the highway corridor along SR 248, west of the Weber-Provo Canal for a width of approximately six hundred (600) feet.

15.17.020 Use Table

If a use is not specifically designated then it is prohibited.

Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure Unoccupied	✓			
Athletic Club	✓			✓
Auto, Truck, RV, ATV, Snowmobile Sales and Rental			✓	✓
Automotive Body/Paint Repair	✓			✓
Automotive Repair	✓			✓
Auto Service Station	✓			✓
Bakery	✓			✓
Banking; Financial Services	✓			✓
Bowling Alley	✓			✓
Church	✓			
Cinema, Indoor	✓			✓
Convenience Goods; Sales	✓			✓
Cultural, Civic Services	✓			✓
Dry Cleaning Establishment	✓			✓
Fence, Razor		✓		
Fireworks Sales/Stands		✓		✓
Furniture Sales, New and Used	✓			✓
Health Care Center	✓			✓
Hospital	✓			
Hotel/Motel	✓			
Indoor Recreational Facility	✓			✓
Intermittent Commercial Use		✓		✓
Landscape Services			✓	✓
Laundromat	✓			✓
Laundry	✓			✓
Liquor Store, *as per Utah State Code	✓			✓
Museum	✓			✓
Nursery	✓			✓
Office, Business and Professional	✓			✓
Office, Government	✓			
Outdoor Recreational Activities			✓	
Ourtoor Rec-Park-Play	✓			✓
Packaging and Delivery Services	✓			✓

Personal Services	✓			
Pharmacy	✓			✓
Photo Lab/Studio	✓			✓
Professional Services	✓			✓
Public Rights of Way	✓			
Public Services	✓			
Reception Center	✓			✓
Restaurant - Fast Food	✓			✓
Restaurant - Cafe	✓			✓
Retail Sales and Service	✓			✓
Theater, Concert Hall	✓			✓

15.17.030 Development Standards

Minimum Lot and Development Standards

Lot Area	Structure Area	Width	Setbacks	Height
50,000 sf	Min. 10,000 sf Max. 50,000 sf	200’	Front: 150’ Side: 20’ Rear: 5’ Accessory Structure: 150’ Front/5’ Side/5’ Rear	30’ max From grade of SR 248*

One (1) accessory structure may be built in the ECC Zone, not to exceed 50% of the original structure in size. Style and design shall be similar to original structure.

*Chimneys, flagpoles, church towers and other similar structures in excess of 30’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

1. All new development must present an attractive streetscape, incorporate architectural and site design elements that reflect the community vision of the Kamas City General Plan.
2. A twenty-five foot (25’) minimum landscape buffer shall be placed between the front property line and the twenty-four foot (24’) cross traffic access required in the Entry Corridor Commercial Zone. An additional twenty-four foot (24’) fire lane will be required between the front façade and the parking area. This may vary depending on wetland conditions. Wetlands issues will need to be resolved through the City Engineer and the Army Corps of Engineers.
3. Adequate space must be provided for snow removal, storm water and drainage.
4. All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for emergency services.

15.17.040 Performance Standards

The operation of any use permitted in this district is subject to the following standards of performance:

1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located.
2. Any light used to illuminate signs, parking areas, or for any other purpose shall be non- glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

15.17.050 Fencing And Screening

Fencing within the front yard setback of the Entry Corridor Commercial zone is not allowed. Other fencing or screening will

be handled on a case by case basis through the Conditional Use process.

1. Buffer treatment may be required whenever a change occurs between property owners.
2. Landscape buffers are preferred over fences and walls where a separation is desirable.
3. Trash collection and recycling areas, service areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from public streets, alleys or adjacent properties. Required screening may include new and existing planting, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

15.17.060 Parking

Parking standards outlined in KMC 15.23 also apply to the following onsite parking requirements.

Parking

USES	PARKING REQUIREMENT
Auto, Truck, RV Sales and Rental	3 spaces per 1,000 square feet
Banking; Financial Services	4 spaces per 1,000 square feet
Bowling Alley	4 spaces per lane
Cinema, Indoor	1 space per 2 seats
Health Care Center	5 spaces per 1,000 square feet
Hospital	2 parking spaces per hospital bed
Hotel, Motel	1 parking space for each room, plus 3 spaces for each dwelling unit
Laundry, Dry Cleaning	3 spaces per 1,000 square feet
Museum	1 space per 2,000 square feet
Nursery	2 spaces per 1,000 square feet
Office, Business or Professional	2 spaces per 1,000 square feet
Office, Government	4 spaces per 1,000 square feet
Reception Center	4 spaces per 1,000 square feet
Restaurant, Fast Food	1 space per 3 seats or 1 space per 100 square feet when number of seats is unknown
Restaurant, Café	1 space per 3 seats or 1 space per 100 square feet when number of seats is unknown
Retail Sales Establishment	4 spaces per 1,000 square feet
Theatre, Concert Hall	1 space per 2 seats

Up to twenty-five (25) percent of the parking facilities required by this Chapter for a use considered to be primarily a day-time use may be provided by the parking facilities for a use considered to be primarily a night-time use. Such reciprocal parking areas shall be contiguous and the joint use of such facilities must be assured by covenant of the owner(s) of said properties and recorded in the Summit County Recorder's office.The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities under the conditions specified herein.

Lighting standards are required for lots that require more than 25 spaces (See KMC 15.25.090). Landscaping requirements shall be determined by the Planning Commission with guidelines as described in KMC 15.25.080 and KMC 15.24 of this Land Use Ordinance.

15.17.070 Landscaping

The landscaping requirements found in this Section are in addition to any other landscaping requirements found in

KMC 15.24 of the Kamas City Land Use Ordinance. Each applicant for development along the entry corridor shall submit a complete and detailed landscaping plan for review by the Kamas City Planning Commission concurrently with the submission of other documents and plans.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one (1) tree per thirty (30) lineal feet along the public street. The applicant shall provide appropriate guarantees on the trees, and shall have no less than a 1½" to 2" caliper in size. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All disturbed ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be sufficiently irrigated. Shrubs, flowerbeds, bark mulch, and other appropriate ground cover is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

15.17.080 Signs

Sign regulation for Kamas City can be found in KMC 15.26 of the Kamas City Land Use Ordinance. For purposes of the Entry Corridor Commercial Zone only, signs shall not exceed 30 feet from ground level and be structurally sound. All signs shall be architecturally compatible with the development on which they are located.

15.18 Subdivision

15.18.010 Purpose
15.18.020 Process
15.18.030 Simple Lot Subdivisions
15.18.040 Minor Subdivisions (5 Lots Or Less)
15.18.050 Major Subdivisions (6 Lots Or More)
15.18.060 Vacation Or Amendment Of Plats
15.18.070 Lot Line Adjustments

15.18.010 Purpose

The purpose of this Chapter is to:

1. Protect and provide for the public health, safety, and general welfare of Kamas City.
2. Guide the future growth and development of Kamas City, in accordance with the General Plan.
3. Encourage the orderly and beneficial development of land within the municipality.
4. Protect the integrity of buildings, land and improvements, and to minimize the conflicts among the uses of land and buildings.
5. Provide a beneficial relationship between the uses of land, buildings, traffic circulation and the proper location and width of streets and building setbacks.
6. Establish reasonable standards of design and procedures for subdivisions, plat amendments, and lot line adjustments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and recordation of subdivided land.
7. Insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
8. Encourage the wise use and management of natural resources in order to preserve the integrity, stability and aesthetics of the community.
9. Continue the rural development and variety of structural design within residential zones.
10. Provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Kamas City Land Use Ordinance.

15.18.020 Process

KMC 15.18 of this Land Use Ordinance distinguishes between the processes of subdivision and land division including all subdivisions, plat amendments, plat vacations, and lot line adjustments. This process involves:

1. Initial Contact: An applicant for a subdivision, plat amendment, plat vacation or lot line adjustment shall contact the City Planner to discuss the scope and purpose of the application and the requirements of this Chapter.
2. Preliminary Review: The applicant shall provide the City Planner and/or staff drawings in sufficient detail to allow

review of the proposal for compliance with this Section and to direct the applicant to the appropriate process.

3. Administrative Review: The City Planner shall review each complete proposal and may seek the advice and input of other staff, municipal departments, and/or utility providers. The review shall include, but not be limited to the following:
    a. Does the application meet the requirements of this code?
    b. Are all the lots suitable for building?
    c. Are hazardous areas or conditions present, and if so, have the conditions been abated?
    d. Do all lots border public streets?
    e. Are water and sewer connections available?
    f. Is the subdivision consistent with the General Plan?
    g. Will the development enhance the character and aesthetics of the community?
4. Planning Commission Public Meeting: The Planning Commission shall hold a public meeting on the application and recommend its approval, denial, or modification to the Kamas City Council.
5. City Council Public Meeting: The City Council shall hold a public meeting based on the Planning Commission recommendation on the application, and shall approve, deny or approve with conditions. (The City Council public meeting may be held for both preliminary and final plats.)
6. Definition Of Property Lines For Utility Requirements: For the purposes of this Chapter only, the following definitions shall apply:
    a. The following shall apply for Simple Lot Subdivisions and Minor Subdivisions (5 lots or less). For purposes of water and sewer connection, the property line is defined as that property line of a lot or parcel of land that fronts on a dedicated street where water and sewer exist. Water and sewer will be considered at the property line in a minor subdivision if they are within 120 feet of the property on either side of the street. No connection fees will be collected until such time as a building permit is issued to the property owner. The builder/property owner will bear the entire cost of installing the water and sewer laterals from the main line to the property. This cost is in addition to the standard Kamas City sewer and water connection and impact fees.
    b. The following shall apply for Major Subdivisions (6 lots or more). Water and sewer connection shall be required to be stubbed to each lot where meter placement would occur. No connection fees will be collected until such time as a building permit is issued to the property owner. The developer/property owner will bear the entire cost of extending the water and sewer lines from the main line to the end of the subdivision. This cost is in addition to the standard Kamas City water and sewer connection and impact fees. Other public utilities continue to be required to be brought to the deeded property line of each lot or parcel.

15.18.030 Simple Lot Subdivisions

An applicant may subdivide property by metes and bounds into two (2) lots or parcels provided the proposed lots or parcels front a dedicated public street and comply with the applicable zone standards. This process should be completed in the following manner:

1. An applicant shall submit an application and applicable fees to the City Planner for a simple lot subdivision that includes at a minimum:
    a. The name of the applicant or authorized agent and contact information.
    b. The property address and parcel number.
    c. The metes and bounds description of the property proposed to be split.
    d. Any other information that may be required by the City Planner.
2. No building permits will be approved on a lot or parcel until such time as the applicant provides water and sewer hook-ups to that lot or parcel. The applicant will be required to turn in water shares to Kamas City prior to issuance of a building permit.
3. All other design standards set forth in KMC 15.21 General Design Standards for Subdivisions are not applicable to a simple lot subdivision unless specifically required by the Kamas City Council.
4. Adoption of Final Subdivision Plat: Upon a determination that the proposed plat is consistent with the General Plan, meets all Kamas City Subdivision requirements and receives approval from the Kamas City Public Works, the Planning Commission and City Council may approve a final subdivision plat as provided above. The applicant may then have a mylar printed for signatures and recordation.

15.18.040 Minor Subdivisions (5 Lots Or Less)

An applicant may subdivide property by metes & bounds into five (5) lots or less if the property fronts a city street in the following manner:

1. An applicant shall submit an application with applicable fees to the City Planner for a minor subdivision that includes at a minimum:
    a. The name of the applicant and/or authorized agent and contact information.
    b. The property address and parcel number.
    c. The metes and bounds description of the property proposed to be split.
    d. The subdivision name.
    e. Any other information that may be required by the City Planner.
2. The requirement for a plat or certain design standards set forth in KMC 15.21 General Design Standards for Construction and Development of Subdivisions may be waived by the Kamas City Council in a public meeting if all proposed lots front a dedicated public street. Each proposed lot or parcel shall comply with applicable zone standards.
3. The applicant shall meet with the City Planner and/or City Engineer to determine water and sewer connections to each proposed lot or parcel and other infrastructure requirements for the subdivision.
4. The Planning Commission may hold a public hearing on the plat by providing reasonable notice of the public hearing at least ten (10) days before the date of the public hearing. The applicant shall provide the city with one (1) set of addressed, stamped envelopes to all property owners within one thousand feet (1000') of the proposed subdivision. Such notice shall be mailed at least seven (7) days prior to the Planning Commission consideration of the preliminary plat.
5. Adoption of Final Subdivision Plat: Upon a determination that the proposed plat is consistent with the General Plan, meets all Kamas City Subdivision requirements and receives approval from the Kamas City Public Works, the Planning Commission and City Council may approve a final subdivision plat as provided above. The applicant may then have a mylar printed for signatures and recordation. Water shares must be turned into Kamas City prior to recordation of the plat.

15.18.050 Major Subdivisions (6 Lots Or More)

An applicant for a major subdivision with six (6) or more lots shall submit a complete application with applicable fees to the Kamas City Planner. After administrative review, the applicant shall submit an inexpensive concept plan as the first layout and design to enable the owner to save time and expense in reaching general agreement with the Planning Commission prior to the submission of a preliminary plat. The concept plan is most useful when drawn to scale on white tracing paper as an "overlay sheet" to be lain on top of the Existing Resources and Site Analysis Map so everyone can see how the proposed layout avoids areas of the site prioritized for conservation. These areas will include:

1. Unstable slopes and steep terrain
2. Wetlands and Waterways
3. Street Circulation
4. Drainage Issues

A site walk may be scheduled with the applicant, city staff and Planning Commission members prior to conceptual review with the Planning Commission. After the concept plan has been discussed with the Planning Commission, the applicant shall submit a preliminary plat to the Planning Commission for its consideration. The applicant must comply with KMC 15.21 General Design Standards for the Construction and Development of Subdivisions: for design standards and infrastructure requirements of the subdivision.

1. Preliminary Plat Review: The applicant shall prepare and submit three (3) 24" x 36" copies of a preliminary plat of the proposed subdivision. Fifteen (15) 11" x 17" copieswill also be required for Planning Commission review. The preliminary plat shall include:
    a. A date on each sheet.
    b. The proposed subdivision type andname.
    c. A northarrowfacing the top of rightmargin.
    d. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes.
    e. A minimum scale of 1"=100'.
    f. The boundary dimensions, acreage andlegal description of the subdivision.
    g. The location, width, and other dimensions of all existing or plattedstreets and other importantfeatures such as utility lines, and exceptional topography and structures within the proposed subdivision and within a two hundredfoot (200') perimeter of the subdivision.

h. The proposed streets, parks, openspaces and other offers of public dedications showing widths andpertinent dimensions of each.
i. The nameand address of the applicant,engineer or surveyor for the subdivision and the owners of the land to be subdivided.
j. Any other information the City Engineer, City Planner, Planning Commission, or City Council may determine necessary relating to the particular site of the proposed project.

2. Notice: The applicant shall provide the city with one (1) set of addressed, stamped envelopes to all property owners within one thousand feet (1000') of the proposed subdivision. Such notice shall be mailed at least seven (7) days prior to the Planning Commission consideration of the preliminary plat. Notice of subdivisions for residential, multi-residential, commercial, or industrial development shall be provided to affected entities as required under this Section. Such entities shall include the South Summit School District, Rocky Mountain Power, Questar Gas, All West Communications, Provo River Water Users, the South Summit Fire District, and Beaver-Shingle Creek Irrigation Company.
3. Planning Commission Public Hearing: The Planning Commission shallhold a public hearing on the preliminary plat by providing reasonable notice of the public hearing at least ten(10)daysbefore the date of the public hearing.
4. Planning Commission Consideration: Upon reviewandconsideration of the preliminary plat, at a meeting called for such purpose, the Planning Commission shall recommend its approval,denial, or approval with conditions to the City Council. Such decision shall be made within 45 days of said meeting. In the event the Planning Commission fails to make a recommendation within said 45-day period, the preliminary plat shall be deemed denied.
5. City Council: The City Council may hold a public hearing within forty-five (45) days of the Planning Commission recommendation and shall approve, deny or conditionally approve the preliminary plat.
6. Inactive Process: Failure to receive final plat approval within one year of approval of preliminary plat by the Kamas City Council shall render the preliminary plat null and void. In such case, the applicant must commence the subdivision process anew.
7. Final Subdivision Plat Review: Upon Planning Commission recommendation and City Council approval of the preliminary plat, the applicant shall prepare and submit to the Planning Commission a plat together with three (3) paper copies with dimensions of 24" x 36" and fifteen (15) 11" x 17" copies. The final plat shall include:

a. A date on each sheet.
b. A proposed subdivision name.
c. A north arrow facing the top of right margin.
d. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes.
e. A minimum scale of 1"=50'.
f. The boundary dimensions and legal description of the subdivision and each lot therein which is within 0.010' with the point of beginning clearly labeled.
g. The location, width, centerline bearings and curve data (including delta angle, radius, length, tangent and the long cord on curves) and other dimensions of all existing proposed or platted streets and easements.
h. The proposed streets, parks, open spaces and other offers of public dedications, showing widths and pertinent dimensions as well as points of intersection of each.
i. The name and address of the applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided.
j. The acreage of square footage for all parcels or lots and the length and width of the blocks and lots intended for sale.
k. A legend of symbols.
l. All survey monuments and proposed hydrant locations.
m. The streets indicating numbers and/or names and lots numbered consecutively with addresses.
n. A similar description of important features such as utility lines and exceptional topography and structures within the proposed subdivision and within two hundred feet (200') surrounding the subdivision shall appear on a separate drawing.
o. The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines.
p. The signature blocks for:

i. Owner's dedication and acknowledgment.
ii. Surveyor's stamped certificate with subdivision boundary legal description.
iii. City Engineer's approval.
iv. Questar Gas.
v. Rocky Mountain Power
vi. All West Communication.
vii. South Summit School District.

viii. South Summit Fire District.
ix. Beaver Shingle Creek Irrigation.
x. Planning Commission acceptance.
xi. City Council approval.
xii. City Attorney.
xiii. County Recorder's certificate.

q. Notice of Kamas City Right to Farm Ordinance.

8. Adoption Of Final Subdivision Plat: Upon a determination that the proposed plat is consistent with the General Plan, meets all Kamas City Subdivision requirements and approval from the Kamas City Public Works, the City Council may approve a final subdivision plat as provided above. The applicant may then have a mylar printed for signatures and recordation. Water shares must be turned into Kamas City prior to recordation of the plat.
9. Improvements: Subdivision improvements must be completed in one of the following methods:
   a. The developer will complete all improvements, including utilities, before the final subdivision plat is signed and recorded, or
   b. The developer must complete the subdivision improvements within two (2) years of recordation of the final subdivision plat with public improvements security in place as specified in this Section.
10. Public Improvements Security: A security arrangement shall be one of the following types as dictated by the City:
    a. A bond with a surety company licensed to do business in the State of Utah.
    b. An irrevocable letter of credit with a federally insured financial institution on terms approved by Kamas City.
    c. A cashier's check made payable only to the City.
    d. A trust or escrow account with a federally insured financial institution designating the City as beneficiary.

    Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer and not to the City. The City shall not be required to pay interest to the developer on any non-interest bearing escrow account for this purpose.

11. Inspections: City staff shall inspect the subdivision development during construction through its completion. The developer will pay all fees as outlined in the Kamas City Fee and Rate Resolution.
12. Recording Of Plat: The plat of an approved subdivision within Kamas City shall be recorded in the Summit County Recorder's office within two (2) years of City Council final approval. Failure to record a final plat within two years of City Council approval shall render the plat void. In such case, the applicant must commence the subdivision process anew. Plats will not be recorded until all fees are paid as outlined in the Kamas City Fee and Rate Resolution.

15.18.060 Vacation Or Amendment Of Plats

1. Petition For Amendment: Any owner of property lying within a recorded subdivision plat may petition the city requesting to vacate, alter or amend the subdivision plat. The petition shall include:
   a. The name and address of all owners of record of the land contained in the entire plat.
   b. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered or amended.
   c. The signature of each of the owners identified in this Section who consent to the petition, and
   d. The appropriate fee as set forth in the Kamas City Fee and Rate Resolution.

   Kamas City, on its own initiative, may consider the vacation, alteration or amendment of a subdivision plat. The procedure for such consideration shall be as set out in this Chapter.

2. Procedure
   a. Upon receipt of a petition or a proposal to vacate, alter, or amend a subdivision plat, the matter shall be referred to the Kamas City Planning Commission for a recommendation on the petition or proposal. The Planning Commission shall give its recommendation within thirty (30) days of receipt of a petition or proposal.
   b. Except as otherwise provided in this Section, the Kamas City Council shall hold a public hearing on the proposed plat amendment within forth-five (45) days of receipt of the recommendation of the Planning Commission. Notice of the public hearing shall be given as provided in this Section.
   c. Where the plat amendment process is initiated by petition, the City Council, in its discretion, may waive the requirement of a public hearing if:
      i. The proposed plat change does not include the vacation, alteration or amendment of a public street.

ii. No owner within the plat notifies the city of their objection, in writing, within ten (10) days of the mailed notice provided, and
iii. All owners within the plat have signed the revised plat consenting to the proposed amendment.

3. Notice: Notice of any proposed plat amendment shall be given as follows:
   a. The applicant shall provide the city with one (1) set of addressed, stamped envelopes to all property owners within one thousand feet (1000') of the proposed amendment or vacation.
   b. In addition the requirements of this Section, if the proposed change involves the vacation, alteration or amendment of a public street, notice of the date, place and time of the hearing where the City Council will consider the proposed amendment shall be given by:
      i. Publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the community, or
      ii. Posting a notice for four (4) consecutive weeks before the hearing in three (3) public places within Kamas City.
   c. The notice to be provided under this Section shall include:
      i. A statement that anyone objecting to the proposed plat change may file a written objection to the change within ten (10) days from the date of the notice
      ii. A statement that if no written objections are received by the City Council by the time limit, no public hearing will be held.
      iii. The date, place and time when a hearing, if one is required to consider the proposed vacation, alteration or amendment of the subdivision plat, will be held.

   The petitioner for any proposed plat amendment shall pay the costs for any notices required by this Chapter.

4. Grounds For Vacating Or Changing A Plat
   a. Within thirty (30) days after the public hearing required by this Section, the City Council shall consider the proposed plat amendment.
   b. If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the City Council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot within the plat.
   c. The City Council may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or signature indicating approval by the City.
   d. The City Council shall ensure that the vacation, alteration, or amendment is recorded in the office of the Summit County Recorder.

5. Amended Plat Requirements: Prior to the City Council's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the city an amended plat map and supporting information in compliance with the requirements of KMC 15.18.060. The amended plat map shall be accompanied by the appropriate recording fee to provide for recordation of the map with the Summit County Recorder.

15.18.070 Lot Line Adjustments

Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

1. No new dwelling lot or housing unit results from the lot line adjustment.
2. The adjoining property owners consent to the lot line adjustment.
3. The lot line adjustment does not result in remnant land that did not previously exist; and
4. The adjustment does not result in violation of applicable zoning requirements. The City Planner shall review the proposed lot line adjustment prior to recording, to verify that the requirements for zoning compliance have been met.

15.19 Conservation Subdivision

15.19.010 Purpose
15.19.020 Applicability
15.19.030 Process
15.19.040 Dimensional Standards
15.19.050 Design Standards
15.19.060 Use Regulations

15.19.070 Conservation Land And Design Standards
15.19.080 Permanent Protection Of Conservation Lands
15.19.090 Ownership Of Conservation Lands
15.19.100 Maintenance Of Conservation Lands

15.19.010 Purpose

The purpose of this Chapter is to:

1. Encourage the preservation of open land for its scenic beauty and to enhance open space, forestry, agricultural and recreational use.
2. Protect sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands.
3. Preserve the natural environment, including those areas containing natural features such as meadows, streams, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, and open space.
4. Protect areas of Kamas City with productive agricultural land by conserving blocks of land large enough to allow for viable farm operations.
5. Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads, utility easements, and the amount of paving required for residential development.
6. Conserve scenic views and elements of Kamas City's rural and scenic character and minimize perceived density by minimizing impacts of new development from existing city roads.

15.19.020 Applicability

The option to develop property as a Conservation Subdivision is voluntary and provided to developers as an alternative to the development of property pursuant to other provisions of this Land Use Ordinance. The intent of this Chapter is to encourage the creation and development of flexibly-designed open space subdivisions. Conservation Subdivisions may be developed within the A-40, A-5 and R-A zones. Conservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter and the General Design Standards for Subdivisions as contained in KMC 15.21 and with all other applicable subdivision ordinances and zoning regulations of Kamas City.

15.19.030 Process

Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in KMC 15.18 (Subdivisions) of this Land Use Ordinance, including submission and approval of site plans, preliminary and final plats, and any additional procedural requirements set forth in this Chapter, including, but not limited to, submission of a Subdivision Yield Plan, Sensitive Area Designation Plan and/or a development agreement. A Subdivision Yield Plan would exhibit the base density allowed in the underlying zone minus areas protected through Sensitive Area Designation.
Each application for a Conservation Subdivision shall demonstrate that these four design steps were followed by their site designers in determining the layout of their proposed streets, home sites, and open space.

1. Designation of Open Space and Conservation Areas (Primary and Secondary): Primary conservation areas may include bodies of water, easements, floodplains, steep slopes, soils, waterways, wetlands, wooded areas, etc. Secondary conservation areas may include buffers, historic components, landmarks, prime views, public vistas, etc. as determined by the Planning Commission.
2. Location of Building Sites: Home sites should be clustered and located not closer than 100 feet to wetland areas, but may be situated within 50 feet of designated open space areas.
3. Street and Lot Layout: Alignment of proposed streets should provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space.
4. Lot Lines: These are generally drawn midway between house locations. Lot locations will still need to meet setback requirements.

15.19.040 Dimensional Standards

1. Density: The permitted density for development within a Conservation Subdivision shall be determined in accordance with the Development Incentive Chart below. The percentage increases noted as the "multiplier" in the chart

are percentage increases from the base density identified in the approved Subdivision Yield Plan for the proposed development.

Development Incentive Chart

Zone	Typical Lot Area	Minimum Lot Size	Required Open Space	IncentiveMultiplier
R-A	½ acre	¼ acre	50%	1.1%
A-5	5 acres	½ acre	80%	1.5%
A-40	40 acres	5 acre	80%	2%

2. Open Space Requirements: All Conservation Subdivisions shall provide at least the minimum percentage of conservation land as set forth in the Development Incentive Chart. The minimum percentage of required conservation land for any given Conservation Subdivision shall be calculated based upon the total acreage of the property within the proposed subdivision less areas containing sensitive lands.Lot requirements
    a. Lot Width at Building Line: The minimum lot width at the building line for main buildings within a Conservation Subdivision shall be one hundred feet (100').
    b. Street Frontage: The minimum street frontage for lots within a Conservation Subdivision shall be a minimum of eighty feet (80') except along the circumference of a cul-de-sac improved to city standards where a minimum of thirty-five feet (35') may abut the street.
    c. Front Setback: The developer shall designate the building pads for main buildings in a Conservation Subdivision. Front setbacks shall be a minimum of twenty feet (20')and every other lot shall be staggered an additional fifteen feet (15').
    d. Rear Setback: The minimum rear yard setback for main buildings within a Conservation Subdivision shall be fifteen feet (15').
    e. Side Setback: The minimum side yard setback for main buildings with a Conservation Subdivision shall be ten feet (10').
    f. Side Corner Setback: The minimum side corner setback for main buildings within a Conservation Subdivision shall be twenty feet (20')from the property line in compliance with clear vision standards.

15.19.050 Design Standards

1. Individual Lots: Individual lots in Conservation Subdivisions shall be laid out pursuant to the dimensional standards set forth in KMC 15.19.040. Individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the subdivision.
2. Buffer from Road: All new dwellings shall be arranged and located a minimum of eighty feet (80') from all external roads.
3. Views of Houselots: Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping.
4. Access: Houselots shall be accessed from interior streets.
5. Abutment to Conservation Lands: At least half of the lots shall directly abut conservation land or face conservation land across the street.
6. Conservation Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership and maintenance of conservation land within a Conservation Subdivision shall be in compliance with all provisions contained herein.
7. Sensitive Lands: Restriction and regulations regarding the preservation, protection, ownership and maintenance of sensitive lands within a Conservation Subdivision shall be in compliance with this Chapter of the Kamas City Land Use Ordinance.

15.19.060 Use Regulations

1. Subdivision: Subject to use and development restrictions of sensitive lands, land within Conservation Subdivisions may be used for the following purposes:
    a. Permitted Uses: Any uses permitted in the relevant zone.
    b. Conservation Land
    c. Accessory Uses: Any permitted accessory uses as provided in the relevant zoning regulations.

2. Conservation Land: Conservation land may be used for the following purposes:
    a. Permitted Uses: The following uses are permitted in conservation land areas:
        i. Conservation of open land in its natural state; i.e., meadow, grassland, trees, farmland, etc.
        ii. Agricultural and horticultural uses, including raising crops and associated buildings that support an active, viable agricultural or horticultural operation.
        iii. Pastureland for sheep, cows and horses, excluding commercial livestock operations involving swine, poultry and mink.
        iv. Non-commercial equestrian facilities.
        v. Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
        vi. Above-ground utility and street rights-of-way may traverse conservation land, provided areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the subdivision.
    b. Conditional Uses: The following uses shall be considered as conditional uses in conservation land areas:
        i. Wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations.
        ii. Neighborhood open space uses such as common areas, picnic areas, trails, and similar recreational uses.
        iii. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways.
        iv. Golf courses, not including miniature golf.
        v. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.

15.19.070 Conservation Land And Design Standards

Designated conservation land within a Conservation Subdivision shall meet the following standards:

1. Significant Areas and Features: Conservation land should include the most unique and sensitive resources and significant features of the property within the subdivision.
2. Contiguous Land: Conservation lands within a development shall be contiguous to provide for large and integrated open space areas within the subdivision. Non- contiguous parcels of conservation lands may be approved by Kamas City during the plat approval process upon finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations.
3. Resource Uses: A substantial amount of the minimum required conservation land may be devoted to active resource uses such as agriculture, horticulture, or equestrian uses, provided at least twenty percent (20%) of the minimum required conservation land remains available for the common use and enjoyment of the residents and/or the public.
4. Recreation Uses: A substantial amount of the minimum required conservation land may be comprised of the active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided at least twenty percent (20%) of the minimum required conservation land remains available for the common use and enjoyment of the residents and/or the public.
5. Buffering: Conservation land shall be designed to provide buffers and to protect scenic views looking from or towards existing roadways.
6. Pedestrian Access: Adequate pedestrian access to conservation land shall be provided.
7. Maintenance Access: Sufficient maintenance access to all conservation land and sensitive land will be provided.
8. Landscaping: All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or other approved open space, shall be landscaped. For each dwelling unit, there shall be required on the project site at least two (2) deciduous trees at least two (2) inch caliper in size and one (1) conifer tree at least six (6) feet in height.

15.19.080 Permanent Protection Of Conservation Lands

1. Conservation Easement: All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to Kamas City. Under no circumstances shall any development be permitted in the conservation land, except for those permitted or conditional uses listed herein and approved with the Conservation Subdivision. All methods of protection and preservation of conservation land shall be approved by Kamas City and recorded prior to or concurrent with the recording of the final plat for the Conservation Subdivision.
2. Terms and Conditions: All conservation easements, or other acceptable method of protection and preservation of the

conservation land within a Conservation Subdivision shall include the following terms and/or conditions:

a. Legal description of the easement.
b. Description of the current use and condition of the property.
c. Permanent duration of the easement.
d. Permitted and conditional uses.
e. Maintenance responsibilities and duties.
f. Enforcement rights and procedures, and
g. Other terms or conditions as deemed necessary by the Planning Commission or Kamas City Council.

15.19.090 Ownership Of Conservation Lands

Unless otherwise approved by Kamas City, the grantee of a conservation easement shall consist of one of the following acceptable entities which shall be qualified to maintain and enforce such conservation easement.

1. Undivided Ownership: Unless otherwise approved by Kamas City and subject to the provisions set forth in this Chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by the homeowners' association, a land trust, conservation organization, or private individual. In the case of the HOA holding the conservation easement, the following regulations shall be met:

   a. A description of the organization of the proposed association, including its by- laws, and all documents governing ownership, maintenance, and use restrictions for the conservation land, including restrictive covenants for the subdivision, shall be submitted by the developer with the Final Plat application.
   b. The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the subdivision.
   c. Membership in the association shall be mandatory for all purchasers of the property within the subdivision and their successors in title.
   d. The association shall be responsible for maintenance and insurance of the conservation land.
   e. The by-laws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
   f. Written notice of any proposed transfer of conservation land by the association of the assumption of maintenance for the conservation land must be given to all members of the association and to Kamas City no less than thirty (30) days prior to such event.
   g. The association shall have adequate staff to administer, maintain and operate such conservation land.

2. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.

15.19.100 Maintenance Of Conservation Lands

1. Costs: Unless otherwise agreed to by Kamas City, the cost and responsibility of maintaining conservation land shall be borne by the owner(s) of the underlying conservation land.
2. Maintenance Plan: The developer shall submit a maintenance plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed Conservation Subdivision with the Preliminary Plat application for the subdivision. The maintenance plan shall provide the following:

   a. The plan shall define ownership.
   b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pasture, wetlands, stream corridors, hillsides, cropland, control of noxious weeds, etc.)
   c. The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
   d. At Kamas City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to two years.

3. Approval: The maintenance plan must be approved by Kamas City prior to or concurrent with Final Plat approval for the subdivision. The maintenance plan shall be recorded against the property and shall include provisions for the city's corrective action rights as set forth herein. Any changes or amendments to the maintenance plan shall be approved or

denied by Kamas City.

4. Failure to Maintain: In the event that the organization established to maintain the conservation land and the common facilities, or any successor or organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, Kamas City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
5. Corrective Action: Kamas City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action shall be charged to the property owner and shall include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by Kamas City in the Summit County Recorder's office. The maintenance plan and all other documents creating or establishing any association or conservation organization for the property shall reference the city's corrective action authority set forth herein and shall be recorded against the property.

15.20 Planned Unit Development

15.20.010 Purpose
15.20.020 Requirements
15.20.030 Process

15.20.010 Purpose

The purpose of a Planned Unit Development is to allow for flexibility in the development of 100 acres or more, under one ownership or control, through the incorporation of mixed land uses, densities, site layout, and project design. The city shall only use the PUD zone when it is clearly demonstrated that in doing so, substantial benefit will be derived by the residents of Kamas City.

15.20.020 Requirements

In order for property to qualify for PUD zoning, the owner(s), including their successors and assigns, must demonstrate the potential for achievement of the following specific objectives throughout the planning, design, and development stages:

1. Providing for an orderly and creative arrangement of land uses with respect to each other, to the entire development, and to all adjacent land.
2. Providing for a planned and integrated comprehensive transportation system for pedestrian and vehicular traffic which may include provisions for roads, bicycle or equestrian paths, trails, or other similar transportation facilities.
3. Locating and siting structures to take maximum advantage of the natural and manmade environment and to provide view corridors.
4. Providing for adequate, well located, and well designed open space and community facilities.
5. Providing for cultural, educational, medical, religious, and recreational facilities.
6. Ensuring minimal development related off-site impacts.
7. Ensuring the development is compatible with and will not adversely affect the social, cultural, rural, agricultural, and small town character of Kamas City and furthers the goals and objectives of the Kamas City General Plan.

15.20.030 Process

1. Initial Contact: Before submitting an application for a Planned Unit Development, the owner, or his authorized representative, shall engage in a pre-submission conference with the Kamas City Staff to discuss preliminary land planning, including land use relationships, residential density, transportation systems, community facilities, sensitive lands and landscaping and open space provisions.
2. Concept Plan and Review: The applicant will submit a conceptual plan for discussion with the Kamas City Planning Commission prior to the submission of an official application. The concept plan should display the following:
    a. Design Guidelines: Development in the PUD zone may consist of a use or combination of uses that are specifically approved for the property in the development agreement. The owner/developer shall include in the design a listing of the uses proposed and the general arrangement for each land use category with the proposed PUD. The listing and general arrangement of the approved land uses shall be shown in the development agreement that is adopted as part of the PUD approval.
    b. Density: The number of dwelling units permitted per gross acre in the PUD zone shall be determined at the time the development agreement is approved. The development agreement shall establish the maximum number of dwelling units per gross acre for each residential category, as well as for the entire property.
    c. Minimum Size: The minimum site area that is eligible for classification to the PUD zone is 100 acres. A minimum

of 80% of the gross property area in the PUD zone shall consist of open space, recreational facilities, pedestrian and bikeway facilities, other common community facilities and landscaped areas in public rights-of-way. Open space must be designated and restricted from future development by a conservation easement or other method of protection and preservation acceptable to Kamas City.

d. Transportation Plan: A comprehensive transportation system for pedestrian and vehicular traffic which may include provisions for roads, bicycle or equestrian paths, trails, or other similar transportation facilities shall be designed to accommodate traffic within the PUD and connecting to other transportation facilities within the city.

3. PUD Application: Plans and documentation which must accompany a PUD application are as follows:

   a. A development plan for the property, including general land use designation, roads, and plans for open space. A general phasing plan shall be included to indicate the intended timing of the development.
   b. Design guidelines that set forth densities, building height, bulk and setback requirements, requirements for signage, landscaping, lighting, parking, and open space, and procedures for site plan review.
   c. Storm drainage information, which shall consist of a preliminary drainage study completed by a registered professional engineer on a map with a minimum contour interval of two feet (2').
   d. Conceptual utility layout that includes sewer and water main corridors.
   e. Proposed conditions, covenants, and restrictions.
   f. Culinary and secondary water plan including source, type, and quantity of water shares or rights, and
   g. The applicant shall pay all fees that are set forth in the Kamas City Fee and Rate Resolution for filing applications for a PUD.

4. Preliminary Plans and Documents

   a. Vicinity Plan: The developer shall prepare a vicinity plan, which shows a simple concept of the major features of the development in relation to existing conditions and developments within ¼ mile of the outside boundaries of the development.
   b. Environmental Review: The environmental review shall describe the impact the development will likely have on the natural features of the immediate area. This review will also indicate the measures that will be taken to mitigate any negative conditions that may occur as a result of the project with respect to wildlife, historical sites, wetlands, floodplains, slopes, etc. and other items outlined in KMC 15.22 of the Kamas City Land Use Ordinance.
   c. Preliminary Plan: The developer shall prepare a preliminary plan and shall submit three (3) 24" x 36" copies and fifteen (15) 11" x 17" copies of the plan to the City Planner for engineering and Planning Commission review. The plan must be submitted at least 30 days prior to the meeting of the Planning Commission at which time, the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than 1" = 100'. The plan shall show the following information:

      i. Name of the development.
      ii. Name, address, and phone number(s) of the property owner(s) and the developer.
      iii. Name, address, and phone number(s) of the engineer and land surveyor.
      iv. North arrow and scale.
      v. Type(s) of development.
      vi. A site plan showing location of proposed streets and building sites.
      vii. Proposed open space areas, i.e. parks, play equipment, side, rear, and front yard setbacks, and the general location and description of all recreational and open space areas and facilities.
      viii. Size and type of recreational buildings and other structures proposed for the common use of the residents with an indication of materials to be used in the construction of buildings.
      ix. Architectural renderings of proposed structures.
      x. Proposed lot layout.
      xi. Legal description with section tie.
      xii. Zone boundaries and designations.
      xiii. Tabulation showing:

         (1) Area of land within the residential development.
         (2) Number of residential lots proposed.
         (3) Percent of area to be devoted to open space, and
         (4) Number of off-street parking spaces.

      xiv. Proposed location of off-street parking spaces.
      xv. Typical street cross sections.
      xvi. Adjacent property owners.

xvii. Existing and proposed sewage disposal facilities.
xviii. Existing and proposed water system indicating size of water lines and fire hydrant locations.
xix. An indication of the capacity of the water system as it relates to the project.
xx. Preliminary landscape and lighting plan indicating areas of landscaping and the various types of landscape materials and lighting to be used, and
xxi. Any other information the City Engineer, City Planner, Planning Commission or City Council may determine necessary relating to the particular site of the proposed project.

5. Review, Recommendation and Approval of Zoning
   a. The initial zoning approval of a PUD zone shall consist of a review, public hearing and recommendation by the Kamas City Planning Commission and approval by the Kamas City Council. The approval of a PUD shall be accomplished through the adoption of a development agreement. An approved development agreement shall be a matter of public record.
   b. The owner/developer, and his successors and assigns, shall develop property in the PUD zone in accordance with the approved development agreement.
6. Agreements: Creation of a development agreement that identifies land uses, zoning, residential densities, non-residential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, bonus density systems and phasing of the development shall be executed upon approval of the Planned Unit Development. The developer shall submit to the city an agreement between the developer and the city stating among other things:
   a. That in the event of failure or neglect on the part of the owners, successors, or assigns to maintain the water and sewage facilities, common areas, landscaping, or other improvements in good conditions, the city may perform the necessary work and for that purpose may enter upon the land and do the work and charge the cost thereof, including reasonable attorney fees, to the owners or their successors and assigns.
   b. That the owners, successors, or assigns will reimburse the city for all costs which the city incurs as a result of performing the necessary work.
   c. That the terms of the contract shall be binding upon the heirs, assigns, receivers, and successors of the project for the life of the project or development, and
   d. Any other conditions that the Planning Commission, City Council and/or City Attorney deems to be reasonably necessary to carry out the intent of this ordinance.
7. Development Approvals: Approval of a Planned Unit Development does not constitute approval to proceed with development. The developer is required to obtain subdivision and development approvals, required by this Chapter and other city ordinances. Separate permits or approvals are required to grade property, excavate, install utilities, subdivide or other wise improve property as dictated by Utah State Statutes and Kamas City Ordinances.
8. Notice: The applicant shall provide the city with one (1) set of addressed, stamped envelopes to all property owners within one thousand feet (1000') of the proposed PUD. Such notice shall be mailed at least ten (10) days prior to the Planning Commission consideration of the preliminary plat. Notice by mail shall also include the following entities: the South Summit School District, Rocky Mountain Power, Questar Gas, All West Communications, Provo River Water Users, Weber Basin Water, the South Summit Fire District, and Beaver-Shingle Creek Irrigation Company.
9. Planning Commission Hearing: The Planning Commission shall hold a public hearing on the proposed PUD by providing reasonable notice of the public hearing at least ten (10) days before the date of the public hearing.
10. Planning Commission Consideration: Upon review and consideration of the proposed PUD, at a meeting called for such purpose, the Planning Commission may recommend its approval, denial, or approval with conditions to the City Council.
11. City Council: The City Council may hold a public hearing following recommendation from the Planning Commission to approve, deny or conditionally approve the PUD.
12. Time Limit: Failure to submit a final development plan within two years of receiving preliminary approval for the PUD by the City Council shall terminate all proceedings and render the PUD null and void.
13. Final PUD Approval: Upon Planning Commission recommendation and City Council approval of the PUD, the owner/developer shall prepare and submit three (3) 24" x 36" copies and fifteen (15) 11" x 17" copies of each plan in the final approval submittal package to the Planning Commission consisting of the following:
    a. All of the information required as conditions to the PUD.
    b. A mylar indicating all streets and lots as approved in the preliminary process.
    c. Detailed landscape and lighting plans.
    d. Final engineering drawings (plans and profiles) for all improvements, public and private.
    e. Final grading plan.

f. Final drainage and water runoff plan with runoff calculations.
g. Provisions for bonding or escrow account for all improvements in a form that is acceptable to the city. The amount of the bond or escrow account is to be 110% of the City Engineer's estimated cost of improvements, and
h. Final development agreement for the PUD.

14. Street and Subdivision Design Requirements: All development shall conform to the standard street design requirements set forth in the ordinance and the Construction and Standards Guidelines of Kamas City, except as otherwise provided for specifically in an approved PUD.
15. Gravel, Sand, Earth Extraction and Mass Grading: Gravel, sand, earth extraction, and mass grading operations may be approved by the City Council with a recommendation for approval by the Planning Commission as a part of a large development project under the provisions applicable within the PUD classification and those of KMC 15.21 of this ordinance. Any such development shall be required to put forth a bond with the city for the reclamation of the site following the site's project completion. Such bonding may be waived by the city subject to provisions of bonding for the overall project.
16. Inspections: City staff shall inspect the PUD during construction and through its completion.
17. Recording of Plat(s): The plat(s) of an approved PUD within Kamas City shall be recorded in the Summit County Recorder's Office within two years of City Council approval. Failure to record within two years of City Council approval shall render the plat null and void.
18. Modification of Planned Unit Development Agreement: The City Council may consider modification of the development agreement upon finding that:

    a. The requested modification or deviation, if approved, will not affect the rights of property owners or residents within the PUD to maintain and enforce previously approved conditions, covenants, and restrictions and other rights in the PUD.
    b. The requested modification or deviation, if approved, will be consistent with the planning objectives and goals of the PUD and Kamas City.

15.21 General Design Standards

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15.21.020 Application Of Standards
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15.21.140 Public Improvement Bond

15.21.010 Purpose

To provide uniform construction regulations and standards for residential and commercial developments in Kamas City.

15.21.020 Application Of Standards

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance. The current edition of the construction specifications for Kamas City will also govern construction of infrastructure in Kamas City.

15.21.030 Lot Standards

1. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
2. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards hereinafter required. Private streets shall be permitted only as recommended by the Planning Commission.

Land dedicated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the area of such lots.

3. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permit shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions, except where such lots are suitable and dedicated for a common open space, private utility or public purpose as determined by the Planning Commission.
4. The side lines of all lots, so far as possible, shall be at right angles to each street on which the lot faces, or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientations are involved.
5. Corner lots for residential use shall be planned wider than interior lots in order to permit conformance with the required front setback requirements for both streets.
6. A city boundary shall not divide a lot. Each such boundary line shall be made on a lot line.
7. Lot number shall begin with the number "1" and shall continue consecutively through the subdivision with no omissions or duplications. No block designations shall be used.
8. Except as specifically authorized by this ordinance, not more than one dwelling unit shall occupy any one lot.
9. No area needed to meet the minimum width, yard area, parking or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.

15.21.040 Development Design And Layout

1. The design of the development shall avoid or fully mitigate the hazardous site conditions (unstable slopes, geologic faults, wetlands or flood potential).
2. Drainage from individual lots shall be coordinated with the general storm drainage pattern for the area and shall avoid conveying to adjacent lots runoff flows higher than historic patterns. Post development flows shall be based on a 10 year 24 hour storm design if water is to be detained on site and released at a rate not exceeding the historic flow. Post development flows that will be retained on site shall be based on a 100 year 24 hour storm design.
3. Any recreation facilities should be located central to all residents of the development.
4. All lots should have reasonable access to open space, trails, park land or recreation facilities that are set aside for either development use or use by the general public.
5. Access to public trails and open space abutting the property shall be provided.
6. Utility extension for future development shall be provided. All utility extensions shall be designed in conformance with the applicable Kamas City General Plan.
7. Maintenance of common facilities must be accomplished through either covenants and a homeowner's association, a separate maintenance agreement, or some other perpetual agreement.
8. The layout of lots should provide desirable settings for structures by making use of natural contours, maintaining views, affording privacy, and enhancing protection from wind, noise and vehicular traffic.
9. Development design should provide for efficiency in the installation and provision of all public and private utilities and services.
10. Water and sanitation facilities serving the development should be located within public right-of-way or other specially designated right-of-way for that purpose.

15.21.050 Construction On Slopes Exceeding 25%

Lots or buildings proposed on slopes exceeding 25% warrant especially close review to assure that all grading, retaining wall, cut and fill and road and driveway grade standards are met. These lots will also have to conform to the Sensitive Land Overlay requirements. No development will be allowed on slopes greater than 30%.

15.21.060 Buildings

1. Fire Standpipes: Standpipes complying with the IBC may be required for all commercial and multi-family residential buildings, regardless of the number of stories if so designated by the South Summit Fire District.
2. Fire Hydrants: Fire hydrants shall be installed every 500 feet and in accordance with the South Summit Fire District or as directed by the City Engineer.
3. Provisions for the Handicapped: Provisions for physically handicapped persons shall be provided in all new buildings as required by the Americans with Disabilities Act (ADA).
4. Construction Debris Removal: Any building construction on sites shall provide debris removal sufficient to facilitate the regular clean-up and removal of construction debris from the site. Each site shall be cleaned and all construction debris

removed on a weekly basis. Failure to comply with this ordinance, by allowing debris to accumulate on the premises, may result in the suspension of building permits, fines or such other appropriate penalties as the Kamas City Council shall direct.

5. Kamas City restricts the occupancy of buildings within developments. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the Kamas City Building Inspector.

15.21.070 Roads - Layout And Geometry

The design and arrangement and construction of all roads, public or private, shall be in conformance with the Kamas City Construction Specifications, the provisions in this Chapter, and any Kamas City Design Guidelines as adopted.

1. The arrangement of roads shall provide for the continuation of roads between adjacent properties when the continuation is necessary for the convenient movement of traffic, emergency or maintenance vehicles, or the efficient provision of utilities.
2. Proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.
3. Roads shall be designed to provide emergency access and egress for residents, occupants and emergency equipment providing width, curve radii and strength for emergency and maintenance vehicles used by or available to Kamas City.
4. Where the potential traffic impacts on the existing street system are considered to be great, or in the case of unique circumstances concerning topography or layout, or at the request of the city, the developer may be required to prepare a detailed traffic engineering study of the road system.
5. Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission and the City Engineer.
6. Roads are required to extend to the boundary of the development. A temporary paved turn around will be required until the road is extended for future use. (See Construction Standards)
7. The maximum length of any cul-de-sac shall not exceed eight hundred (800) feet and must be terminated by a turn-around easement of not less than one hundred twenty-five (125) feet in diameter. The turn-around shall be surfaced one hundred (100) feet in diameter and shall not exceed three percent (3%) grade. Surface water must drain away from the turn-around, except where surface water cannot be drained along the street due to the grade. Necessary catch basins and drainage easements shall be provided. The design concept for the remaining twelve and a half (12½) foot unpaved easement must be consistent throughout the subdivision and based on recommendation from the Kamas City Public Works and approved by the Kamas City Planning Commission. Any maintenance to the unpaved easement will be the responsibility of the property owners or Home Owners Association. The minimum street frontage along the circumference of the cul-de-sac shall be no less than forty (40) feet. The minimum lot width at the building line for the main building shall be at least one hundred (100) feet.
8. Lawful right of vehicular access must be demonstrated before the city will issue a building permit.
    a. The installation of curbs, gutters, and sidewalks shall be constructed according to the Kamas City Construction Specifications. Curb, gutters and sidewalks may be required as conditions of building or use permit approval.
    b. Every permanent dead-end street shall comply with the following requirements:
        i. Not to exceed 800 feet in total length.
        ii. End at a turnaround area having a radius no less than 50 feet and an asphalt surface.
        iii. Temporary dead-end street, intended as access to future development parcels, shall be a minimum of 100 feet in length (or as determined by the Planning Commission) and shall meet all of the other requirements for permanent dead-end streets set forth above.
        iv. Driveways, mailboxes, fire hydrants and all other obstructions at such turnaround areas shall be designed in such a way as to provide an area for piling snow.

15.21.080 Roads - Road Grades

1. Minimum road grades of 0.3 percent are required.
2. The maximum grade for roads in all zones is 5 percent, provided however, the City Council may grant variances to 8 percent for short distances up to 300 feet over a continuous lineal length of 2,000 feet when conditions warrant that traffic safety and economy of road maintenance can be secured.
3. Street grades at intersections shall not be greater than 2% for at least 50 feet.
4. Roadways and street grades exceeding 10% grade shall not be permitted.

15.21.090 Private Road Maintenance

A means of perpetual maintenance must be demonstrated to and approved by the Planning Commission and City Council before a private road is approved.

15.21.100 Street And Subdivision Names

1. Each street that is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name or number of such existing street. When any street forms a portion of a proposed street, it shall be surveyed, opened, widened or improved and given the same name or number.
2. Any street shall have the proper compass direction coordinate as approved by the city.
3. Developers are encouraged to conduct an investigation of local history regarding the names and references to geological and historical features located within or in close proximity to the proposed subdivision and wherever possible incorporate the historical names and references into the names and designations of the subdivision.

15.21.110 Driveways

1. No driveway shall exceed 200 lineal feet in length and/or 8% in grade.
2. Driveways serving single residential dwellings shall be a minimum of 12 feet wide. Driveways serving two residential dwellings shall be permitted only as recommended by the Planning Commission and shall be a minimum of 20 feet wide. No driveway shall serve more than two residences.

15.21.120 Utilities

1. Construction: All utility connections and lines shall be installed underground. Utility service available in other parts of Kamas City including electricity, telephone, and natural gas shall be developed in provided easements and shall extend to the property line of every lot within the subdivision.
2. Public Utility Easements: All public utilities shall be constructed in the 10' public utility easements. Multiple use on given easements is encouraged. The final recorded plat will note all easements.
3. Water: As a condition for single home or subdivision approval, the builder or subdivider shall install or cause to be installed the following improvements:
    a. A water main in front of each parcel in size, location and with appropriate valves as approved by the city after review and recommendation of the Planning Commission.
    b. Fire hydrants at intervals of not greater than 500 feet with each parcel not more than 250 feet from the nearest hydrant. In the event it is necessary to extend a water main so that the same fronts each parcel or to access fire hydrants within 250 feet of each parcel, then the cost of the water mains and hydrants shall be borne by the landowner who effectuates the subdivision of his/her property.
    c. As a condition of subdivision approval under this Chapter, the subdivider shall be obliged to dedicate or furnish to the city water rights approved by the State Engineer's office transferable into an existing or new well or stock in Beaver Shingle Creek Irrigation Company capable of increasing the city's ability to furnish water to the development.
4. Sewer: As a condition for single home or subdivision approval, the builder or subdivider shall install or cause to be installed the following improvements:
    a. A sewer main in front of each parcel in size, location and with appropriate manholes, as approved by the city after review and recommendation of the Planning Commission.

15.21.130 Landscaping

For specific landscaping requirements in each zoning district, see the respective Chapters of this Land Use Ordinance.

15.21.140 Public Improvement Bond

The developer shall warrant and guarantee the improvements by executing Kamas City's standard performance agreement and posting a bond, acceptable to the city for 110% of the value of the improvements constructed. The improvements provided for hereunder, and every part thereof, will be guaranteed to remain in good condition for a period of one (1) year, after the date of final acceptance by the City Engineer. The developer agrees to make all repairs to the improvements during the

guarantee period at no cost to the city. The guarantee period may be increased to two (2) years if final acceptance occurs between October 15th and April 30th or, if in the opinion of the city, the developer or the contractor's past performance has been substandard.

15.22 Sensitive Lands

15.22.010 Purpose
15.22.020 Application And Analysis Requirements
15.22.030 Sensitive And Regulations
15.22.040 Administrative Provisions
15.22.050 Design Standards
15.22.060 Tree And Vegetation Protection

15.22.010 Purpose

The purpose of this Chapter is to identify and coordinate the application of natural and scenic resource protection guidelines and standards; protect the health, welfare, and safety of the citizens of Kamas City; and minimize the potential degradation of natural and human-made resources by identifying the impact on sensitive areas. Sensitive lands include, but are not limited to:

1. Stream corridors, wetlands, and water shed and recharge zones.
2. Entry corridors and important vantage points as determined by the staff, Planning Commission and City Council.
3. Scenic view sheds, foothills, and ridgelines as determined by the staff, Planning Commission and City Council.
4. Natural or environmentally hazardous areas.
5. Slopes greater than ten (10) percent.
6. Wildlife habitat and fisheries.

15.22.020 Application And Analysis Requirements

Any proposed development, development activity or use located in or partially in sensitive lands require the following application and environmental impact studies, consisting of an analysis of each of the elements found in this Section and as designated by the Planning Commission. The studies shall follow all standards that apply in this Chapter and provide enough information to Kamas City to be able to reasonably designate the sensitive lands areas. No approval will be granted for any project located in the Sensitive Lands Overlay Zone or having lands as defined by this Chapter until the applicant has provided adequate mitigation measures to offset the development impacts.

1. Sensitive Lands Identification: Any applicant for project approval which contains sensitive areas as defined in this Chapter must produce a sensitive area analysis performed by qualified professionals as approved by Kamas City that identifies and delineates all the following features and conditions:
    a. Steep Slopes: A topographic map and slope analysis shall be prepared and based on a certified boundary survey and shall depict contours at an interval of five (5) feet or less. The map shall highlight areas of high geologic hazard, areas subject to landslides, and all slopes in the following categories:
        i. Less than ten (10) percent
        ii. More than ten (10) percent but less than thirty (30) percent
        iii. More than thirty (30) percent
    b. Ridgelines: The natural crest of a hill or mountain as viewed from major roads.
    c. Entry Corridors: Entry corridors shall include SR248, SR32, and Hwy 150.
    d. Wetland areas: Wetlands as delineated by the Army Corps of Engineers, Soil Conservation Service, or other applicable state or federal agency shall be indicated in the analysis.
    e. Stream Corridors: Stream corridors as defined by their ordinary high-water mark and riparian buffer shall be denoted.
    f. Wildlife Habitats and Fisheries: Delineation of all critical or sensitive wildlife and fisheries habitats shall be identified by the State Division of Wildlife Resources or other applicable agency.
2. Additional Information and Study Requirements: In addition to the analysis required by the preceding of this Section, the staff, Planning Commission or City Council may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the city has adequate information to comprehensively assess all development proposals in or containing sensitive lands. Such information and studies may include, but are not limited to:
    a. Visual assessment: Visual assessments of the subject property from designated vantage points as determined by the

staff and Planning Commission depicting conditions before and after the proposed development. The visual assessment shall include the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential visual impacts and identify most advantageous location for structures and other improvements to reduce any adverse scenic impacts. The visual assessment shall be conducted using techniques as approved by the staff and Planning Commission including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.

b. Soil Investigation Report: Including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action.
c. Geotechnical Report: Including but not limited to location of major geographic and geologic features, depth and types of bedrock, structural features (folds, fractures, faults, etc.), and historic and potential landslide and other high -hazard areas.
d. Additional Slope Information: If the size of the proposed development and visual sensitivity of the site dictate, the staff and Planning Commission may require the submission of a slope/topographic map depicting contours at an interval of two (2) feet.
e. Fire Protection Report: Including but not limited to identification of potential fire hazards, mitigation measures, and access for fire protection equipment, existing and proposed fire flow capability.
f. Hydrologic Report: Including but not limited to information on groundwater levels, natural and agricultural irrigation and drainage channels and systems, and base elevations in floodplains.
g. Wetland/Stream Corridor Resource Evaluation: Including a delineation of wetland and stream corridor boundaries.
h. Agricultural Analysis: An analysis addressing issues related to the Kamas City Right-to-Farm Ordinance. This analysis must address the effects of land use changes on vegetation, irrigation systems, range land quality, weed control, agricultural accesses and rights-of-way, and fire concerns.
i. Annexations: Whenever an Annexation Petition is presented to Kamas City, the applicant may be required to provide a Sensitive Lands Analysis according to the Land Use Ordinance and may require varying levels of detail based upon existing conditions of the site. The sensitive lands will be determined based upon that analysis. The analysis may lead to the designation of additional sensitive areas, significant ridgelines, wetland areas or vantage points which may not have been previously included as a part of this ordinance or on the accompanying maps.

3. Waiver/Modification of Analysis and Study Requirements: Based upon a preliminary assessment of the development proposal and a site field inspection, the staff, Planning Commission, or City Council may modify or waive any of the sensitive lands analysis requirements upon a determination that the information is not necessary for a full and adequate review of the development or is sufficient at a reduced level of detail.

15.22.030 Sensitive And Regulations

The following provisions shall apply to all delineated sensitive lands and areas contained in the Sensitive Lands Overlay Zone, or as identified in KMC 15.22.020. Areas identified as hazardous (geologic or natural hazards and high flooding potential) in studies and analysis requirements of this Chapter, will be deemed as undevelopable. The following Section regulates development on Sensitive Lands.

1. Slope Protection Regulations: The requirements in this Section are in addition to the regulations found elsewhere in this code. In the event of a conflict, the stricter of the two shall apply.

   a. Intent: It is the intent of these regulations to protect the visual integrity and environmental sensitivity of hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids cuts and fills, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of ten (10) percent.
   b. Prohibitions: No development shall be allowed on slopes in excess of thirty (30) percent, lands subject to landslides, regular flooding, soils deemed unsuitable for development, and other high-hazard geological areas, as determined by a geotechnical or soils report prepared pursuant to KMC 15.22.020 herein.
   c. Cut and Fill Slopes: Cutting and filling to create additional or larger building sites shall be avoided to the maximum extent feasible. All proposed grading and filling shall be subject to review by the City Engineer and City Planner to ensure minimum visual impact and geotechnical safety. Cut and fill slopes shall be limited to a 3 to 1 slope or less. All graded slopes shall be recontoured and revegetated to the natural, varied contour of the surrounding terrain.
   d. Streets: Street construction on hillsides can be the most visually disruptive portion of a development. Development in some areas may not be appropriate if access roads cannot be constructed without causing significant visual

impacts. The following standards apply for streets and roads, public and private, that are proposed to be constructed on steep slopes:

i. Streets that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the City Council upon a favorable recommendation of the Planning Commission and City Staff that such streets will not have significant adverse visual, environmental, or safety impacts.

ii. Where streets are proposed to cross slopes greater than ten (10) percent, the following standards shall apply:

(1) Evidence must be presented that such streets will be built with minimum environmental damage and within acceptable public safety parameters.

(2) Streets shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation.

(3) Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed by street construction.

e. Retaining walls: Use of retaining walls may be encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive for revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the City Planner, Planning Commission and City Engineer based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

f. Fencing: Any fencing placed in Sensitive Lands should respect existing land forms, follow existing contours, and blend into the natural setting of the site. Field fencing is encouraged. All fencing will be subject to review and approval of the City Staff and Planning Commission.

g. Landscaping and Revegetation: In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or revegetated in a manner acceptable to the City Planner, the Planning Commission and the City Engineer. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support native plant growth.

h. Location of Development: Any development permitted in steep slope areas pursuant to this Section shall be located in such a manner to reduce visual and environmental impacts to the maximum extent feasible. To determine the most appropriate location for development, the city shall require the applicant to conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon the analysis, the city may require any one or a combination of the following measures:

i. Clustering of development

ii. Dispersal of development

iii. Transfer of development density to non-sensitive or less sensitive portions of the site.

2. Ridgeline Area Protection Regulations

a. Intent: The intent of these provisions is to protect the unique visual and environmental character of all ridgeline areas within the Sensitive Lands Overlay Zone and to ensure that development near ridgeline areas blends in with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from the designated vantage points or major roads.

b. Minimum setback: No building, roof or other appurtenant device, including mechanical equipment, on any building may visually intrude on the ridgeline areas as viewed from any designated vantage point or major road as determined by a visual assessment.

3. Sensitive Lands Entry Corridor Protection

a. Intent: The intent of these provisions is to protect the visual image of Kamas City as people enter the community. The city would like to maintain the visual character of all designated entry corridors by eliminating or mitigating visually obtrusive development and ensuring that significant portions of open space remains intact.

b. Applicability to Future Annexed Properties: Upon submission of an annexation petition, the Planning Staff shall identify relevant sensitive lands in entry corridors for designation by the City Council.

c. Landscaping and Design Standards: A visual assessment showing proposed development layout including a landscaping plan shall be required for all entry corridor developments. All development within an entry corridor shall comply with the design standards contained in this code.

4. Wetlands and Stream Corridors

a. Intent: Wetlands and stream corridors provide important hydrological, biological and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands and streams can be lost or significantly impaired as result of various development activities. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts:

   i. Prohibited Activities: No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, within wetlands or stream corridors and their respective setbacks, except as may be expressly allowed herein.
   ii. Boundary Delineation: Wetland and stream corridor delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by Kamas City. Delineation of wetlands shall be established using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Stream corridors shall be delineated at the ordinary high water mark and riparian buffer as defined in KMC 15.02 of this land use ordinance.
   iii. Setbacks: Setbacks from wetlands shall extend a minimum of fifty (50) feet outward from the delineated wetland edge. Setbacks from stream corridors, including the Weber-Provo Diversion Canal shall extend a minimum of one hundred (100) feet outward from the ordinary high water mark. Setbacks from irrigation ditches shall extend a minimum of fifty (50) feet from the ordinary high water mark.
   iv. Runoff Control: All projects adjacent to wetlands and stream corridors shall provide appropriate temporary and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible. These control systems must be approved by the City Engineer.
   v. Restoration Projects: Kamas City may approve wetland and stream corridor restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate State and Federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

5. Wildlife Habitat and Fisheries

   a. Wildlife habitat and fisheries provide important biological and ecological, aesthetic, recreational and educational functions. Important functional values of wildlife habitat and fisheries can be lost or significantly impaired as a result of various development activities. The following standards shall apply to any development which has the potential of adversely affecting critical wildlife or fishery habitats including winter range, migration corridors, birding areas and fisheries.

      i. Reasonable steps shall be taken to minimize such impacts which may require the clustering of development in the least-sensitive portions of the development site.
      ii. Development layout shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries.

15.22.040 Administrative Provisions

All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, communication facilities and cables, roads, and trails, constructed or undertaken within Sensitive Lands shall be reviewed according to the following process and guidelines. It is the intent of this Section that proposed public utility projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations.

The project sponsor shall notify Kamas City of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall also be submitted. Minor projects which are determined by city staff to have no potential for significant visual or environmental impacts shall be exempt from the process.

1. Mitigation: The city staff shall review the proposed project and may request the project sponsor to prepare an environmental impact statement or mitigation plan that addresses and/or mitigates the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive areas and locate structures and facilities in areas not visible from major public rights-of-way or public property such as parks.
2. Emergency Repairs: In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the city. The city shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

3. Maintenance: Maintenance projects shall proceed only after notification and approval by city staff. If staff, due to the size or nature of the maintenance activity, determines that a significant adverse impact may result in sensitive areas, the project shall proceed through the review procedures set forth herein.

15.22.050 Design Standards

All private development within Sensitive Lands shall comply with the following design standards which supplement, and supersede in the case of a conflict, any design standards in effect and adopted by Kamas City.

1. Building Color and Material: All buildings shall be constructed with muted earth tone color materials that reflects the dominant color of the surrounding vegetation or background.
2. Parking: Subdivision lots and streets shall be designed so that wherever possible parking is located behind buildings on the uphill lots. Uses other than single family residences shall break up parking areas into smaller lots that should be located in linear strips running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural or natural elements.
3. Rooftop Mechanical Equipment: All rooftop mechanical equipment must be screened so as not to be visible from nearby properties or hillsides above the equipment.
4. Roof Pitch, Color, and Materials: The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case shall not exceed a height to horizontal ratio of 10/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12. Roofs shall be a dark, muted earth tone color in a shade of gray, brown, or black that reflects the dominant color of the surrounding vegetation or background.
5. Underground Utilities: All utility lines in steep slope developments shall be underground, except that the city may allow above ground utilities if burying would result in severe damage to significant vegetation or sensitive environmental areas.
6. Outdoor Lighting: Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding. Fixtures shall be located in such a way that the light source will not be visible when viewed from public areas and streets beyond the immediate lighted areas.

15.22.060 Tree And Vegetation Protection

The following provisions and mitigation measures are required as enhancements to existing regulations contained in this code. These regulations will apply to new and existing subdivisions in the sensitive lands, including the following criteria to be used in establishing limits of disturbance.

1. Establishing Limits of Disturbance: Limits of disturbance may be required of any development including the construction of a single family dwelling in sensitive lands or any property found to contain sensitive lands. The limits of disturbance will be established using the following criteria:
    a. Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline protection areas, and protection of entry corridors and scenic viewsheds.
    b. Erosion protection and control, including but not limited to protection of natural drainage channels.
    c. Fire protection and safety, including but not limited to location of trees and vegetation near structures.
    d. Irrigation and water conservation.
    e. Wildlife and fisheries habitat, including but not limited to, preservation of critical vegetation, migration routes, winter range, birding areas, and stream corridors.
    f. Stream and wetland protection and buffering.
2. Tree or Vegetation Removal: No trees or vegetation within sensitive lands shall be removed for the purpose of providing open views to or from structures on a site.
3. Revegetation Plan: All applicants proposing development in sensitive lands involving cut and fill and graded slopes shall submit a revegetation and landscaping plan for city approval. The plan shall include the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured with sufficient topsoil to ensure revegetation. The plan shall also indicate a time frame for revegetation which is acceptable to the city. Retaining walls shall be used to provide breaks in manmade steep slopes exceeding ten (10) percent and to provide planting pockets.
4. Financial Security: All applicants proposing development in sensitive lands shall submit surety by performance bond, cash bond, or other security approved in writing by the city attorney satisfactory to Kamas City in the amount of 110% of the value of a bona fide contract for the proposed revegetation project.

Upon completion of the approved revegetation project, the developer/owner of any development will be refunded 10% of the security submitted. The remaining balance of the value of all revegetation will remain in force for a period of twenty-four (24) months from the date of completion. The bond shall be released, if at the end of twenty-four (24) months, the city finds that all required revegetation is properly installed, maintained, and living.

15.23 Conditional Uses

15.23.010 Purpose
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15.23.010 Purpose

The conditional use process is intended to provide greater flexibility in land uses while at the same time preserving neighborhood character and assuring compatibility between the conditional uses, the permitted uses and the uses on adjoining properties, and the community at large. Conditional uses will be subject to review and may be allowed subject to conditions imposed for the purpose of preserving the character of the zoning district and mitigating potential adverse affects of the conditional use. Where conditions of the use cannot be devised to satisfactorily mitigate adverse impacts of the conditional use, the application for a conditional use approval shall be denied.

15.23.020 Conditional Use Permit Required

A Conditional Use Permit shall be required for all land uses allowed as Conditional Uses in the zoning district regulations of this Land Use Ordinance. The Conditional Use Permit must be granted before a Building Permit, business license, Certificate of Occupancy, and/or the excavation or alteration of property for the proposed land use commences. A conditional use permit runs with the land.

15.23.030 Application

Only property owners or their duly authorized agents shall make application for a Conditional Use Permit on forms prepared by the Kamas City Planning Department. No Conditional Use application may be processed without the submission of the application, all the supporting materials as required by this Chapter and the processing fee. The City Planner and/or Planning Commission may determine and require that additional items not listed herein be submitted in order to evaluate the proposed conditional use application. Incomplete applications shall not be processed under any circumstances. When a Site Plan is required by this Ordinance, the Site Plan application may be processed concurrently with a Conditional Use application.

A list of items that may be required as a part of the conditional use process are:

1. Ownership Affidavit: A document detailing all covenants, grants of easement or other deed restrictions applicable to the site and an ownership affidavit shall be submitted.
2. Vicinity Map: A vicinity map showing the general location of the subject parcel.
3. Concept Plan: A concept plan including the existing features within two hundred (200) feet of the proposed site plan property line, including but not limited to natural drainages, topography, buildings, ingress and egress points, landscaping areas, pedestrian paths, names of surrounding property owners and their respective locations.
4. Survey or legal description: The survey prepared and stamped by a Utah registered land surveyor listing the metes and bounds, legal description and the gross acreage within the subject parcel.
5. Site Plan: A site plan is required and must be prepared and stamped by a licensed and/or certified professional.
6. Fencing and Screening: Fencing and/or screening may be required to minimize the impact of certain conditional uses on adjoining properties. This may be handled on a case by case basis.
7. Landscaping Plan: A landscaping plan indicating the location, spacing, types and sizes of landscaping elements, and showing compliance with the Kamas City's off-street parking requirements, and the requirements of the appropriate zoning district.
8. Grading, Drainage, Snow Storage and Erosion Plan (where applicable): A grading, drainage, snow storage and erosion plan shall be submitted containing the following information:

a. The existing roadways, drainage ways, vegetation and hydrological conditions of a ten (10) year twenty-four (24) hour event and a one hundred (100) year twenty-four (24) hour event.
b. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
c. The sub-basin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
d. Adequate areas for on-site snow storage/removal must be determined prior to approval of the conditional use permit.
e. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.
f. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from storm water.

9. Lighting Plan: A lighting plan, which indicates the illumination of all interior areas, and immediately adjoining streets showing the location and direction of lighting at the property lines, and all types of lighting proposed. Non-glaring, energy efficient lighting in encouraged.
10. Elevations: Elevations of all buildings, fences and other structures viewed from all sides indicating heights of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials.
11. Traffic Impact Study: A traffic impact study may be required if it is estimated by the City Engineer that the project could generate trips for any given time period in excess of twenty-five (25) percent of the existing volume of traffic on adjacent street systems or at their professional discretion.
12. Signage Plan: A signage plan shall be submitted in accordance with KMC 15.25 of this Land Use Ordinance.
13. Public Notice: Addressed and stamped envelopes of property owners located within one thousand (1000) feet of the proposed Conditional Use.
14. Fee: The processing fee required by the current Kamas City Fee and Rate Schedule.

The required items shall be determined at the pre-application conference as stated in KMC 15.23.040(1).

15.23.040 Process

The approval process for a Conditional Use Permit shall be as follows:

1. Pre-application conference between staff and applicant to determine the nature of the use and general nature of conditions that might be imposed.
2. Filing of application, site plan and application fee.
3. Review of application with staff.
4. Notice: Upon receipt of a complete application and fees, the City Planner shall schedule the application for a public hearing before the Planning Commission. A copy of the public notice of the hearing shall be posted in the local paper and/or three (3) public places at least ten (10) days prior to the public hearing and/or the City Planner shall cause all property owners within one thousand (1000) feet of the boundaries of the proposed application area to be notified by first class mail of the time and place of the public hearing at least three (3) days prior to the Planning Commission meeting.
5. Public hearing: The Planning Commission will review each application and may approve, approve with conditions, or deny the application based upon finding of the facts. The Planning Commission may also defer action if an applicant fails to appear at the Commission meeting or there is insufficient application information provided. The Planning Commission shall recommend approval or denial of the proposed conditional use to the City Council for their review.
6. City Council review: The City Council may approve, amend and approve or deny the conditional use as recommended by the Planning Commission.

15.23.050 Standards

Kamas City shall not issue a Conditional Use Permit unless the Planning Commission concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

1. General Review Criteria — In reviewing an application for a Conditional Use Permit, the Staff and Planning Commission shall review, but not limit their review, to the following considerations and standards:

a. The site of the structure or use, and in particular:

i. Adequacy of site: The adequacy of the site to accommodate the proposed use or building and all related activities.
ii. Screening: The location and possible screening of all outdoor activities.
iii. Adjoining Uses: The relation of the proposed building or use to any adjoining building with particular attention to protection of light, air, peace and quiet.
iv. Displays and Signage: The location and character of any display of goods and services and the size, nature and light of any signs.
v. Traffic circulation and parking, and in particular:

(1) Street: The type of street serving the proposed use in relation to the amount of traffic expected to be generated.
(2) Access: The adequacy, convenience, and safety of provisions for vehicular access and parking including the location of driveway entrance and exits.
(3) Truck traffic: The amount, timing, and nature of associated truck traffic.

b. The impact of the proposed building or use on surrounding uses, and in particular:

i. Impact of Patrons: The number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of public importance such as schools, libraries, playgrounds, religious or cultural meeting halls, and hospitals.
ii. Hours of Operation
iii. Off-site Effects: Adequacy of provisions for the control of any offsite effects such as noise, dust, odors, light, or glare, etc.
iv. Special Hazards: Adequacy of provisions for protection of the public against any special hazards arising from the intended use.
v. Public Convenience: The degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity.

2. Optional Conditions — Applicants for Conditional Use Permits shall meet all applicable requirements of this Chapter. In addition, the Planning Commission may establish conditions and requirements as part of the approval that address concerns regarding safety for persons and property, health and sanitation, nuisances, master plan proposals, and neighborhood needs. Specifically, the Planning Commission may require:

a. Conditions Relating to Safety of Persons and Property

i. Flooding: Building elevations and grading plans, which will prevent, or minimize flood water damage, where property may be subject to flooding.
ii. Attractive Nuisances: The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
iii. Increased Setbacks: Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety and to prevent nuisances to adjacent properties.
iv. Geological Hazards: Appropriate engineering, design, construction, and location of structures, buildings, and facilities, and limitations and/or restrictions on the use and/or location of uses due to slope or other special site conditions, including but not limited to geologically hazardous areas; flood plains, fault zones, and landslide areas.
v. Lighting: Limitations and control of the number, location, color, size, height, type of lighting, and landscaping of outdoor advertising signs and structures that may present traffic hazards or interfere with adjacent properties.
vi. Delivery Locations: Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
vii. Hours of operation: Delivery hours to be taken under consideration.
viii. Construction of Improvements: Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.
ix. UDOT approval.

b. Conditions Relating to Health and Sanitation

i. Culinary Water: A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the City Council
ii. Wastewater: A wastewater disposal system and a solid waste disposal system meeting standards adopted by the

City Council

iii. Sizing of Utilities: Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.

iv. Letter of approval or consent from other utility providers including but not limited to sewer, phones, gas, etc.

c. Conditions Relating to Environmental Issues

i. Pollution: Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.

ii. Dust and Erosion: The planting of ground cover or other surfacing to prevent dust and erosion.

iii. Restoration of Land: Restoration of the land and planting of the same as directed by the Planning Commission when the Conditional Use involves cutting and/or filling the land, and where such land would be adversely affected if not restructured.

d. Conditions Relating to Compliance with the Intent of the General Plan and Characteristics of the Vicinity or Neighborhood.

i. Removal of Incompatible Materials: The removal of structures, debris, or plant materials incompatible with the intended characteristics of the zone outlined in this Chapter.

ii. Screening: The screening of yards or other areas as protection from obnoxious land uses and activities.

iii. Landscaping: Landscaping to insure compatibility with the intended characteristics of the zone as outlined in this Chapter.

e. Inspection — Following issuance of a Conditional Use Permit by the City Council, the city staff shall ensure that development is completed in compliance with the Conditional Use Permit and Building Permit. The Planning Commission may request that Conditional Use applications be placed on their agenda for review to ensure compliance with the conditions or requirements of approval as necessary. Failure to comply with the conditions or requirements of approval may result in the revocation of the Conditional Use Permit.

3. Specific Review Criteria For Certain Conditional Uses — In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses:

a. Adult/Sexually Oriented Businesses — The purpose and objective of this Chapter is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas detrimental to the health, safety and welfare of Kamas City, and to prevent inappropriate exposure of such businesses to the community. This Chapter regulates the time, place, and manner of the operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions.

i. No adult/sexually oriented business may be located within six hundred feet (600') of any:

(1) School, day care facility, cemetery, public park, library, or religious institution,
(2) Residential zoning boundary, or
(3) Liquor store.

ii. For the purposes of this Section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:

(1) The closest exterior wall of another adult-oriented business,
(2) The closest property line of any school, day care facility, public park, library, cemetery or religious institution, and
(3) The nearest property line of any residential zone.

b. Animal Hospital/Kennel — Each application for a business license for an animal hospital or kennel must be accompanied by an application for a Conditional Use Permit if the use is listed as a conditional use for the zone. A site plan, drawn to scale, showing the building lot and dimensions, building locations, landscaping, existing trees and shrubbery and off-street parking facilities shall also be submitted. In addition to the general criteria contained in this Section, the following apply:

i. Facilities Design: The facilities have been designed to minimize impacts to adjoining and/or adjacent property owners and uses, including number of animals, noise and odor, and are in compliance with these regulations and other local, state or federal facility requirement, if any. Buildings, runs, pens, enclosures, stables, and corrals housing agricultural animals shall be set back at least thirty feet (30') from any property line and shall

be at least fifty feet (50') from any residential structure.

ii. Environmental Health: Animal waste and wastewater are properly disposed of and potential disease vectors are controlled.

iii. Supervision and Record Keeping: The facilities will be adequately supervised, and records kept in accordance with all local, state and federal ordinances, laws, and rules and regulations.

iv. Animal Welfare: Proper attention has been paid to animal welfare, including isolation as necessary, veterinary services, escape prevention and emergency evacuation.

v. Licensure: Applicant has properly applied for or received all required local, state and/or federal required licenses, if any.

vi. Fencing: Adequate fencing will be installed to contain the animals housed within the facility.

c. Auto, truck, RV, ATV, Snowmobile Sales & Rental — Each application for a business license to operate an auto, truck, RV, ATV, Snowmobile Sales & Rental business shall comply with the following:

i. Hours of operation will be limited to reasonable business hours to minimize noise and other impacts to adjoining and/or adjacent property owners.

ii. Sufficient loading/unloading zone will be located on-site.

iii. Display/storage of vehicles and merchandise will be contained on-site.

d. Child Care Facility/Center/Preschool — Each application for a child care facility, center or preschool must include and comply with:

i. Proof of application for state child care license.

ii. Compliance with state, federal and local law.

iii. A parking/drop-off zone and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or center).

iv. Childcare providers as a home occupation may not exceed eight (8) children, 12 years of age or younger, including the provider's own children at any given time.

v. Childcare providers as a home occupation may not provide services for more than 2 infants under the age of two at any given time.

e. Dwelling, Twinhome or Multi-Family — Each application for multi-family residential development must be accompanied by an application for a Conditional Use Permit. All procedures and design standards must be in compliance with the provisions as outlined in KMC 15.11 of this land use ordinance.

f. Height Limit Exceptions — The height regulations do not apply to the following structures or projections, provided such structures or projections are set back a horizontal distance at least equal to their height from any property line:

i. Water towers, antennas, utility poles, church steeples, chimneys, farm silos, windmills, flagpoles, or other similar structures.

ii. Rooftop structures such as ventilating fans and other mechanical appurtenances.

In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

g. Intermittent Commercial Uses — The occasional use of dwellings, community buildings, private clubs, lodges, social or recreational establishments and/or their accessory buildings for commercial purposes may be allowed upon receiving a conditional use permit and provided that there is compliance with the provisions of this Section. The following standards shall apply to all intermittent commercial uses in addition to any conditions the City Planner deems necessary and desirable to protect the public health, safety and general welfare.

i. The building proposed for the intermittent commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and fire codes.

ii. A business license from Kamas City is required to conduct an intermittent commercial use.

iii. Adequate off-street parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site.

iv. The use does not cause noise, light, or glare which adversely impacts surrounding uses.

h. Home Occupation — Each application for a business license for a home occupation shall include the owner's agreement that the proposed use:

i. Shall not include outdoor storage, nor parking/storage of any vehicle in excess of twelve thousand pounds (12,000 lbs) gross vehicle weight.

ii. Shall not include identifying signage in excess of a six (6) square foot name plate, attached to the dwelling.

iii. Shall not alter the residential character or appearance of the dwelling or neighborhood.
iv. Shall not occupy more than twenty-five percent (25%) of the dwelling.
v. Shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour.
vi. Shall not cause a demand for municipal services in excess of that associated with normal residential use.
vii. Shall be enclosed within a structure in complete conformity with current International Building Code as adopted by Kamas City.
viii. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV storage yard, junkyard, auto repair service, commercial stable or adult oriented business.

i. Landscape Services — Each application for a business license for landscape services must be accompanied by an application for a Conditional Use Permit. The following standards must apply for each application:

i. All loading and unloading zones will be designated to off-street areas.
ii. All materials will be stored on site.
iii. Ample off-street parking will be provided for customers and staff.
iv. Adequate security must be supplied by the applicant.

j. Outdoor Recreational Activities — Each application for a business license for Outdoor Recreational Activities must be accompanied by an application for a Conditional Use Permit. In addition to the general criteria contained in this Section, the following conditions shall apply:

i. Hours of operation will be limited to reasonable business hours to minimize noise and other impacts to adjoining and/or adjacent property owners.
ii. Dust and odors will be kept to a minimum.
iii. Designated trails will be provided.
iv. Landscaping will be provided to minimize impacts to neighboring property owners.
v. Must be in compliance with all state and federal safety regulations.
vi. The applicant will be required to show proof of sufficient liability insurance.

k. Public Utility Stations — Public utility stations shall meet the following requirements:

i. Each station shall be located on a lot not less than 2,000 square feet in area.
ii. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
iii. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards should equal those required for a single family residence in the same district.

l. Recreational Vehicle Park — Each application for a business license for a Recreational Vehicle Park must be accompanied by an application for a Conditional Use Permit. All procedures and design standards must be in compliance with the provisions as outlined in KMC 15.13 of this land use ordinance.

m. Telecommunications Facility — The purpose of this Section is to establish general requirements for the siting of wireless telecommunications facilities. The intent is to:

i. Encourage the location of facilities in non-residential areas.
ii. Minimize the total number of monopole facilities throughout the community.
iii. Encourage the joint use of new and existing communications sites.
iv. Encourage providers of facilities to locate them where the adverse impact on the community is minimal.
v. Encourage providers of facilities to use innovative design to minimize adverse visual impact.
vi. Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.

The Building Inspector may require each non-maintained or abandoned telecommunications facility to be removed from the building or premise when such a facility has not been repaired or put into use by the owner or agent within ninety calendar days after notice of non-maintenance or abandonment is given to the owner or agent. The applicant shall post a site specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined upon review by the City Council on a case by case basis.

n. Temporary Outdoor Use Temporary vendors must:

i. Notify the city of date, place and duration of their intended use along with permission in writing from the property owner or event organizer.

ii. Have the use setback five feet (5') from any public street, sidewalk, or right-of-way. Setback distance on corner lots shall be twenty-five feet (25').
iii. Last no longer than 72 hours.

o. Towing/Impound Yard — It shall be unlawful for any person to conduct, maintain or operate a towing/impound yard within Kamas City unless such person shall first obtain a Conditional Use Permit, comply with all the standards and conditions required by such approval, and comply with all other required city, county, state and federal regulations.

i. All towing and impound yards shall be surrounded by a solid visual barrier fence that complies with state regulations for all frontages along a public street and between zoning districts. These visual barriers may be increased in style, height or durability as determined by the Planning Commission. The intent of this requirement is to screen the vehicle storage areas from outside of the property.
ii. All towing and impound yards shall hard surface the entire vehicle storage parking and maneuvering areas with concrete, asphalt or approved engineered dustless surface.
iii. All towing and impound yards shall not add to the contamination of the soil or alter ground water flow in such a way that creates hazards to the proposed site, adjoining properties, or the City.
iv. Permanent landscaping shall be designed and installed that complies with the requirements of the underlying zone.
v. Towing and impound yards shall be maintained free of organic waste or inappropriately stored flammable materials.
vi. All towing and impound yards shall hold a current Kamas City Business License.
vii. Identification and business signage shall be in compliance with KMC 15.26 of the Kamas City Land Use Ordinance.

15.23.060 Noncompliance

1. The City Council may revoke the Conditional Use Permit of any person upon finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The city shall send notice of noncompliance as a warning. If the conditions of the permit are not adhered to in a timely manner, the CUP will be revoked and the holder of the permit shall immediately cease any use of the property which was based on the Conditional Use Permit.
2. If the city revokes any permit under this Section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the appeal with the City Recorder within ten (10) days of the date of the notice that the city has revoked the Conditional Use Permit.
3. Upon receipt of the appeal, the City Council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than ten (10) days after the time that the City Recorder received the appeal. The city shall supply the permit holder of the time, date and place of the hearing at least ten (10) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

15.23.070 Expiration

Conditional Use Permits that comply with the conditions and requirements of approval shall continue to be valid. Changes in the land use regulations shall not cause the approved Conditional Use Permit to be revoked. In these cases, the approved Conditional Use Permit shall be classified as a non-conforming Conditional Use Permit and shall be allowed to continue unless it is abandoned for a period of twelve (12) months or more. A change in tenancy, ownership or management of a Conditional Use shall not affect the status of a Conditional Use nor shall such a change be interpreted to permit a departure from the conditions of approval and the approved plans.

Action authorized by a Conditional Use Permit must commence within one (1) year of the time the permit was issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.

15.23.080 Review

All conditional use permits may be reviewed annually or as often as deemed necessary to ensure compliance with the conditions placed upon the permit at the time of issuance.

15.24 Landscape Standards

15.24.010 Purpose
15.24.020 Application Of Standards
15.24.030 Landscaping Provisions
15.24.040 Financial Security
15.24.050 Screening
15.24.060 Parking Area Landscaping
15.24.070 Planting Requirements

15.24.010 Purpose

The Landscape Standards are designed to improve the appearance and design quality of Kamas City, encourage a more attractive environment along city streets, improve the city's quality of life, buffer potentially incompatible land uses from one another, improve the functionality and quality of site planning, improve storm water management, and increase the value of properties within the city. The landscape and screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping that apply equitably to all developments and to provide for effective administration and enforcement, assuring that landscaping is properly installed and maintained.

15.24.020 Application Of Standards

The provisions of this Section shall apply to all new development within the General Commercial, Heavy Commercial, Manufacturing, Entry Corridor Commercial, and Multi-family Residential zones on each lot or site upon application for a building permit, except for the following:

1. Single family residential development.
2. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
3. Remodeling or improvements to existing uses or structures that do not substantially change the location of structures, parking, or other site improvements.

15.24.030 Landscaping Provisions

All applications for land development covered by this ordinance must submit a landscape plan that must be approved through the Kamas City Planning Commission before the development may proceed. The landscape plan is kept on file by the Planning Department and becomes part of the permanent record for the site. The landscape plan must contain information complete enough to demonstrate the design of landscaping and associated features. The plan shall contain the following information at a minimum:

1. Overall site plan, indicating the location of major site features, structures, parking, site circulation, public streets and rights-of-way, pedestrian circulation, site amenities, and other features.
2. Existing plant materials, including location, size, species, and condition, and indication whether existing materials will remain or be removed.
3. Planting plan, including location of all materials, size, and scientific and common name of each material. The planting plan includes the location and type of all ground covers, including non-living materials, and all other landscape features and structures.
4. Location and design of all screening elements required by this ordinance.
5. Grading plan showing berms, landforms, and stormwater management facilities.
6. A development obligation statement that establishes the responsibility of the developer to install landscaping and irrigation according to these regulations.
7. A maintenance obligation statement, signed by the applicant, defining responsibility for ongoing maintenance of specific areas, including public rights-of-way, private on-site improvements, and stormwater management facilities.

15.24.040 Financial Security

All landscaping shown on the approved landscape plan shall be installed within twelve (12) months of the effective date of the Certificate of Occupancy. The developer will submit surety by performance bond, cash bond, or other security approved in writing by the city attorney satisfactory to Kamas City in the amount of 110% of the value of a bona fide contract to install the landscaping and screening. Such contract shall be submitted to the city along with the surety at the time of application for

the Certificate of Occupancy. The developer or owner shall grant the city express written permission to enter upon the site to cause the installation of required landscaping and screening if this has not been completed within twelve (12) months of the effective date of the Certificate of Occupancy.

Upon completion of the approved landscaping and screening, the developer/owner of any development will be refunded 20% of the security submitted. The remaining balance of the value of all landscaping and screening will remain in force for a period of twenty-four (24) months from the date of completion. The bond shall be released if at the end of twenty-four (24) months, the city finds that all required landscaping is properly installed, maintained, and living.

15.24.050 Screening

1. Application Screening — is required between adjacent zoning districts when one or more of the following conditions in the more intensive zoning district is directly visible from and/or faces either the boundary of the less intensive zoning district or public right-of-way:
    a. Outdoor storage areas or storage tanks, unless otherwise screened.
    b. Loading docks, refuse or trash collection points or dumpsters, and other service areas.
    c. Major machinery or areas housing a manufacturing process.
    d. Outdoor major on-site traffic circulation areas or truck and/or trailer parking.
    e. Sources of glare, noise, or other environmental effects.
    f. Bailing or stockpiling of cardboard or other shipping or packaging materials.
2. Screen Design — A screen of at least six feet in height, including walls, fences, berming, or landscaping shall be provided that prevents direct visibility of the conditions listed in this Section from less intensive uses or public streets. The screen may include the following; a wood, brick, stone, masonry, stucco, concrete composite fence or wall at least six (6) feet in height. Property owners will be responsible for the maintenance of all screening material.
3. Screening shall not adversely affect surface water drainage.
4. The finished side of any fence or wall providing screening shall always be oriented toward the public street or adjacent property.

15.24.060 Parking Area Landscaping

1. Each parking lot shall provide a minimum landscaped buffer of ten (10) feet along any street property line.
2. Any parking facility which abuts property in a residential district shall provide a fence, wall or landscape screen not less than six (6) feet in height for the length of the common boundary.
3. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk.
4. Each parking area of over 3,000 square feet shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. No more than 20 spaces may be provided in a single row of parking without an intervening planting bed or island. Licensed automobile dealerships do not require interior landscaping. The Planning Commission may apply a maximum of fifteen percent of landscaping and/or aesthetic treatment with specific findings for each project.
5. No landscaping or other materials that attain a height of more than four (4) feet shall be planted within the Site Vision Triangle.

    When an area provides parking spaces for more than 15 cars, a minimum of 5% of the total area of the parking lot shall be used for landscaping and/or aesthetic treatment.

    Approval of the plan is required by the Planning Commission.

15.24.070 Planting Requirements

For specific landscaping requirements in each zoning district, see the respective Chapters of this Land Use Ordinance.

15.25 Parking Standards

15.25.010 Purpose
15.25.020 Application Of Standards
15.25.030 General Provisions
15.25.040 Minimum Parking Standards

15.25.050 Location
15.25.060 Use Of Off-Street Parking By Another Building
15.25.070 Plan Of Parking Areas
15.25.080 Landscaping
15.25.090 Lighting
15.25.100 Screening
15.25.110 Americans With Disabilities Act - Accessible Parking Requirements

15.25.010 Purpose

To provide uniform regulations and standards for residential and commercial developments within Kamas City.

15.25.020 Application Of Standards

The minimum standards for off-street parking requirements shall be mandatory for all new construction and expansion of existing uses.

15.25.030 General Provisions

Off-street parking shall be provided in accordance with the following requirements:

1. Off-Street Parking Space Required: The minimum off-street parking spaces as outlined in this Chapter along with adequate provisions for ingress and egress by standard-size automobiles and adequate loading facilities shall be provided for any use of land or main building or structure in the city. These facilities shall be provided at the time the use is established or the building erected. Businesses already established are exempt from these regulations.
2. Location of Off-Street Parking: Parking areas as required by this Chapter shall be located on the same lot as the main building or structure.
3. No Parking Reduction: Space for off-street parking being used in connection with an existing building shall not be reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off-street parking, but shall be maintained in perpetuity as long as the requirement for said off-street parking is needed.
    a. Tandem Parking: (Parking two vehicles end to end) Tandem parking shall not be allowed except for single-family dwellings. In this case, the parking space shall be within the driveway area in the required yard.
    b. Enlargements: No building or structure shall be enlarged, altered, or converted unless there is provided and thereafter maintained for such building and its use, a minimum number of parking spaces as herein required in each district.
    c. Uses not Mentioned: In the case of a use not specifically mentioned herein, the requirements for the most similar use, which is so mentioned, shall apply. The decision of the City Council, as recommended by the Planning Commission, as to what is the most similar use shall apply.

15.25.040 Minimum Parking Standards

Required off-street parking shall be provided for in each zoning district. The minimum size of each parking stall shall be 9’x18’ (162 sq. ft.).

15.25.050 Location

The parking area should be provided on the same property as the principal building.

15.25.060 Use Of Off-Street Parking By Another Building

Up to twenty-five (25) percent of the parking facilities required for a use considered to be primarily a day-time use may be provided by the parking facilities for a use considered to be primarily a night-time use. Such reciprocal parking areas shall be contiguous and the joint use of such facilities must be assured by covenant of the owner(s) of said properties and recorded in the Summit County Recorder’s office. The use of joint parking will only be allowed in the General Commercial and Entry Corridor Commercial Zones.

15.25.070 Plan Of Parking Areas

For any parking area, plans should be submitted to the Kamas City Planner for review and recommendation to the Planning Commission.

15.25.080 Landscaping

Each parking area of over 3,000 square feet shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. No more than 20 spaces may be provided in a single row of parking without an intervening planting bed or island. Licensed automobile dealerships do not require interior landscaping. The Planning Commission may apply a maximum of fifteen percent of landscaping and/or aesthetic treatment with specific findings for each project.

15.25.090 Lighting

Proper parking lot lighting design takes into consideration pole height, pole spacing, lumen output, fixture type, and lumen depreciation. The lighting designer shall be concerned with the amount of foot candles available in the parking lot, and should achieve the required levels through a variety of designs. Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

1. Maximum light distribution: The maximum allowed average horizontal luminance level is two candles with a 4:1 uniformity ratio over the site.The spacing distance between poles will be equal to approximately four (4) times the height of the pole.
2. Pole wattage/design/height. Luminaire mounting height is measured from the parking lot surface (finished grade) and may range from fifteen (15’) feet to a maximum of twenty-five(25’)feet based on the following review criteria:
   a. review of the site plan
   b. proposed land use
   c. surrounding land uses
   d. size of the parking area
   e. size and use of the building
   f. location of the site with respect to other lighting sources
   g. impacts to adjacent properties
   h. other site features.
3. Parking area wattage/design standard:

Lamp Wattage	Pole Height
100-150 watt	10 ft.
150-200 watt	10-20 ft.
200-250 watt	15-25 ft.

4. An application for development of off-street parking areas must contain the following:
   a. Plans indicating the location, type,and size of proposed poles; and
   b. Installation and electrical details.

15.25.100 Screening

For each boundary line of a business parking area abutting directly on a residential use, there shall be a wall or opaque fence six feet in height except where setback requirements and site distance requirements would limit it.

15.25.110 Americans With Disabilities Act - Accessible Parking Requirements

Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the disabled, and these shall be clearly marked as such. Parking spaces for the disabled shall be located in close proximity to the principal building. The designation of parking spaces for the disabled shall constitute consent by the property owner to the enforcement of the restricted use of such spaces to disabled motorists by the City. Parking spaces for the

disabled shall conform to the standards of the Americans with Disabilities Act. The number of required parking spaces accessible to the disabled shall be as follows:

ADA Required Total Parking Minimum number in Lot of Accessible Spaces

1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2 % of total
1001 and over	20, plus 1 for each 100 over 1000

1. Except as provided in (b), access aisles adjacent to accessible spaces shall be 60” (1525 mm) wide minimum.
2. One in every eight accessible spaces, but not less than one, shall be served by an access aisle, 96” (2440 mm) wide minimum, and shall be designated “van accessible” as required by law.

15.26 Sign Ordinance

15.26.010 Purpose
15.26.020 Applicability
15.26.030 Application And Procedure For Sign Permits
15.26.040 General Provisions
15.26.050 Permanent Sign Specifications By Type
15.26.060 Temporary Sign Specifications By Type
15.26.070 Definitions
15.26.080 Existing Conforming, Noncomforming, Illegal And Allowable Signs
15.26.090 Violations, Enforcement And Appeals

15.26.010 Purpose

The purpose of these rules and regulations are to provide uniform sign standards and regulations in order to insure public safety and to promote a positive city image reflecting order, harmony and pride, and thereby strengthening the economic stability of Kamas’ business, cultural, historical, and residential areas.

15.26.020 Applicability

1. General: Signs shall be allowed within Kamas City according to the regulations contained in this Chapter. It shall be unlawful to erect or otherwise display a sign, including but not limited to symbols, markings and other advertising devices, without complying with the applicable terms and provisions of this Chapter.
2. Sign Permit Required: Prior to erecting, constructing, placement, relocation, alteration, and/or modification of any permanent or temporary sign or banner, a sign permit shall be obtained from the City except as exempted in this Section. Such application for sign permit shall be subject to standards, procedures, and other requirements of this Chapter.
3. Interest on the Premises: Signs in any zones shall identify or advertise only products, services or business establishments that are located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.
4. Permit Exemptions: The following signs are exempt from permit requirements of this Section, but shall conform to specifications and definitions as noted:

a. Signs erected by a government or public agency approved through resolution in the public right-of-way, including but not limited to posting or display of an official notice by a public agency, and public utility signs for directional, warning or information purposes;
b. Signs and notices required by a public agency to be posted on private property according to local and state code;
c. Any sign inside a building not visible from the exterior of a building;
d. Signs, business names or logos affixed to the body or window of licensed, registered vehicles that are used for normal day-to-day operations of businesses, regardless of whether the businesses are located within Kamas City, except as prohibited under this Section;
e. Merchandise displayed in windows that does not involve copy;
f. Campaign signs located on private property pertaining to a specific election displayed not earlier than forty-five (45) days prior to the election and removed within five (5) days after the election.
g. Holiday decorations that are noncommercial signs or other materials temporarily displayed on the traditionally accepted, civic, patriotic and/or religious holidays, provided such decorations are maintained in safe conditions, and do not constitute a fire hazard.
h. Incidental signs.
i. Real estate signs in conformance with this Section.
j. Yard Sale signs, community organization sponsored and private residential, limited to posting 24 hours in advance and removed the following day.
k. One (1) gas filled light tube (neon or facsimile) per business, provided it does not exceed four (4) square feet and it is displayed from the inside of the building.
l. Other interior signs, visible from the exterior of the building not to exceed four (4) square feet.

5. Prohibited Signs: The following signs shall be prohibited in all zoning districts:

a. Signs located within any public street, right-of-way, or other public property, except as allowed in this Chapter.
b. Signs with intermittent or flashing illumination, animated or moving signs (including handheld signs) and video/television/computer displays visible from any public street, right-of-way or other public property.
c. Any sign located so as to conflict with the clear visibility of public devices controlling public traffic or to impair the safety of a moving vehicle by distracting the vision of the driver.
d. Signs placed in or affixed to vehicles and/or trailers that are parked so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity.
e. Signs emitting sound.
f. Any inflatable object used for promotional or sign purposes.
g. LED lighting in conjunction with signage when the source is visible, except when used with holiday decorations.
h. Beacons.
i. Home occupation signs.

15.26.030 Application And Procedure For Sign Permits

The following shall apply to all signs proposed in all zoning districts:

1. General Sign Permit:

a. Application: A completed sign permit application on a form furnished by the City and applicable fee(s) set by resolution of the Kamas City Council shall be filed by the applicant with the City.
b. Procedure: The City may request modifications to or additional information for any sign application for purposes of achieving compliance with the sign code regulations. The applicant may be required to meet with the Planning Commission for review of the sign permit application. The City shall approve, approve with conditions, or deny the sign permit application within 30 days of receipt of all requested information.

2. Master Signage Plan for New Construction:

a. Application: A Master Signage Plan shall be submitted for any new construction for all hotels, commercial, industrial or mixed use projects.
b. Procedure: The Planning Commission shall consider and decide on the Master Signage Plan.
c. Individual Tenant Sign Permits Required: Following approval of a Master Signage Plan, separate sign permits shall be required for all new signs prior to installation following the application and procedure for General Sign Permit contained in this Section.

3. Existing Multi-Unit/Tenant and Commercial Buildings:

a. Application: Existing multi-tenant buildings and other commercial buildings shall submit a Master Signage Plan

when any tenant applies for new signage, except when new signage remains consistent with existing signage for the building.

b. Procedure: Master Signage Plans for existing buildings shall be considered and decided by the City Planner and/or Planning Commission.
c. New Businesses in Existing Buildings: A new business in a multi-tenant building must comply with a previously approved sign plan, unless a new sign plan for all tenants is submitted and approved.

15.26.040 General Provisions

The following shall apply to all signs proposed in all zoning districts:

1. Safety
   a. All signs shall be structurally sound and maintained in accordance with all applicable provisions of the International Building Code edition currently adopted by Kamas City.
   b. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel or poses a hazard to pedestrians or vehicles.
2. Computations
   a. Sign Area: Sign area shall be measured as the area contained within the smallest polygonal shape that will enclose both the copy and the background. Sign copy mounted as individual letters or graphics against any part of a building or structure that does not have a distinct background, shall be measured as the sum of the smallest polygonal shape that will enclose each word and graphic.
   b. Sign Height for Freestanding and Sandwich Board/A-frame Signs: The height of a sign shall include the frame, if any, and be computed as the distance from the base including feet of the sign at normal grade to the top of the highest attached component of the sign.
3. Size Permitted by Use
   a. For all commercial and mixed uses, the total combined area of all signs on each building street frontage shall be based on the building's lineal street frontage. Each building street frontage with direct customer access is permitted one square foot of signage for every three feet of lineal street frontage, not to exceed a total of sixty-four (64) square feet.
4. Sign Lighting Regulations
   a. External illumination of signs shall be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible from any adjacent public right-of-way, surrounding property, or motorist's view.
   b. Internal lighting or back lighting shall be limited to letters or logos provided the sign background and other sign elements are not so lit.
   c. Gas-filled light tube (neon or facsimile) signs with tubes exposed to view may be utilized inside the premises provided they are not visible from any public right-of-way, street, surrounding property or motorist's vision except as allowed by KMC 15.26.020(4)(k). One (1) gas filled light tube (neon or facsimile) per business, provided it does not exceed four (4) square feet, displayed on the outside of the building requires a sign permit.
   d. LED lighting may be utilized provided the light source is recessed and not directly visible from any adjacent public right-of way, surrounding property, or motorist's vision.
5. Signs Overhanging Public Rights-of-Way: All signs, awnings, and marquees allowed to overhang a public right-of-way shall be subject to Building Code compliance, release of City liability, maintenance, safety, removal upon demand of the city, and other conditions at the time of permit issuance and prior to installation. The sign permit shall constitute an agreement between the applicant and the City concerning the public right-of-way.

15.26.050 Permanent Sign Specifications By Type

The following categories of permanent signs shall comply with the applicable specifications and shall be counted toward the total permissible signage specified in KMC 15.26.040(3).

1. Awning or Marquee Signs: (requires sign permit)
   a. Signs are only allowed to be on the valance or front face of the awning.
   b. All awning signage shall be calculated into the total signage allowed per business or service.
   c. Lettering for awning and marquee signs shall not exceed a height of eight (8) inches.

d. The height and width of the awning or marquee copy shall be limited to 80 percent of the area of that face of the awning or marquee.
e. Awnings may only contain signage regarding the business or service located within.

2. Banner Signs (secured): (requires sign permit)

a. Shall be firmly affixed at the top and bottom on all corners to the building or fence on premises.
b. Located on private property and shall not encroach into any public right- of-way.

3. Wall Signs: (requires sign permit)

a. Any building facade shall not have a wall sign larger than forty (40) percent of the unbroken facade area.
b. No part of the sign may extend higher than the lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eave line or fascia and rake fascia of a gable, gambrel, or hipped roof.
c. Wall signs may be mounted or painted on the gable wall as long as the top of the sign does not extend above any part of the fascia.

4. Window Signs: (requires sign permit)

a. Window signs shall not occupy more than twenty-five (25) percent of the total area of a single window surface on a window or door.
b. Window signs may only contain signage regarding the business or service located within.
c. Any sign located inside a building within three (3) feet of an exterior window shall be counted as a window sign.

5. Projecting Signs: (requires sign permit)

a. Projecting signs shall not extend more than four (4) feet from the building.
b. The lowest point of a projecting sign that hangs over a sidewalk,plaza,or pedestrian walkway shall be at least eight (8) feet above the grade of the sidewalk or pedestrian walkway.
c. Only one projecting sign shall be allowed per store front entrance.
d. The maximum thickness of a projecting sign shall be six (6) inches.
e. No part of the sign may extend higher than the lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eave line or fascia and rake fascia of a gable, gambrel, or hipped roof.
f. Sign copy may change without additional permitting provided the dimensions remain the same as originally applied for and permitted; and shall not be considered a temporary sign or a “changeable copy sign”.

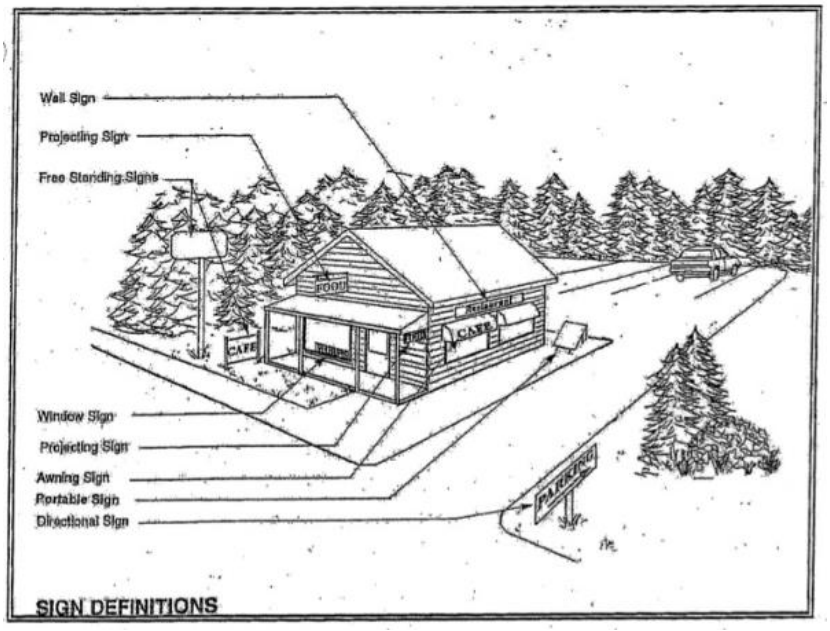
6. Pole Signs: (requires sign permit)

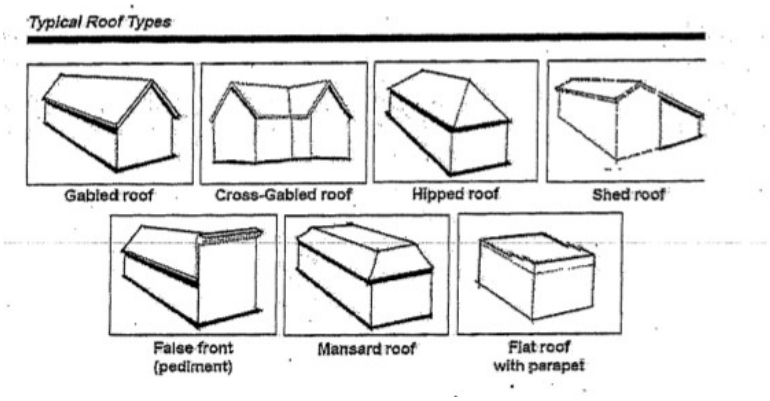
a. Pole signs of the dimensions allowed in this Section may be located within the front or side yard of a property.A twenty-five (25) foot clear zone shall be maintained between any portion of the sign and any street corner, street intersection, curb-cut or driveway. The 25 foot clear zone shall be measured to the nearest edge of the driving surface of the street corner, street intersection, curb-cut or driveway.
b. The maximum total sign area for all pole and monument signs on any one lot shall not exceed one-half square foot of sign area for each lineal front footage of the principal building, existing or under construction with an approved and valid building permit, but not to exceed sixty (60) square feet on each side and shall be included in total sign area allowed.
c. Maximum height shall be twenty-five (25) feet measured from normal grade to the highest attached component of the sign.
d. Maximum width shall be eight (8) feet.
e. Either one (1) pole or one (1) monument sign is permitted per building street frontage.
f. If the pole sign serves multiple tenants, then the name of the building or the development and the major tenants within the building or development may be provided on the sign.
g. The area surrounding a pole or monument sign shall be landscaped.

7. Monument Signs:(requires sign permit)

a. Monument signs may be located within the front or side yard of a property near driveway and pedestrian entrances. A twenty-five (25) foot clear zone shall be maintained between any portion of the sign and any street corner, street intersection, curb-cut or driveway.
b. Maximum height shall be eight (8) feet including the base measure from finished grade to the highest portion of the monument.
c. Maximum width shall be eight (8) feet.
d. If the monument sign serves multiple tenants,then the name of the building or the development and the major tenants within the building or development may be provided on the sign.

e. Monument signs shall have a character and style that is consistent with the building.
f. The area surrounding a monument sign shall be landscaped.





15.26.060 Temporary Sign Specifications By Type

The following categories of temporary signs shall comply with the applicable specifications and shall not be counted toward the total permissible signage specified in KMC 15.26.040(3), except as required below.

1. Sandwich Board or A-frame Signs: (requires sign permit)
   a. One (1) sign per business with maximum six (6) square feet signable area per side, and limited to two sides.
   b. Maximum two (2) feet in width by three (3) feet in height measured from grade and excluding feet that shall not exceed twelve (12) inches.
   c. Area shall not be included in total signage allowed per use.
   d. Placement allows for a minimum 5 foot free and clear zone where setback area is required for pedestrian travel.
2. Temporary Signs and Banner Signs: (requires sign permit)
1.
   a. Shall not be counted toward the total size of permissible signage specified in KMC 15.26.040(3).
   b. Maximum thirty (30) square feet. No more than one temporary sign or banner shall be allowed per business at any one time.

c. Maximum height shall be the second story of the building the sign is displayed on.
d. Minimum clearance of eight (8) feet to the bottom of the sign from finished grade.
e. Displayed on private property for a maximum of thirty (30) days in a calendar year.
f. Located on private property and shall not encroach into any public right- of-way.

2. Construction Site Signs: (requires sign permit)

a. Limited to one (1) freestanding or wall sign along one street frontage located on private property.
b. Maximum total sign area shall not exceed thirty-two (32) square feet.
c. Not illuminated.
d. Graphic design may be painted on construction barricade (in addition to construction sign area) provided it does not identify or advertise a person, product, service or business.
e. Display no sooner than receipt of a valid building permit for the project.
f. Removed either upon issuance of certificate of occupancy, or on such date the building permit is no longer valid.

3. Real Estate Signs:

a. Real estate for sale, rent or lease and sold signs: (exempt)

i. Limited to one (1) unlit sign per unit; building; and parcel of land for sale, rent or lease.
ii. Does not exceed twelve (12) square feet total allowing six (6) square feet on each of two (2) sides maximum in any residential zoning district and twenty (20) square feet total allowing ten (10) square feet on each of two (2) sides maximum in any commercial, industrial or mixed use district.
iii. Removed within 10 days of sale, rent or lease.

b. Real estate open house sign: (exempt)

i. Limited to one (1) unlit sign per site per event per street frontage on-site.
ii. May be sandwich or A-frame type in compliance with specifications in this Section or temporary banner type in compliance with specifications in this Section.

15.26.070 Definitions

A-Frame Sign: A temporary and/or portable sign constructed with two (2) sides attached at the top allowing the sign to stand in an upright position.

Animated Sign: A sign, excluding an electronic changeable copy sign, which involves motion or rotation of any part by mechanical or artificial means or which displays flashing or intermittent colors and lights. Prohibited.

Area of Sign/Sign Area: Writing, representation, emblem or other graphic display, mounted or painted on a distinct background, but not including the supporting structure.

Awning: A roof-like structure constructed of canvas, vinyl or similar material placed over a frame so as to extend outward from a building providing a protective covering for doors, windows and other openings.

Awning or Marquee Sign: A horizontally oriented sign that is printed on an awning or mounted on a marquee.

Banner, Secured: A sign intended to be hung on a frame, secured at the top and the bottom on all corners, applied to plastic or fabric of any kind, excluding official flags and emblems of political organizations.

Banner, Unsecured: A temporary sign on plastic or fabric of any kind which is not secured.

Beacon: Any light with one or more beams directed at the sky or at points not on the same lot as the source and also any light with one or more beams that move. Prohibited.

Building Identification: A sign that identifies the name of the building only. If the name of any occupant of the building is the same as the building name, the size is included in the total for that business. Building identification signs are limited to one (1) sign per building.

Campaign/Political Sign: A temporary sign advertising a candidate or candidates for public elective office or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election decided by ballot or a temporary sign expressing political opinion. Exempt.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign.

Conforming Sign: A sign that exists as of the effective date of this ordinance which complies with the standards set forth in this Chapter.

Construction Site Sign: A sign identifying individuals or companies involved in designing, construction, financing or developing a site.

Copy: Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

Directional Sign: A sign which serves as a directional guide through or to areas, events, building uses, or structures and contains no advertising copy.

Electronic Changeable Copy Sign: A sign containing a computer generated message such as a public service, time, temperature and date, or a message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lamp bank or message facility. The term “electronic changeable copy sign” shall not be defined as a type of “animated sign” or “flashing sign”.

Face of Sign: The area or display surface of a sign on which copy and/or graphics and background is placed.

Fascia and Rake Fascia: The horizontal member or surface at the edge of a projecting or sloping roof.

Flag, Corporate: A flag identifying the name and/or logo of the business or corporation on the premises where the flag is displayed. The dimensions of the flag are to be included in the total signage area allowed.

Flag, Official: A flag of a government or governmental agency.

Flashing Sign: Any directly or indirectly illuminated sign that exhibits changing light or color effects by any means whatsoever. Prohibited.

Free and Clear Zone: A portion of a sidewalk that is unobstructed and allows for the free flow of pedestrian traffic.

Freestanding Sign: A sign affixed to a supporting structure that is independent from any building or other structure and may be visible on a maximum of two sides.

Gable Sign: A projecting or wall sign mounted to the gable wall of a building.

Government or Public Agency Sign: A sign erected and maintained by the city, county, state or federal government, or required by law, ordinance or other governmental regulation. Exempt.

Height (of a Sign): The largest vertical distance from the base, including feet of the sign at normal grade, to the top of the highest attached component of the sign.

Height, Sign Face: The maximum vertical distance between the top and the bottom of a sign face.

Holiday Decoration Sign: A temporary sign, in the nature of decoration, clearly incidental to and customarily and commonly associated with any holiday. Exempt.

Incidental Sign: A sign generally informational, that has a purpose secondary to the use of the lot on which it is located, such as ‘no parking’, ‘entrance’, ‘loading only’, and other similar directives. Exempt.

Internally Lit/Back Lit Sign: A sign wholly or partially lighted by a source that is inside of or behind a sign face made of translucent material.

Master Signage Plan: A comprehensive signage plan for multi-tenant commercial and industrial, multi-unit residential and mixed use developments that may include but is not limited to directional, way-finding within the development, building identification, and business or tenant identification signage.

Monument Sign: A freestanding sign of eight (8) feet or less in height on an ornamental base identifying a subdivision or development which has multiple suites, offices, tenants, lots or units. These signs must be set back at least four (4) feet from any state or city street right-of-way.

Non-Conforming Sign: A sign that legally exists or was approved on or before the effective date of this Ordinance which does not comply with the applicable standards set forth in this Ordinance.

Off-Premise Sign: A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered at a location other than the premises on which the sign is erected. Prohibited.

Parapet: An extension of a vertical building wall above the line of the structural roof.

Permanent Sign: A sign that is permanently mounted or affixed to the ground or a building and intended to be displayed for an unlimited amount of time.

Pole Sign: A freestanding sign other than a monument sign, erected and maintained on a mast or pole and not attached to any building.

Projecting Sign: A maximum double-sided sign that projects more than six inches perpendicular to a building facade or wall and hangs from a mounted wall brace or is suspended from, and located entirely under a covered porch, covered walkway, awning, balcony, arcade or colonnade. Projecting signs are primarily oriented toward pedestrians.

Real Estate Sign:A temporary sign related to the property upon which it is located and offering such property for sale or lease.

Roof Sign: A sign affixed on, above or over the roof of a building so that it projects above the roofline. Prohibited.

Sandwich Board/A-frame Sign: Signs that are designed to be transported and are not permanently affixed to a building, structure, or the ground. Real Estate Sandwich Board Signs. Exempt.

Sign: Any object, device, display or structure, or part thereof using graphics, symbols and/or written copy which is used to advertise, identify or attract attention to an object, person, institution, organization, business, product, service, event or location.

Temporary Sign: A sign that is not permanently mounted or affixed to the ground or a building and intended to be displayed for a limited amount of time and does not include sandwich board or A-frame/portable board signs. (See permit requirements. See for specification for temporary signs.)

Unbroken Façade: A continuous portion of a wall of a building, located above or beside a window or door and unbroken by doors, windows, or other architectural features, and measured either vertically or horizontally, whichever is less.

Wall Sign: A sign that is attached to and erected parallel or approximately parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one surface for display/advertising.

Window Sign: A sign that is applied or attached to the exterior or interior of a window or otherwise displayed for the purpose of being visible through a window from the exterior of a building. All lettering or graphics that cover more than ten (10) percent of the total transparent window and are more than four (4) inches in height or width are considered a window sign.

Yard Sale Sign: A sign advertising a single private sale generally at a residence or sponsored by a community organization. Exempt.

15.26.080 Existing Conforming, Noncomforming, Illegal And Allowable Signs

1. Existing Conforming Signs: Existing conforming signs with a valid sign permit on file with Kamas City may be replaced in its exact form (same graphics, symbols or copy, color, material, size, etc) or relocated, as is, by amending the existing sign permit, without paying an additional application fee and shall not be subject to the provisions of this Section.
2. Legally Nonconforming Signs: Any sign conforming to the prior sign regulations which is not in conformance with this Chapter:

a. May not be replaced, except with an approved permit for the new conforming sign;
b. May not be changed in text or logo (except changeable copy signs);
c. May not be expanded, moved or relocated; and,
d. Shall be removed if there is a change in occupancy on the premises.

3. Illegal Signs: Any Sign that did not comply with sign regulations in existence at the time the sign was erected is an illegal sign and shall be removed within ten (10) days of notice.
4. Allowable Sign Types: Sign types not specifically allowable as set forth within this Chapter are prohibited.

15.26.090 Violations, Enforcement And Appeals

1. Violations: Violation of this ordinance may be punishable by citations, fines, and/or the loss of a Kamas City Business license. Any business and/or person who violates this ordinance or fails to comply with any of its requirements within the allotted time (ten working days) may be fined in a sum of $100 per day with a maximum fine of $1000 per violation. Noncompliance in excess of the ten days will result in the loss of business license.
2. Responsibility for Good Repair: It shall be the responsibility of the business and/or property owner to keep signs in a good state of repair at all times. Nonconforming signs may be repaired and maintained provided the repairs are for the sole purpose of maintaining the sign to its original condition and does not increase the degree of nonconformity.
3. Unsafe Signs: Any sign which has been determined to be unsafe by the Building Inspector and/or the Planning Department or which has been constructed, erected or maintained in violation of this Chapter, must be repaired, made safe, made in conformance with this ordinance, or removed within ten (10) working days after receipt of certified notice from Kamas City. Failure to respond to remedy the violation is unlawful and the business and/or property owner will be guilty of a misdemeanor. The City reserves the right to remove and seize any sign should it not be in conformance with this ordinance after the final certified notice date.
4. Interpretation: The Kamas City Planning Commission has the authority and duty to interpret the provisions of the Chapter at the request of the City Planner or when a written appeal from a decision of the City Planner is filed.
5. Appeals: Applicants may appeal the City Planner's decision within 15 days of the date of said decision. The appeal shall be directed to the next regular meeting of the Planning Commission at which agenda time is available and notice requirements can be met.

15.27 Supplementary Development Standards

15.27.010 Purpose
15.27.020 Location Of Boats, Boat Trailers, And Travel Trailers
15.27.030 Location Of Mobile Homes
15.27.040 Abandoned, Wrecked, Or Junked Vehicles
15.27.050 Storage Of Commercial Vehicles - Residential Zones
15.27.060 Existing Panhandle Lots
15.27.070 Nonconforming Uses And Noncomplying Structures
15.27.080 Violations, Enforcement, And Appeals

15.27.010 Purpose

The purpose of this Chapter is to provide for miscellaneous land development standards which are applicable throughout Kamas City regardless of the zone. The requirements of this Chapter shall be in addition to the property development standards contained within the provisions of each respective zone. The provisions of this Chapter shall prevail over conflicting provisions of any other Chapters herein.

15.27.020 Location Of Boats, Boat Trailers, And Travel Trailers

Boats, boat trailers, or travel trailers may not be placed, kept, or maintained within the front yard areas of any zone, except that such boats or trailers may be located anywhere on the lot, except a corner lot for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a bona fide guest of the occupants of the premises.

15.27.030 Location Of Mobile Homes

It shall be unlawful for any person to place, keep, or maintain or permit to be placed, kept, or maintained, a mobile home upon any lot, piece, or parcel of land within Kamas City except in a mobile home park or mobile home subdivision with the

following exceptions:

1. A mobile home may be placed as a single-family dwelling in a residential or agricultural zone, provided the placement thereof meets all of the provisions of this land use ordinance; and that all applicable standards as set forth in KMC 15.12 of this land use ordinance are complied with.
2. A mobile home may be temporarily placed or stored upon a lot, except in the clear vision area, for a period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a bona fide guest of the occupants of the premises.
3. A mobile home may be placed upon the rear half of a lot in a residential zone during the construction of a permanent residence, provided the following conditions are met:
    a. A building permit for construction of the permanent residence has been issued prior to location of the mobile home on the site.
    b. That said mobile home remains on the site only until final inspection is granted on the permanent residence, and in no event for a period exceeding one (1) year.
4. A mobile home may be used for a temporary construction office on the site of the construction of a building only until said building or buildings are completed and a final inspection is granted, and ten (10) days thereafter.
5. A mobile home may be located for temporary expansion of a commercial or industrial use legally existing on any site if first approved by the City Council and under the following conditions:
    a. That said mobile home shall be allowed for a maximum period of one (1) year, with a possibility of one (1) renewal by the City Council for a maximum additional period of one (1) year upon request of the property owner.
    b. That said mobile home shall be located in a side yard or rear yard area only and not in the front yard of a permanent building, and that it shall be made as inconspicuous as possible.

15.27.040 Abandoned, Wrecked, Or Junked Vehicles

It shall be unlawful to park, store, or leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part(s) thereof, which is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within Kamas City limits for a period of time in excess of seventy-two (72) hours, except that two (2) or less such vehicles or parts thereof may be stored if within a building or placed behind an opaque screening fence.

The accumulation and storage of more than two (2) such vehicles or part(s) thereof, on private property shall constitute a nuisance detrimental to the health, safety, and welfare of the inhabitants of Kamas City. It shall be the duty of the owner of such vehicle or part(s) thereof or lessee or other person in possession of private property upon which such vehicle or part(s) thereof is located, to remove the same from such property.

15.27.050 Storage Of Commercial Vehicles - Residential Zones

No trucks, motor vehicles, or commercial trailers which exceed the capacity of one and one-half (1.5) tons shall be stored or parked on any lot or parcel within any residential zone, nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in a residential zone.

15.27.060 Existing Panhandle Lots

Panhandle lots are no longer allowed in Kamas City. Previously platted panhandle lots are subject to the following requirements:

1. The handle of the lot must be paved a minimum of ten (10) feet in width by the length of the handle.
2. The home shall be a maximum of one-story in height.
3. The home shall meet existing setbacks for the zone.

15.27.070 Nonconforming Uses And Noncomplying Structures

1.
    a. Except as provided in this Section, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.
    b. A nonconforming use may be extended through the same building, provided no structural alteration of the building

is proposed or made for the purpose of the extension.

c. Any addition or expansion to a noncomplying structure cannot add to the nonconformity. Any addition must meet current zoning standards and setbacks.

d. For purposes of this Section, the addition of a solar energy device to a building is not a structural alteration.

2. The legislative body may provide for:

   a. The establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;

   b. The termination of all nonconforming uses by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and

   c. The termination of a nonconforming use due to its abandonment.

3.

   a. A municipality may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

   b. A municipality may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:

      i. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or

      ii. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that housed the nonconforming use.

   c. Any addition or expansion to a noncomplying structure cannot add to the nonconformity. Any addition must meet current zoning standards and setbacks.

15.27.080 Violations, Enforcement, And Appeals

Many code violations present either a threat to the public health and safety or a threat to the character of a neighborhood or an area. These violations need to be effectively addressed before serious ramifications occur.

1. Threats to public health and safety include, but are not limited to unsafe structures; miscellaneous debris that includes household garbage; environmental contaminants and/or hazards; and appliances with unsecured doors.
2. Threats to the character of an area include, but are not limited to, operating a commercial or industrial business that results in outside storage in a residential zone; noise or odors affecting the residential use of neighboring properties; commercial or industrial businesses operating in such a manner as to affect the ability of adjacent businesses to conduct their pursuits.

Violation of any City ordinance may be punishable by citations, fines, and/or (in the case of a business) loss of a Kamas City Business license. Any business and/or person who violates this ordinance or fails to comply with any of its requirements within the allotted time (ten working days) may be fined in the sum of $100 per day with a maximum fine of $1000 per occurrence.

15.28 Assisted Living/Senior Living Overlay

15.28.010 Purpose Of Assisted Living And Nursing Care Overlay Zone
15.28.020 Purpose Of Senior Housing Overlay Zone
15.28.030 Consideration For Rezone
15.28.040 Uses
15.28.050 Development Standards
15.28.060 Fencing
15.28.070 Parking
15.28.080 Landscaping
15.28.090 Specific Review Criteria For Assisted Living And Nursing Care
15.28.100 Compliance With Subdivision Procedure

15.28.010 Purpose Of Assisted Living And Nursing Care Overlay Zone

The purpose of the Assisted Living and Nursing Care Overlay Zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that health and human services are appropriately located throughout the community and that neighborhood diversity is permitted without ignoring legitimate concerns regarding impacts on surrounding residential areas, and to further the objective of federal law by integrating health and human service facilities into normal surroundings.

15.28.020 Purpose Of Senior Housing Overlay Zone

The purpose of the Senior Housing Overlay Zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that Senior Citizens can continue to contribute to the community without having heavy yard care maintenance and without ignoring legitimate concerns regarding impacts on surrounding residential areas.

15.28.030 Consideration For Rezone

In considering a request to rezone a parcel as an Assisted Living and Nursing Care Overlay Zone or a Senior Housing Overlay Zone, the Planning Commission and City Council shall consider the following:

1. The harmony and compliance of the proposed location of the overlay zone with the objectives and requirements of the Kamas City General Plan and Kamas City Land Use Ordinance.
2. Whether or not the application of the Overlay Zone may be injurious to potential or existing development within the vicinity.
3. The current development or lack of development adjacent to the proposed location and the harmony of the proposed location with the existing uses in the neighborhood.
4. The proposed location in proximity to the major arterial or collector streets.
5. The compatibility of the proposed location or facility of the overlay zone with the density analysis of the underlying zone and neighboring development.
6. The economic impact of the proposed facility or use on the surrounding area.
7. A demonstrable need for Health and Human Services Facilities or Senior Housing in the area of the proposed location.
8. It shall be the Kamas City Council's sole discretion to decide if a project should be an Assisted Living and Nursing Care or Senior Housing Overlay within the intent of the ordinance as noted above.

15.28.040 Uses

The following uses shall be permitted:

1. In the Assisted Living and Nursing Care Overlay Zone
    a. Assisted Living Facilities
    b. Congregate Living Facilities
    c. Nursing Care Facility
2. In the Senior Housing Overlay Zone
    a. Single or attached dwelling (not more than two attached) intended to be used as Senior Housing and excluding families with children under the age of 18 living with parents or legal custodians.
    b. Home Occupation shall be permitted.
    c. Accessory apartments will not be permitted in the Senior Housing Overlay Zone.

15.28.050 Development Standards

Minimum Lot and Development Standards

	Area	Density	Setbacks	Height
Assisted Living and Nursing Care Overlay	2-4 acres	1 resident/1,500 sf of lot area	Front: 25' from back of curb Side: 15' Rear: 5', 20' next to residential	27' max*

Senior Housing Overlay	2-6 acres	24 units max 6 units/developed acre	Front: 25’ from back of curb Side: 15’ Rear: 5’, 20’ next to residential	27’ max*

*Chimneys, flagpoles, church towers and other similar structures in excess of 27’, not used for human occupancy may be allowed on a case by case basis with a Conditional Use Permit.

The following development standards and regulations shall apply to all developments with the Assisted Living/Nursing Care or Senior Housing Overlay Zone:

1. As part of the submittal, the applicant shall submit a management plan for the operation of the project, which plan shall include provisions to limit occupancy to elderly persons. Each project shall be under one management.
2. Restrictive Covenants: The developer of a development within the Assisted Living and Nursing Care or Senior Housing Overlay Zone shall be required to establish restrictive covenants to limit occupancy to elderly persons and assure that the uses approved for the development will be maintained. Such covenants shall be recorded to run with the land to insure against conversion to less desirable land uses. Kamas City shall be party to the restrictive covenants and shall be able to enforce the restrictive covenants if necessary. The restrictive covenants cannot be changed or modified without the permission of the City.
3. Occupancy Restrictions: Occupancy of each unit shall be limited to individuals who qualify as elderly persons provided that occupancy by individuals who do not qualify as an elderly person may be permitted, where the non-qualified person is the spouse of a qualified elderly person, or the non-qualified person is required in order to provide essential assistance to the resident elderly person. Not more than one (1) non-qualified person shall be permitted to occupy a unit.
4. Private travel ways shall provide safe and convenient vehicular movements to and from all off street parking spaces. Private travel ways shall not be less than 20 feet width of asphalt.
5. Utilities (Within the Senior Housing Overlay)
    a. Culinary Water: Each dwelling unit shall be serviced by Kamas City’s water system. The City may require individual water connections and meters for each unit or at their discretion authorize the use of oversize connections and a master meter for the project. Each unit shall be equipped with an easily accessible shutoff valve.
    b. Sewer: Each unit shall be connected to the City’s sewer system either by an individual or common lateral, whichever is determined applicable by the City.
    c. All utility systems shall be placed underground.

15.28.060 Fencing

Walls and/or fences in the Assisted Living/Senior Housing Overlay Zone shall be erected with a type of material to be approved by the Planning Commission. A screening wall of not more than six feet (6’) shall be erected on the property line separating zoning districts. All fences along city streets will be required to be four feet (4’).

Fencing

Clear Vision Restriction *(See definition)	Setbacks	Height
25’	Front:0’ Side:0	Front:Solid 4’ Side:6’ Rear:6’

15.28.070 Parking

Parking standards in KMC 15.25, Parking, also apply to the following on-site parking requirements. Lighting standards are required for lots that require more than 25 spaces and are outlined in KMC 15.25.090.

Parking

USES	PARKING REQUIREMENT
Assisted Living Facility	1 space per 3 residents

Congregate Living Facility	1.5 spaces per dwelling unit
Nursing Care Facility	1 space per 3 residents
Senior Housing	2 spaces per dwelling unit

15.28.080 Landscaping

Landscaping shall be of the same general character or better than yards in the neighborhood. Not less than 30% of the project shall be landscaped for the use and benefit of the residents. Land proposed to be used for parking, pedestrian walkways, and driveways shall not be included in meeting this landscaping requirement. A complete landscaping plan shall be provided at the time of preliminary review of the project showing a minimum of two (2) trees with a caliper of two (2) inches and ten (10) one-gallon shrubs per dwelling unit. For Senior Housing, professional maintenance must be provided.

15.28.090 Specific Review Criteria For Assisted Living And Nursing Care

1. No person who is being treated for alcoholism or drug use or who is violent will be placed in a residential facility for elderly persons.
2. Placement in the facility is on a strictly voluntary basis and is not part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
3. The operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.
4. Prior to occupancy of an assisted living or nursing care facility, the person or entity licensed or certified by the Department of Human Services or Department of Health to establish and operate the facility shall:
    a. Provide a copy of such license or certification to the City and
    b. Certify in a sworn affidavit to the City that no person will reside or remain in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or result in the substantial physical damage to the property of others
5. The assisted living and nursing care facility shall comply with all health and safety codes applicable to that type of building and use.
6. The use permitted by this Section is non-transferable and shall terminate if:
    a. The facility is devoted to a use other than permitted in the assisted Living and Nursing Care Overlay Zone.
    b. The license or certification issued has been terminated or revoked.
    c. The facility fails to comply with these conditions.

15.28.100 Compliance With Subdivision Procedure

All proposed development within the Assisted Living and Nursing Care or Senior Housing Overlay Zones shall be reviewed and approved in accordance with Kamas City's Subdivision Ordinance. Once the Planning Commission has given a favorable recommendation of the applicant's concept plan and the proposed zone change, the concept plan and zone change will be forwarded to the City Council for approval. After the City Council approves the concept plan the applicant will continue the planning process in accordance with the subdivision ordinance. The City Council shall continue to move forward with the applicable zone change. The actual zone change will coincide with City Council's approval of the final plat.

All proposed development within the Assisted Living and Nursing Care or Senior Housing Overlay Zones shall go through the Zone Change process to have the property zoned for the proper overlay. Planning Commission will review the proposed zone change along with the concept plan and send a recommendation to the Kamas City Council.

Development Agreement: All developments within the Assisted Living and Nursing Care or Senior Housing Overlay Zones shall have a development agreement outlining the terms and conditions of approval.

15.29 Agricultural Operations

15.29.010 Preserving The Right To Agricultural Operations And Other Related Provisions

15.29.010 Preserving The Right To Agricultural Operations And Other Related Provisions

1. The right to carry on agricultural related activities, including farming, ranching, logging and lumbering, hereafter

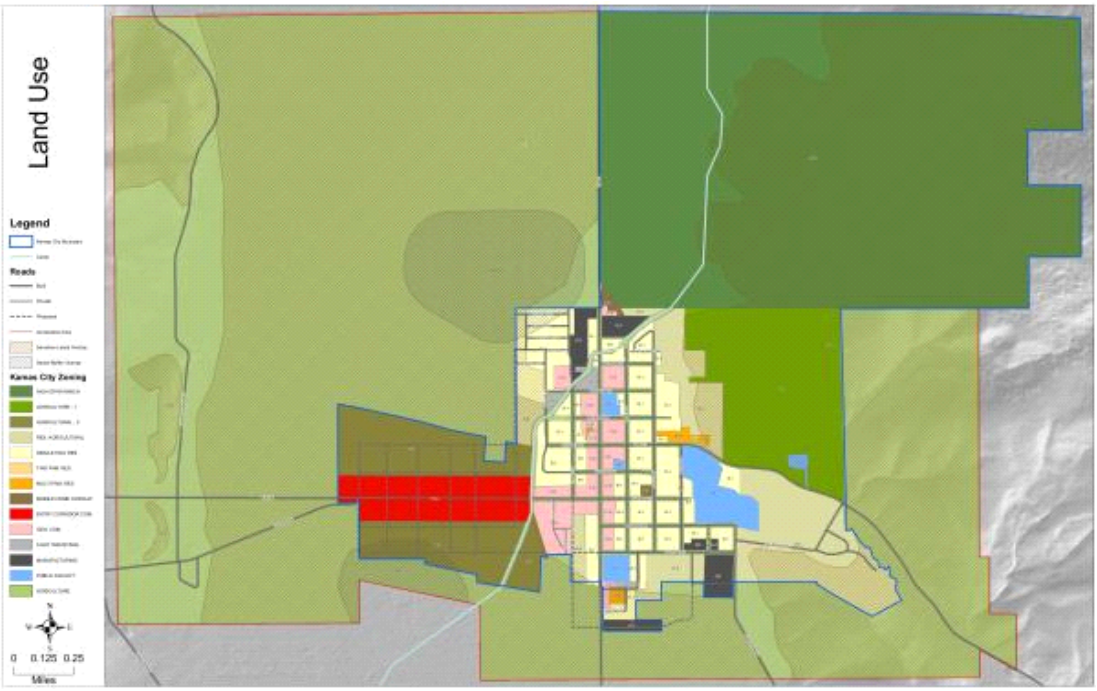
described as Agricultural Operations, shall, to the best efforts of the City, be preserved.

2. All Subdivisions and Planned Developments that;
   a. are contiguous to an agricultural area, or
   b. contain within them an agricultural or irrigation right-of way or easement, or;
   c. will contain an agricultural open space or preservation, shall be required to provide the City with an agricultural impact analysis to be reviewed and used as part of the conditional use process, PD review process or subdivision process. This impact analysis shall be used to determine the impact(s) on associated agricultural operations affected by the development, and to implement protection designs in the development to alleviate conflicts with the affected agricultural operations.
3. The developer / land owner is responsible for cost associated with the performance of the analysis with the input and review by the City. The Planning Commission and developer shall use the following review guidelines or issues in determining the impact on agricultural operations of the development, and will apply the appropriate conditions during the approval process to insure that the agricultural operations affected are assured a right to continue operations without undue burden of residential or commercial growth and complaints by neighbors. All rights to the agricultural operations shall be preserved to the best ability of the City taking into consideration practical land use applications and private property rights and concerns.
4. The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Impact solutions may be developed as permit conditions and restrictive covenants or agreements:
   a. Protection of irrigation access and maintenance of ditches and canals.
   b. Safety and protection of the public from ditches, canals, ponds, and drainage systems.
   c. Live stock movement corridor protection and safety concerns.
   d. Fencing safety (e. e. electrical, barb wire) and design.
   e. Private property protection issues.
   f. Hunting protection, access and livestock safety concerns.
   g. Protection of agricultural operations equipment ingress and egress.
   h. Erosion and soil protection and conservation concerns.
   i. Drainage of the subdivision and designs to minimize discharge or impact on agricultural lands and soils.
   j. Noxious weeds, pests, and pets (dog) controls in the subdivision.
   k. Provisions, acknowledgments and understandings by new and existing property owners (including hold harmless agreements if necessary) that agricultural operations work hours run late and begin early and that agricultural operations may contribute to noises and odors objectionable to some residents.
   l. Screening provisions and landscaping design to reduce noise or visual impacts on surrounding or conflicting land uses. Any other related provisions or concerns that the Planning Commission deems necessary to protect the rights to agricultural operations on adjoining or appurtenant properties.

15.30 Appendices

15.30.010 Appendix A Zoning Map
15.30.020 Appendix B Chart Of Uses

15.30.010 Appendix A Zoning Map



15.30.020 Appendix B Chart Of Uses

Kamas City Land Use Ordinance
Chart of Uses

Appendix C-1

Permitted and Conditional Uses	A-40	A-5	A-1	R-A	R-1	R-M	M-H	C-G	L-I	M-I	ECC
Accessory Structure Occupied	A	N	N	N	N	N	N	N	N	N	N
Accessory Structure Unoccupied	A	A	A	A	A	A	A	A	A	A	A
Adult/Sexually Oriented Business	N	N	N	N	N	N	N	N	N	C	N
Agricultural Industry	A	A	N	N	N	N	N	N	N	N	N
Agriculture	A	A	A	A	A	N	N	N	A	A	N
Animal Hospital Small Animal Clinic	A A	A A	C C	N N	N N	N N	N N	N C	C C	C C	N N
Athletic Club	N	N	N	N	N	N	N	A	A	A	A
Auto, truck, RV, ATV, Snowmobile Sales and Rental	N	N	N	N	N	N	N	N	C	C	C
Automotive Body/Paint Repair	N	N	N	N	N	N	N	A	A	A	A
Automotive Repair	N	N	N	N	N	N	N	A	A	A	A
Auto Service Station	N	N	N	N	N	N	N	A	A	A	A
Bakery	N	N	N	N	N	N	N	A	A	A	A
Banking; Financial Services	N	N	N	N	N	N	N	A	N	N	A
Bar, Tavern, Lounge *as per Utah State Code	N	N	N	N	N	N	N	A	A	A	N

Bed and Breakfast	A	A	A	A	A	N	N	A	N	N	N
Bottling Plant	N	N	N	N	N	N	N	N	A	A	N
Bowling Alley	N	N	N	N	N	N	N	A	A	A	A
Cabinet Shop	N	N	N	N	N	N	N	N	A	A	N
Child Care for business • Center: 8 children or less • Facility: 9 children or more	C	C	C	C	C	N	N	C	N	N	N
Church	A	A	A	A	A	A	A	A	A	A	A
Cinema, Indoor	N	N	N	N	N	N	N	A	N	N	A
Civic Club	A	A	A	N	N	N	A	A	A	A	N
Computers/Electronics	N	N	N	N	N	N	N	A	A	A	N
Construction Services	N	N	N	N	N	N	N	N	A	A	N
Convenience Goods; Sales	N	N	N	N	N	N	N	A	A	A	A
Cultural, Civic Services	N	N	N	N	N	N	N	A	N	N	A
Dry Cleaning	N	N	N	N	N	N	N	A	A	A	A
Dwelling	A	A	A	A	A	A	A	A	A	N	N
Dwelling: Multi-family	N	N	N	N	N	C	N	N	N	N	N
Equipment Rental, Heavy	N	N	N	N	N	N	N	N	A	A	N
Equipment Rental, Light	N	N	N	N	N	N	N	A	A	A	N
Farm Animals/Livestock	A	A	A	A	A	N	N	N	A	A	N
Fence: See individual zones for fencing regulation											

Appendix C-2

Permitted and Conditional Uses	A-40	A-5	A-1	R-A	R-1	R-M	M-H	C-G	L-I	M-I	ECC
Fireworks Sales/Stands	N	N	N	N	N	N	N	Ad	Ad	Ad	Ad
Furniture Sales, New and Used	N	N	N	N	N	N	N	A	A	A	A
Group Home • Assisted Living • Elderly • Disabled	A	A	A	A	A	A	N	N	N	N	N
Health Care Center	N	N	N	N	N	N	N	A	N	N	A
Heavy/Farm Equip Sales	A	A	N	N	N	N	N	N	A	A	N
Home Occupation	Ad	Ad	Ad	Ad	Ad	N	N	Ad	N	N	N
Hospital	N	N	N	N	N	N	N	N	N	N	A
Hotel/Motel	N	N	N	N	N	N	N	A	N	N	A

Household Pets (Limit 3)	A	A	A	A	A	A	A	A	A	A	N
Indoor Recreational Facility	N	N	N	N	N	N	N	A	A	A	A
Industrial Park	N	N	N	N	N	N	N	N	A	A	N
Intermittent Commercial Use	Ad	Ad	Ad	Ad	N	N	N	Ad	Ad	Ad	Ad
Kennel	C	C	N	N	N	N	N	N	N	N	N
Landscape Services	C	C	N	N	N	N	N	C	C	C	C
Laundromat	N	N	N	N	N	N	A	A	A	A	A
Laundry	N	N	N	N	N	N	N	A	A	A	A
Light Industry	N	N	N	N	N	N	N	N	A	A	N
Liquor Store* As per Utah State Code	N	N	N	N	N	N	N	A	N	N	A
Lumber Sales-Storage	N	N	N	N	N	N	N	A	A	A	N
Manufactured Home	A	A	A	A	A	A	A	N	N	N	N
Metal Works	N	N	N	N	N	N	N	N	A	A	N
Mortuary	N	N	N	N	N	N	N	A	A	N	N
Museum	N	N	N	N	N	N	N	A	N	N	A
Nursery/Greenhouse	A	A	A	N	N	N	N	A	A	A	A
Office, Business and Professional	N	N	N	N	N	N	N	A	N	N	A
Office, Government	N	N	N	N	N	N	N	A	N	N	A
Outdoor Recreational Activities	C	C	N	N	N	N	N	N	N	N	C
Outdoor Rec-Park-Play	A	A	A	A	A	A	A	A	N	N	A
Packaging and Delivery Services	N	N	N	N	N	N	N	A	A	A	A
Personal Services	N	N	N	N	N	N	N	A	N	N	A
Pet Grooming	N	N	N	N	N	N	N	A	A	A	N
Pharmacy	N	N	N	N	N	N	N	A	N	N	A
Photo Lab/Studio	N	N	N	N	N	N	N	A	A	A	A
Preschool	C	C	C	C	C	N	N	C	N	N	N
Printing/Publishing	N	N	N	N	N	N	N	A	A	A	N
Profession Services	N	N	N	N	N	N	N	A	N	N	A
Public Rights of Way	A	A	A	A	A	A	A	A	A	A	A
Public Services	N	N	N	N	N	N	N	A	A	A	A
Public Utility Stations — Except Sewer	C	C	C	C	N	N	N	C	C	C	N
Public Utility Stations — With Sewer	N	N	N	N	N	N	N	N	N	C	N
Reception Center	N	N	N	N	N	N	N	A	N	N	A
Recreational Vehicle Park	C	C	N	N	N	N	N	N	N	C	N

Repair Services, Small App	N	N	N	N	N	N	N	A	A	A	N
Restaurant, Fast Food	N	N	N	N	N	N	N	A	N	N	A
Restaurant, Cafe	N	N	N	N	N	N	N	A	N	N	A
Retail Sales and Service	N	N	N	N	N	N	N	A	A	A	A
Schools, Private-Quasi Public	A	A	A	A	A	N	N	N	N	N	N
Schools, Public	A	A	A	A	A	N	N	N	N	N	N
Shopping Center, Commercial	N	N	N	N	N	N	N	A	N	N	N
Small Engine Repair	A	A	A	N	N	N	N	N	A	A	N
Stables, Private	A	A	A	A	N	N	N	N	N	N	N
Stables, Public	A	A	A	N	N	N	N	N	N	N	N
Surplus, Second Hand Store	N	N	N	N	N	N	N	A	A	A	N
Theater, Concert Hall	N	N	N	N	N	N	N	A	N	N	A
Telecommunications Facility	N	N	N	N	N	N	N	N	C	C	N
Warehouse Storage: Commercial Only	N	N	N	N	N	N	N	N	A	A	N
Welding Machine Shop	N	N	N	N	N	N	N	N	A	A	N
Wholesale Distribution	N	N	N	N	N	N	N	A	A	A	N

Zoning LegendAppendix C-3

A-40	40 acre lots
A-5	5 acre lots
A-1	1 acre lots
R-A	½ acre lots
R-1	Single Family Residential
R-M	Multi-Family Residential
M-H	Mobile Home Overlay
ECC	Entry Corridor Commercial
C-G	General Commercial
L-I	Light Industrial
M-I	Manufacturing

Use Legend

A	Allowed
C	Conditional
N	Not Allowed
Ad	Administrative Approval

15.31 Annexing And Vacating Property

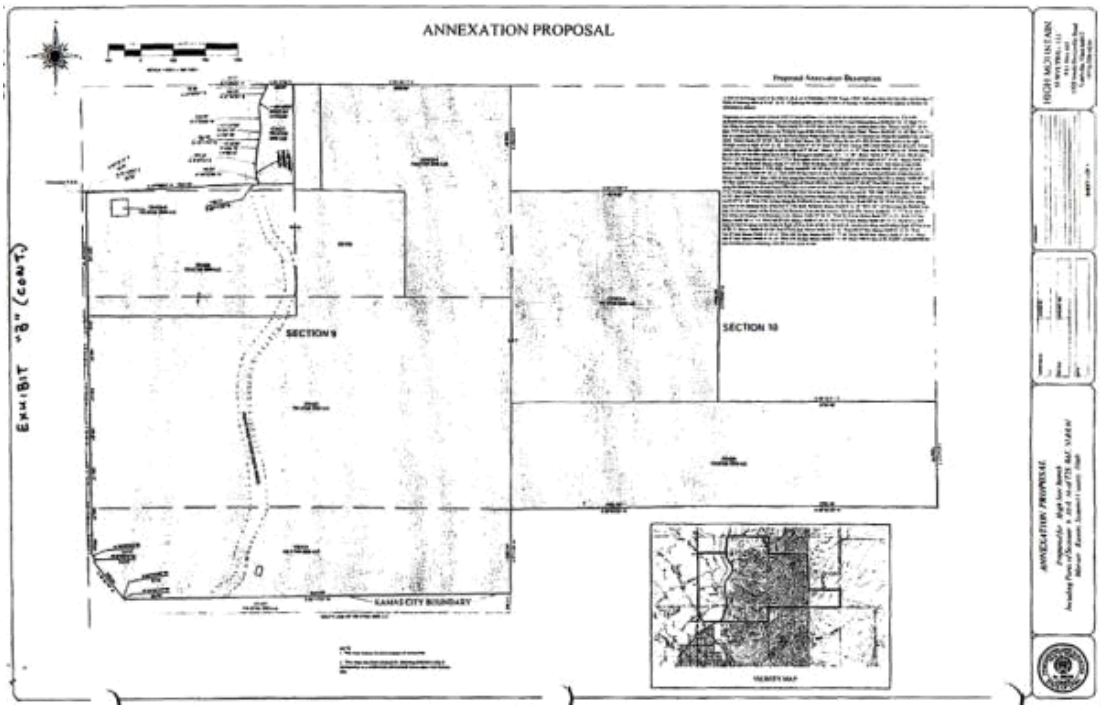
15.31.010 Annexing Real Property: High Star Ranch
15.31.020 Annexing Real Property: Simmons-White Knight
15.31.030 Annexing Real Property: Highway 248
15.31.040 Annexing Real Property: Foothill Drive-Travis Hatch
15.31.050 Vacating Edman Subdivision
15.31.060 Vacating Portion Of 530 South Street

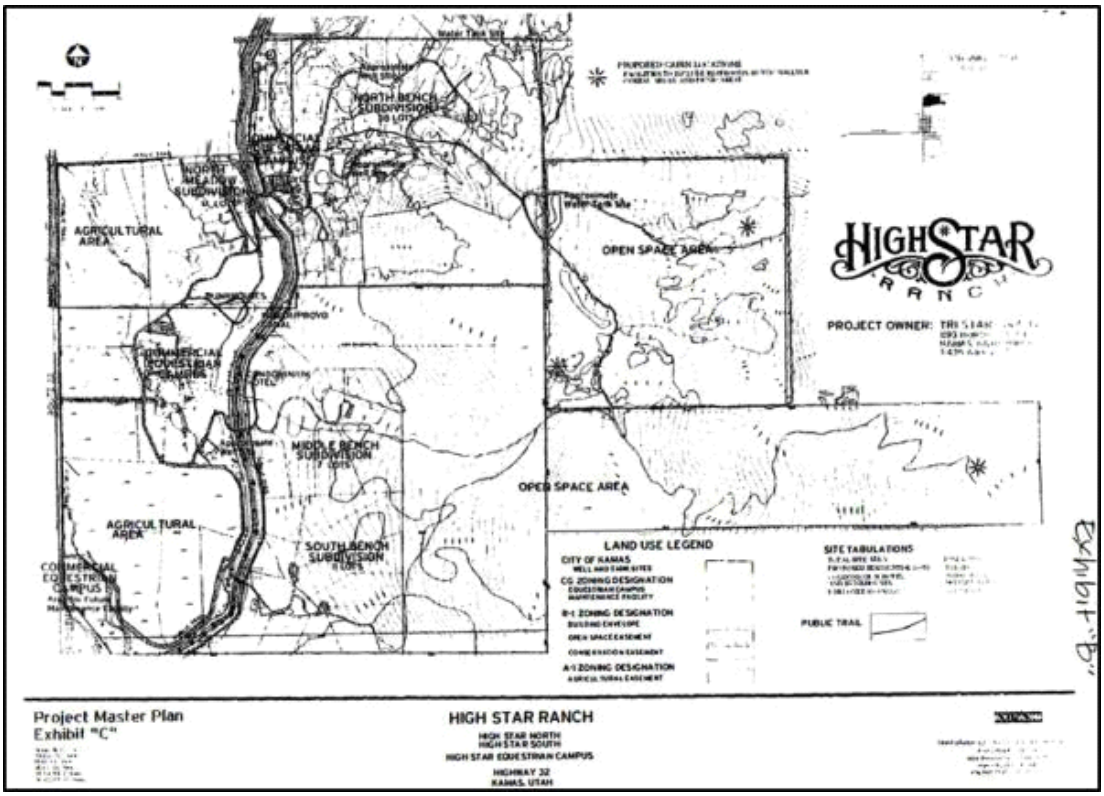
15.31.010 Annexing Real Property: High Star Ranch

The real property, which is the subject of this Ordinance namely High Star Ranch, is described as follows:

A tract of land located in Summit County, Utah and being a part of Sections 9, 10 & 16 of Township 2 South, Range 6 East, Salt Lake Base and Meridian and having a Basis of Bearing taken as N 00° 38' 02" W between the Southwest Corner of Section 16 and the Northwest Corner of Section 16 described as follows:

Beginning at a point which is North 4005.71 feet and East 15.23 feet from the Northwest Corner of Section 16, T2S, R6E, SLB&M (said point being located on the Easterly Right of Way Line of SR 32 and running thence South 89° 36' 12" East 55.25 feet along an existing fence line; Thence North 75° 43' 03" East 30.58 feet along an existing fence line; Thence North 87° 06' 03" East 1924.90 feet more or less to the Westerly Line of the Provo River Water Users Canal; Thence South 88° 11' 39" East 139.71 feet to a point on the Easterly Line of the Provo River Water Users Canal, the next (11) courses are along the Easterly Line of said canal, thence North 16° 42' 09" West 104.94 feet; thence 106.73 feet along the arc of a 299.26 feet radius curve to the right through a central angle of 20° 26' 00"; thence North 3° 43' 51" East 203.60 feet; thence 108.52 feet along the arc of a 656.78 feet radius curve to the right through a central angle of 9° 28' 00"; thence North 13° 11' 51" East 106.50 feet; thence 107.99 feet along the arc of a 347.94 feet radius curve to the left through a central angle of 17° 47' 00"; thence North 4° 35' 09" West 236.80 feet; thence 125.98 feet along the arc of a 227.94 feet radius curve to the right through a central angle of 31° 40' 00"; thence North 27° 04' 51" East 168.98 feet; thence North 27° 04' 51" East 10.26 feet; thence North 4° 36' 32" East 33.17 feet more or less to the northerly line of Section 9, T2S, R6E; thence North 89° 28' 30" East 325.00 feet more or less to the North 1/4 Corner of said Section 9; thence South 89° 26' 11" East 2695.09 feet more or less to the stone marking the Northeast Corner of said Section 9; thence South 0° 37' 03" East 1349.26 feet along the Section Line to the Northerly Line of Parcel CD-528-A; thence North 89° 43' 59" East 2618.85 feet along said Northerly Line of Parcel CD-528-A; thence South 0° 20' 20" West 2686.98 feet more or less along the Easterly Line of said Parcel CD-528-A to a point on the Northerly Line of Parcel CD-530; thence North 89° 36' 51" East 2732.18 feet along the Northerly Line of Parcel CD-530 to the Easterly Line of Section 10, T2S, R6E, SLB&M; thence South 0° 54' 43" East 1340.79 feet more or less to the Forest Service Monument marking the Southeast Corner of said Section 10; thence North 89° 54' 30" West 2761.26 feet along the Southerly Line of Section 10; thence South 89° 03' 23" West 2592.16 feet along said line to the Easterly Line of Section 9, T2S, R6E, SLB&M; thence South 0° 31' 20" West 1077.24 feet along the Section Line; thence North 89° 17' 55" West 4834.35 feet; thence North 33° 30' 43" West 26.19 feet; thence South 89° 26' 55" West 5.13 feet; thence North 38° 07' 19" West 566.25 feet; thence North 0° 25' 52" West 61.76 feet; thence North 36° 51' 52" West 53.12 feet more or less to a point on the Easterly Right of Way Line of SR 32; the next (8) courses are along said Easterly Right of Way Line of SR 32, thence North 0° 09' 04" East 273.92 feet; thence North 0° 32' 20" West 499.37 feet; thence North 0° 31' 14" West 500.17 feet; thence North 0° 35' 15" West 499.91 feet; thence North 0° 27' 46" West 500.02 feet; thei:ice North o· 34' 12" West 499.87 feet; thence North 0° 31' 45" West 250.36 feet; thence North 0° 31' 39" West 1588.94 feet to the POINT OF BEGINNING; said described tract containing 1042.86 Acres, more or less. Excepting therefrom any portion of the above described property lying within the bounds of the Weber-Provo Diversion Canal.





15.31.020 Annexing Real Property: Simmons-White Knight

1. The real property, more particularly described in this Section, is hereby annexed to Kamas City, Utah and the corporate limits of Kamas City are hereby extended accordingly.
2. The area proposed for annexation is bordered by the Meadow View Subdivision of Kamas to the north and SR32 to the west, more specifically described as follows:

A tract of land located in the Southwest ¼ of Section 21, Township 2 South, Range 6 East, Salt Lake Base and Meridian and having a basis of bearing taken as South between and the Northwest Corner and the West ¼ Corner of said Section 21 described as follows:

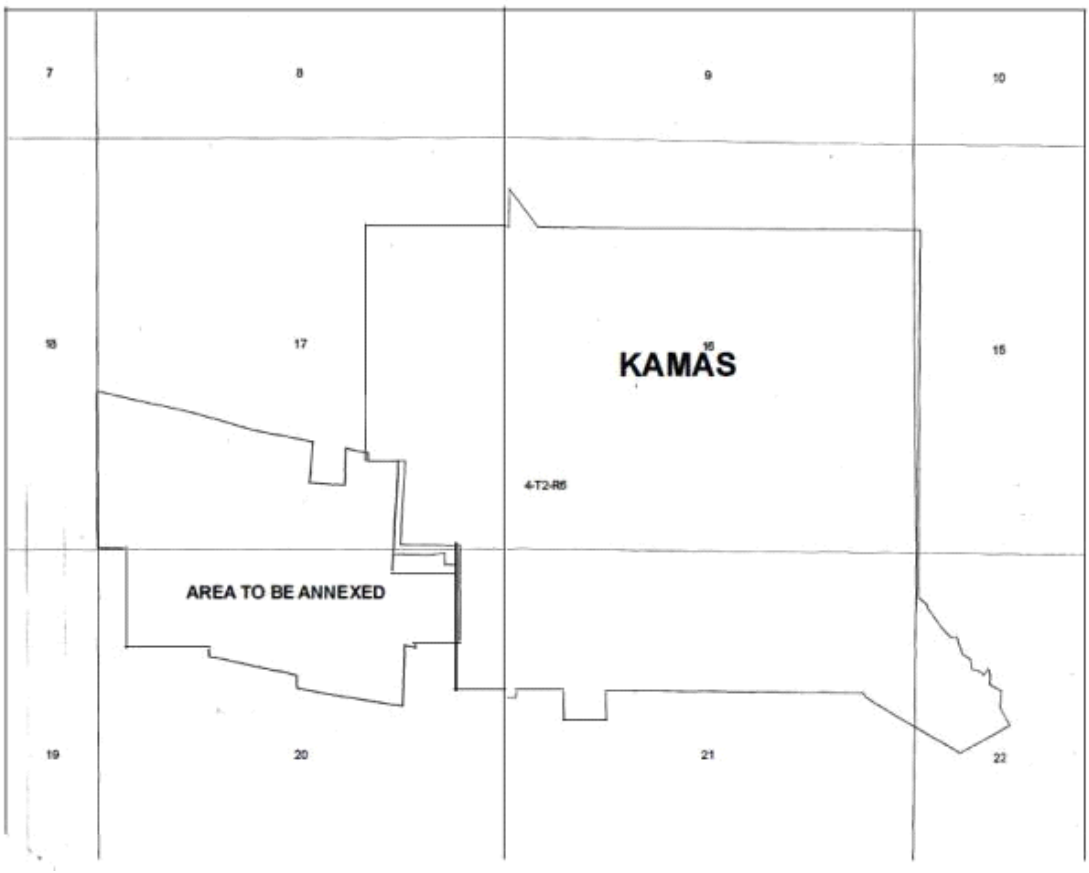
Beginning at a point which is South 0.39 feet and East 49.50 feet from the West ¼ Corner of Section 21, T2S, R6E, SLB&M and running thence S 89° 41' 22" E 1287.26 feet along an existing fence line to a fence corner, thence South 242.55 feet along an existing fence line; thence N 89° 41' 22" W 1287.26 feet to the Easterly Right of Way line of State Road 32; thence North 242.55 feet along said Right of Way line to the POINT OF BEGINNING. Containing 7.17 Acres.

15.31.030 Annexing Real Property: Highway 248

A portion of land located In the North Half of Section 20 and the South Half of Section 17, Township 2 South, Range 6 East, Salt Lake ease and Meridian and having a Basis of Bearing taken as West between the Northeast corner of said Section 20 and the North 1/4 corner of Section 19, described as follows:

Beginning at a point North 49.5 feet and West 594.00 feet from the Northeast corner of Section 20, Township 2 South, Range 6 east, Salt Lake ease and Meridian, which point is located more or less on the westerly line of the Kamas City Boundary, and running thence South 1277.47 feet along said line to a fence line extentsion point; thence South 89° 48' 51" W 588.01 feet along said extension line and fence line: thence South 15° 04' 58" east 67.81 feet, along a fence line; thence North 77° 36' 11" West 148.22 feet, along a fence line; thence South 2° 14' 7" West 786.49 feet, along a fence line; thence North 81° 08' 04" West 786.96 feet, along a fence line, more or less; thence North 79° 36' 49" West 612.14 feet, along a fence line, more or less; thence North 00° 56' 30" West 170.72 feet, along a.fence line; thence North 77° 52' 58" West 1164.18 feet, along a fence line; thence North 1° 11' 14" East 114.51 feet, along a fence line; thence North 89° 54' 08" West 1088.69 feet, along a fence line; thence North 00° 09' 31" East 1288.36 feet, along a fence line and extension of said fence, more of less, to the northerly line of said Section 20; thence, more or less, along said section line West 374.57 feet to a point on an extension line of an existing fence line; thence North 00° 03' 13" east 2042. 78 feet, along said extension line and fence line; thence South 77° 31' 46" East 1306.75 feet, more or less, along a fence line; thence South 73° 28' 01" east 772.20 feet, more or less, along a fence line; thence South 79° 03' 12' East 815.18 feet, along a fence line; thence South 5° 27' 45" West 531.72 feet. along a fence line; thence South 86° 53' 20" East 459.48 feet, along a fence line; thence North 1° 10' 03" East 470.04 feet, along a fence line; thence South 79° 02' 36" East 305.46 feet, along a fence line to the westerly line of the Kamas City Boundary; the following calls are along the said boundary; South 105.20 feet; East 391.55 feet; South 3° 25' 34" West 1089.65 feet; South 50.80 feet; South 7° 00' 33" West 70.64 feet; South 4° 22' 42' West 198.44 feet; South 17° 14' 17" East 54.60 feet; South 89° 33' 42" East 817.71 feet; North 00° 13' 22" east 376.06 feet; East 50.04 feet to the point of beginning.

Containing 285.62 Acres



15.31.040 Annexing Real Property: Foothill Drive-Travis Hatch

The real property shall be classified as being in the M-1 Manufacturing Zone as set forth in the Kamas City Development Code, is described as follows:

COMM S 1243.16 FT & E 2284.66 FT FROM NW COR SEC 21 T2SR6E SLBM; TH ALONG FENCE LINES S 89*50'18" E 402.69 FT; S 01*35'17" E 238.48 FT; N 88*39'39" E 220.49 FT; S 00*34'49" W 737.86 FT; S 88*44'14" W637.11 FT; N 00*51'15" E 986.34 FT TO BEG CONT 13.003 AC(LESS 7.00 AC ASSESSED IN TOWN KT-280) (LESS 0.6 AC FOOTHILL ESTATES PHASE I SUBDIVISION) (LESS 2.56 AC 1671-1891 CD-623-A)BAL 2.84 AC MIL M34-395 XWD171 M146-657 2163-1877-1888.

BEG AT A PT WH IS S 2182.96 FT (PLATTED 2181.50) & E 2269.46 FT (PLATTED 2270.67) FROM THE NW COR OF SEC 21 T2SR6E SLBM (SD PT BEING ON THE NW COR OF THE FOOTHILL ESTATES PHASE 1 SUBDIVISION RECORDED JULY 27, 2000 ENTRY #569757) & RUN TH N 00*43'41" E 175.01 FT; TH E 635.89 FT; TH S 00*30'55" W 175.00 FT TO THEN LINE OF SD SUBDIVISION; TH W 636.54 FT ALONG SD LINE TO THE PT OF BEG CONT 2.56 AC 1671-1891 TRAVIS RAY HATCH & TONY A LEE HATCH CO-TRUSTEES OF THE HATCH FAMILY TRUST.

15.31.050 Vacating Edman Subdivision

1. The Council hereby finds that neither the public nor any person will be materially injured by the vacation of the Edman Subdivision Plat, and there is good cause to approved the vacation because it will allow a better development for the community which better conforms to the Kamas City Zoning Ordinance and General Plan.
2. The Council hereby officially amends the following as of the effective date of this ordinance:
    a. Vacate Edman Subdivision, consisting of two (2) lots.

15.31.060 Vacating Portion Of 530 South Street

That 530 South Street shall be narrowed by a width of twenty (20) feet. Said twenty (20) feet shall be from the north side of

the street and shall be in favor of the abutting property owners, who shall take ownership with all rights, privileges, and duties in accordance with State and City laws and ordinances.

Benchmarks / Statistics

COVER: 1.2527178 second(s).
TOC: 1.5014045 second(s).
FIRST CHAIN: 0.019377 second(s).
CONTENT: 22.7105981 second(s).
SECOND CHAIN: 0.3003297 second(s).
FOOTER: 0.0660483 second(s).
TOTAL: 25.8504754 second(s).