

Thursday, July 28, 2016
PERRY CITY COUNCIL MEETING AMENDED AGENDA
(Adding Work Session Item 2)

The Perry City Council will hold a meeting on the Thursday identified above, starting at approximately 7:00 PM, after a 6:00 PM Work Session, in the City Council Room at 3005 South 1200 West in Perry. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on public hearings will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

Approx. 6:00 PM – Work Session

1. **Geneva Rock Community Outreach**
2. **Approx. 6:45 PM Executive Session**

Approx. 7:00 PM

1. **Call to Order and Opening Ceremonies**
 - A. Invocation – Esther Montgomery
 - B. Pledge of Allegiance – Nathan Tueller
 - C. Review and Adopt the Agenda
2. **Approx. 7:05 PM Procedural Issues**
 - A. Conflicts of Interest Declaration(s), If Any
 - B. Pass out Warrants to Council Members (and Possible Discussion)
 - C. Appointments (Planning Commission, Special Uses & Appeals, Wastewater, Economic Development, Flood Control, Joint Advisory)
 - D. Business License(s)
 - None
3. **Approx. 7:15 PM – Public Hearing and/or Public Comments (No Vote Needed)**

Rules: (1) Please Speak Only Once (Maximum of 3 Minutes) per Agenda Item; (2) Please Speak in a Courteous and Professional Manner; (3) Do Not Speak to Specific Member(s) of the City Council, Staff, or Public (Please Speak to the Mayor or to the Council as a Group); (4) Please Present Possible Solutions for All Problems Identified; (5) No Decision May Be Made During this Meeting if the Item Is Not Specifically on the Agenda (with Action on Public Hearings, if any, later in the Meeting); and (6) Comments must be made in person or in writing (with your name being stated for the record).

 - A. Public Comments
 - B. Public Hearing Regarding Resolution 16-14 Declaring Surplus Property in the Evans Canyon 1 Lot Subdivision.
4. **Approx. 7:20 PM Presentations**
 - A. City Highlights
 - B. Harassment and Discrimination Prevention Training
5. **Approx. 7:35 PM – Action Items (Roll Call Vote)**
 - A. Approval of the Warrants
 - B. Resolution 16-14 Declaring Surplus Property in the Evans Canyon 1 Lot Subdivision
 - C. Benefit Exception Requests
6. **Approx. 7:45 PM – Discussion Items**
 - A. Emergency Operations Plan
 - B. Code Enforcement
 - C. Proposal from First Solutions
7. **Approx. 8:20 PM – Minutes & Council/Mayor Reports (Including Council Assignments)**

No Council Action May be Taken if an Item is not specifically on the Agenda

 - A. Approval of Consent Items
 - June 9, 2016 City Council Meeting Minutes
 - June 23, 2016 City Council Meeting Minutes
 - B. Mayor’s Report
 - C. Council Reports

- D. Staff Comments
- E. Items for Next City Newsletter

8. Approx. 8:25 PM – Executive Session

9. Approx. 8:45 PM – Adjournment (next regular meeting on Thurs., August 11, 2016 at 7:00 PM)

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the City Council and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was faxed/mailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 26th day of July, 2016. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, Chief Deputy Recorder

Report Criteria:
Detail report.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Brigham City Corp.								
6106	Brigham City Corp.	07/11/2016	interlocal storm water	07/11/2016	117.60	117.60	07/11/2016	
6106	Brigham City Corp.	07/11/2016	walmart sales tax	07/11/2016	15,110.27	15,110.27	07/11/2016	
Total Brigham City Corp.:					15,227.87	15,227.87		
Lexipol								
12070	Lexipol	16799	Law Enforcement Manual	07/01/2016	3,267.00	3,267.00	07/11/2016	
Total Lexipol:					3,267.00	3,267.00		
Precision Asphalt								
12086	Precision Asphalt	2926	Street Repair	06/21/2016	15,000.00	15,000.00	07/14/2016	
Total Precision Asphalt:					15,000.00	15,000.00		
Grand Totals:					33,494.87	33,494.87		

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

PERRY CITY RESOLUTION

No. 16-14

**AN RESOLUTION DECLARING LOT 1 EVANS CANYON
SUBDIVISION AS SURPLUS AND TO BE SOLD**

WHEREAS, property known as Evans Canyon Subdivision, Lot 1, (“Surplus Property”) are considered “significant properties” as defined by Utah State Statute and Perry City Ordinance; and

WHEREAS, the Perry City Planning Commission has reviewed the proposed amended Perry City Center Subdivision and has forwarded it to the City Council with their favorable recommendation; and

WHEREAS, both Utah State Statute and Perry City Ordinances require that published notice be given of the intent to declare Significant Property as surplus and no longer needed for a public purpose; and

WHEREAS, pursuant to such requirements, said notice was published on July 13, 2016 and July 20, 2016 giving notice that a public hearing was to be held on July 28, 2016 to consider such proposal. A copy of the proposed resolution was available for inspection in the City Recorder’s Office for inspection by the general public during normal office hours, at least ten days prior to its final consideration; and

WHEREAS, pursuant to law, a public hearing to receive public comment and consider adoption of said proposed resolution was held on July 28, 2016 at 7:00 p.m. in the City Council Chambers located at 3005 South 1200 West, Perry, Utah; and

WHEREAS, after receiving public comment at the public hearing, the Perry City Council finds that it is in the best interests of the citizens of the Perry City to adopt this resolution ; and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of Perry City, Utah as follows:

**SECTION I
DECLARATION OF SIGNIFICANT PROPERTY AS SURPLUS**

The Perry City Council, having reviewed the proposed declaration of surplus the above described lost of the proposed amended Perry City Center Subdivision hereby resolves as follows:

A. That it declares Lot 1, of the Evans Canyon Subdivision described in Exhibit "A" attached, hereto and incorporated herein for all purposes, as surplus and that the lot be sold for fair market value.

**SECTION II
FURTHER ACTION**

A. In addition to the foregoing, the Mayor and city staffs are authorized to take any and all steps necessary to carry out the intent of the City Council that the above-described lots be sold.

**SECTION III
SEVERABILITY**

If any provision of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**SECTION IV
EFFECTIVE DATE**

This Resolution shall take effect immediately upon posting, as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this _____ day of July 2016.

PERRY CITY COUNCIL

By: _____
Karen Cronin, Mayor

[SEAL]

VOTING:

Esther Montgomery Yea ___ Nay ___
Brady Lewis Yea ___ Nay ___
James Taylor Yea ___ Nay ___
Nathan Tueller Yea ___ Nay ___
Toby Wright Yea ___ Nay ___

ATTEST:

Susan Obray
City Recorder

DEPOSITED in the office of the City Recorder this ____th day of July, 2016.

RECORDED this ____th day of July, 2016.

Exhibit "A"

Proposed Evans Canyon Lot 1 Subdivision

Shanna Johnson

From: Karen Cronin
Sent: Thursday, July 21, 2016 3:20 PM
To: Shanna Johnson
Subject: FW: Evans Canyon One-Lot Subdivision CC&R Review
Attachments: Ansley Subdivision CC&Rs with Red-lines.pdf

Mayor / Greg,

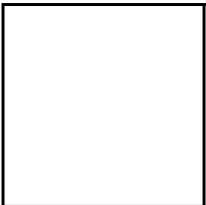
Sorry for the delay on review of the Ansley CC&Rs. Here are my comments:

1. I think we could eliminate all references to the Design Review Committee and either replace with a small, one-time staff review for construction conformance, or simply eliminate the committee all together.
2. I checked the square footage requirement. The zoning map still shows this area as an R1 zone. This requires a 30' front setback and a 20' rear setback. I was able to fit a 2,500 s.f. rambler with a 3-car garage on the lot with 18' side yards and a 35' deep back yard. A home that meets the 1,650 s.f. rambler or 2,400 s.f. two-story requirement is easily accommodated on the lot.
3. I would remove the antenna requirement or add language saying antennas greater in size than residential satellite dishes are prohibited.
4. I would probably remove the clothesline restriction.
5. I would adjust the roof pitch restriction to 7/12 or even 6/12.
6. I would either remove the fencing requirements or not have them contingent on design review. Potentially, it could simply be spelled out that no chain-link, barbed wire, or wire-type fences are allowed.
7. I would probably not restrict the mailbox type.

I have attached the CC&Rs with red-lined comments. Let me know if you have any further questions.

Thanks,

Brett

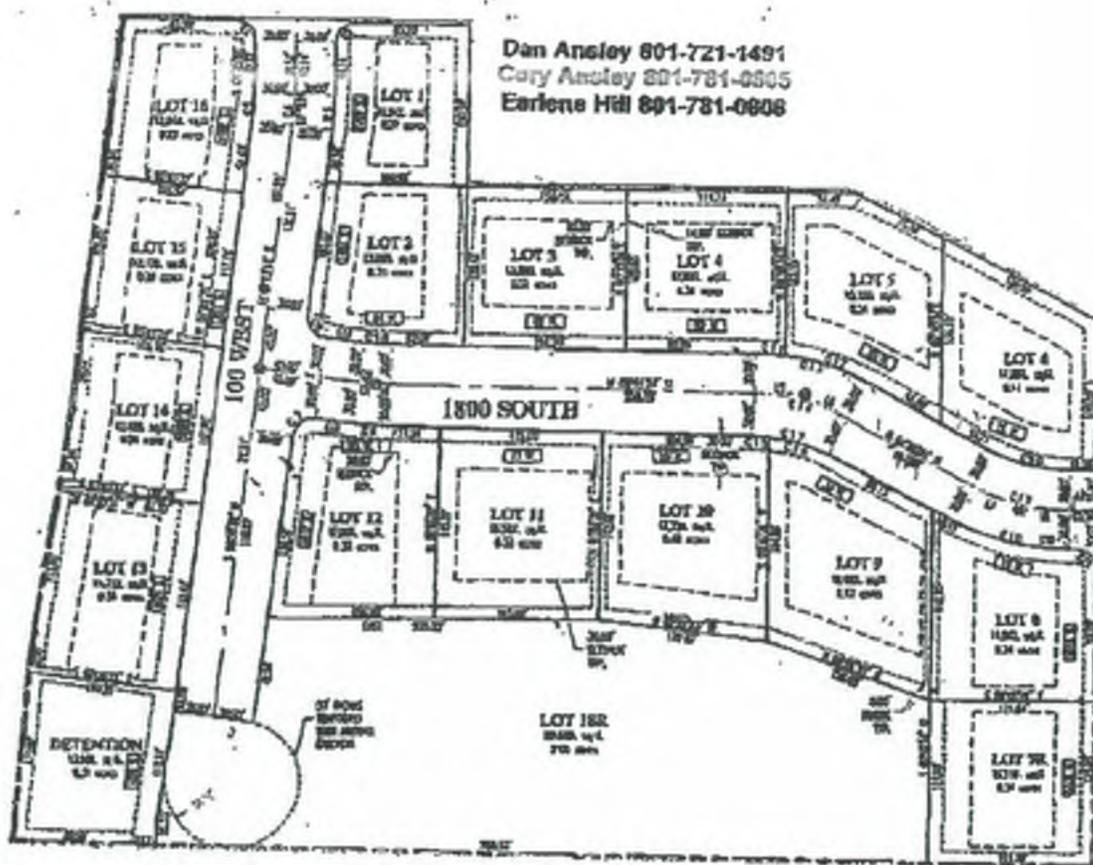


ANSLEY SUBDIVISION

100 WEST 1750 SOUTH
PERRY, UT

1750 South :

Dan Ansley 801-721-1491
Cory Ansley 801-781-0805
Earlene Hill 801-781-0808



**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
ANSLEY SUBDIVISION
PERRY CITY, BOX ELDER COUNTY, UTAH**

DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
ANSLEY SUBDIVISION

03 290-0028 thru
0046

THIS DECLARATION is made and executed this _____ day of _____
by Cory W Ansley, Corey W Ansley (the declarant) Melvin L Schiffman, Kelly Kimball, Jana
Kimball, H. Scott Bessinger, Jason Griffin, Mandy Griffin, John Casey Crossman, Britnee
Crossman, Dan E Ansley, Earlene J Hill, Perry City Corp.

RECITALS:

A. Declarant is the owner of the following described real property located in Box Elder
County, State of Utah:

See Exhibit "A"

B. The Declarant intends to develop a residential subdivision on the Property. Declarant
will develop and convey all of the Lots within the Subdivision subject to a general plan of
development and subject to certain protective covenants, conditions and restrictions all as set forth in
this "Declaration" and which are deemed to be covenants running with the land mutually burdening
and benefitting each of the Lots within the Subdivision. Declarant further intends to create a
community in which the living conditions and desirability of living on that real estate is enhanced
and where the attractiveness, quality and value is preserved. Declarant intends to sell to various
purchasers the fee title to individual lots in the subdivision.

C. Declarant desire to provide for the preservation of the values and amenities of the
Property. To this end and for the benefit of the Property and the Owners thereof, Declarant hereby
subjects the property to the covenants, conditions, restrictions, easements, charges and liens set forth
in this Declaration, which shall be recorded in the official records of Box Elder County, State of
Utah.

D. Notwithstanding the foregoing, no provision of this Declaration shall prevent the
Declarant from doing any of the following, which shall be deemed to be among Declarant's reserved
rights in addition to such rights as may be described elsewhere in this Declaration.

1. Installation and completion of the Subdivision improvements.
2. Use of any Lot owned by the Declarant as a model home or for the placement
of a temporary construction or sales office.
3. Installation and maintenance of signs incidental to sales or construction
which are in compliance with City ordinances.
4. Assignment of Declarant's rights under this Declaration in whole or in part to
one or more builders intending to construct houses within the subdivision.
5. Retention of Declarant's rights with respect to subsequent phases of the
subdivision.



E. Declarant further declares that the streets in the subdivision shall be dedicated to Perry City.

ARTICLE I - DEFINITIONS

When used in this Declaration (including in that portion hereof headed "Recitals") the following terms shall have the meaning indicated:

1.01 Introduction Unless the context clearly requires the application of a more general meaning, the following terms, when used in this Declaration, shall have the following meanings

1.02 Design Committee shall mean the committee created under Article IV of this Declaration.

1.03 City shall mean Perry City, Box Elder County, State of Utah, and its appropriate departments, officials, and boards.

1.04 Declarant shall mean and refer to Cory W Ansley or Corey W Ansley, having his principal place of business in Perry, Utah.

1.05 Declaration shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions. The Subdivision Plat for Ansley Subdivision, and the easements and other matters shown on the Plat, are also incorporated into this Declaration by reference.

1.06 Dwelling shall mean the single family residence built or to be built on any Lot, including the attached garage.

1.07 Family shall mean one household of persons related to each other by blood, adoption or marriage, or one group of people of not more than five not so related living together as a unit who maintain a common household.

1.08 Improvement shall mean all structures and appurtenances of every type and kind, including but not limited to buildings, Dwellings, garages, storage buildings, walkways, retaining walls, sprinklers, pipes, driveways, landscaping, pools, decks, stairs, poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior of any building.

1.09 Lot shall mean any numbered building Lot shown on the official plat of the Ansley Subdivision.

1.10 Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed, but shall exclude any person or entity holding title for purposes

of securing performance of an obligation. If there are multiple persons comprising the Owner of any Lot, their liability for performance of Owner obligations pursuant hereto shall be joint and several.

1.11 Person shall mean a natural person or any legal entity with a right to hold title to real property in its own name in the State of Utah.

1.12 Plat shall mean an official ownership plat of any phase of Ansley Subdivision as approved by Box Elder County and the City of Perry and recorded in the office of the Box Elder County Recorder as it may be amended from time to time.

1.13 Subdivision shall mean the Ansley Subdivision, and all Lots, reserved open space, and other property within the Subdivision as shown on the Plat.

ARTICLE II - RESTRICTIONS ON ALL LOTS

The following restrictions on use apply to all Lots within the Subdivision:

2.01 Zoning Regulations. The lawfully enacted zoning regulations of Perry City and any building, fire, and health codes are in full force and effect in the Subdivision as they may be from time to time hereafter amended, and no Lot may be occupied in a manner that is in violation of any statute, law, or ordinance.

2.02 No Business or Commercial Uses. This is a residential Subdivision and all Lots must be used exclusively for residential purposes. No business, profession or trade which disturbs or annoys any Owner in their enjoyment of their Lots shall be operated or maintained on any Lot or in any structure thereon except that a home occupation not requiring significant parking and consistent with Perry City ordinances is permitted.

2.03 No Drilling or Mining. The property within the Subdivision shall be used for residential purposes only, and no mining, drilling, prospecting, mineral exploration or quarrying activity is allowed.

2.04 Restrictions on Signs. No signs whatsoever shall be erected or maintained upon any Lot except such signs as Declarant may erect or maintain on a Lot prior to sale and conveyance and further except one for sale "or" "for rent" sign having a maximum face area of 15 square feet and referring only to the premises on which it is situated or such signs as may be required by legal proceedings.

2.05 Animals. No livestock of any kind, including but not limited to pigs, cows, goats, sheep, horses, etc. may be kept or maintained on any Lot. No dangerous or nuisance animals may be maintained or kept on any Lot. The area of any Lot occupied by a household animal shall be properly maintained so as not to create any noxious or offensive odors or conditions which is or may become a nuisance or may cause disturbance or annoyance to the other Owners in the Subdivision. Household pets may be kept provided that they are not bred or maintained for any commercial

purposes and are restricted to the Owner's control. Fierce, dangerous or vicious animals, or animals that cause a nuisance by barking or other offensive activities shall not be permitted.

* 2.06 No Annoying Sounds. No exterior speakers, horns, whistles, bells, or other sound devices may be used or maintained on any Lot which create noise that might reasonably be expected to be unreasonably or annoying loud to adjoining Lots. An exception to this restriction is provided for security devices used exclusively to protect the security of the Lot and structures thereon.

* 2.07 Restrictions on Storage. No furniture, fixtures, appliances or other goods and chattels shall be stored in such a manner as to be visible from neighboring Lots and roads within the Subdivision. Moreover, no open storage of any building materials (except during construction), inoperable motor vehicles, accumulations or construction debris or waste, household refuse or garbage, except as stored in tight containers, farm or construction equipment shall be stored in such a manner as to be visible from neighboring Lots or the public road. No fuel oil, gasoline, propane or other fuel storage tanks may be installed or maintained on the property. Dwellings shall be heated with natural gas, solar or electric heat. Propane or other such containerized fuel may be used only during construction of the Dwelling until the permanent heating system is installed and operational. No Lot shall be used or maintained as a dumping ground for rubbish, trash, refuse, garbage or other waste, which shall not be stored, except in sanitary conditions.

* 2.08 Good Condition. Each Lot and all improvements located thereon shall be maintained by the Owner thereof in good condition and repair, and in such manner as not to create a fire hazard all at the Owner's expense. All walls and fences on common boundary lines or corners separating Lots shall be maintained jointly in equal shares by the Owners of the Lots abutting such fence or a wall and each Owner shall be responsible for painting the side of any party wall or fence facing his Lot. All fences constructed on Lots shall be constructed of materials suitable for the purpose for which the fence is constructed and are subject to approval by the Design Committee. ~~The Design Committee shall have the authority to create architectural standards for the construction of fences, including height limitations, setback requirements, and construction materials.~~

REMOVE DESIGN COMMITTEE REFERENCES ON MINOR ITEMS

* 2.09 No Re-Subdivision. No Lot shall be re-subdivided ~~without the consent of the Design Committee.~~

* 2.10 No Annoying Lights. No outdoor lighting shall be permitted except for lighting that is designed to aim downward and limit the field of light to the confines of the Lot on which it is installed. This shall not apply to street lighting maintained by Perry City.

* 2.11 Height. No dwelling shall have a height of more than 35 feet on any Lot.

* 2.12 Square Footage. No Dwelling shall be permitted on any Lot with the ground floor area of the main structure, exclusive of open porches and garages, of less than 1650 square feet for one-story Dwellings and no less than a combined square footage of at least 2400 on the main and second level for a Dwelling of more than one-story. Dwellings in all residential Lots shall have a minimum of a two-car attached garage.

✓ 2500 ON MAIN
✓ 3 CAR GARAGE
✓ 35' BACK YARD
✓ 30' SETBACK FRONT
✓ 18' SIDE YARDS

Any time it says Designing Committee how could we handle it?

* 2.13 No Hazardous Activity. No activity may be conducted on any Lot that is, or would be considered by a reasonable person, to be unreasonably dangerous or hazardous. Any activity that would cause the cancellation of conventional homeowner's insurance policy shall be considered unreasonably dangerous. This includes, without limitation, the storage of toxic, flammable, explosive or hazardous materials in excess of those reasonable and customary for household uses.

* 2.14 No Alteration of Drainage. No owner shall alter the direction of natural drainage on his Lot, nor shall any Owner permit accelerated storm runoff to leave his Lot without first using reasonable means to dissipate the flow of energy.

* 2.15 No Transient Lodging Uses. Lots are to be used for residential housing purposes only and shall not be rented in whole or in part for transient lodging purposes, boarding houses, bed and breakfast, or other uses for providing accommodations to travelers. No Dwelling on the Lot shall be subject to time interval ownership.

* 2.16 Restrictions on Antenna. No exterior antenna of any sort shall be installed or maintained on any Lot ~~except of a height, size and type approved by the Design Committee~~. No activity shall be conducted within the property which interferes with television or radio reception of the other Owners. *exceeding size of standard satellite dish. Residential*

? * 2.17 No Outside Clothes Lines. No outside clothes lines and other outside clothes drying or airing facilities shall be maintained ~~without prior approval of the Design Committee~~. *REMOVE?*

* 2.18 No Hunting or Camping. There shall be no camping upon any Lot and there shall be no hunting or discharge of firearms on any Lot.

? * 2.19 Roof Pitch. The roof pitch shall be ~~1/12~~ *6 or 7* or greater.

* 2.20 Restrictions on Types of Homes. No log dwelling, modular home or mobile home shall be allowed in the subdivision.

ARTICLE III - OWNER MAINTENANCE OBLIGATIONS

It is the obligation of each Owner to maintain his Lot at all times in order to preserve and enhance the enjoyment of the Subdivision. In furtherance hereof the following are adopted:

* 3.01 Duty to Maintain. It is the obligation of the Owner of each Lot to maintain his Lot and the improvements to the Lot in a good state of repair and in an attractive, safe and healthy condition.

* 3.02 Maintenance of Property. All Lots and the improvements thereon shall be maintained in a clean, sanitary, attractive and marketable condition at all times. No Owner shall permit his Lot, or Dwelling thereon and any improvements thereon to fall into disrepair.

* 3.03 Repair Following Damage. In the event of damage or loss as a result of casualty to a Dwelling or Improvements, the Owner shall reconstruct the same as they existed prior to the damage or loss without review by the Design Committee, provided however that alterations or deviations from the original approved plans will require review. No damaged structure will be permitted to remain on any Lot for more than 90 days without repairs commencing and any damaged structure which does remain unrepaired after 90 days following in the occurrence of damage is deemed a nuisance which may be abated by the Design Committee.

* 3.04 Sewer Connection Required. All Lots are served by sanitary sewer service, no cesspools, septic tanks, or other types of waste disposal systems are permitted on any Lot. All Dwelling units must be connected to the sanitary sewer system.

* 3.05 Landscaping Required. As soon as practical following completion of the construction of the Dwelling, but in no event later than the summer immediately following completion of construction, or not later than 18 months from the issuance of a building permit, whichever first occurs, each Owner is required to fully landscape his or her Lot. The Owner may plant lawns, sod, gardens, plants, shrubbery, trees or other ornamental plantings or replace natural species. Front yard landscaping shall include a balance of turf, ground covers, shrubs and trees. Provision should be made for spring and summer season color in the ground cover shrubs and trees. The use of rock and stone as part of the landscaping is encouraged but not to be overused.

3.06 Parkway Street Trees. At least two trees shall be located in the parkway strip for all Lots except corner Lots which shall require four street trees. Said trees shall be two-inch caliper and should be staked to minimize wind damage and shall be common species obtainable from local nurseries.

3.07 Subsequent Alterations of Exterior Appearance. The Owners shall maintain their Lots and Dwellings in substantially the same condition and appearance as that approved by the Design Committee. No subsequent exterior alterations, improvements or remodeling structural or in landscaping, paint, color or materials will be made without the advance consent of the Design Committee.

ARTICLE IV - ARCHITECTURAL CONTROL

4.01 Organization of the Design Committee. There shall be a Design Committee consisting of not fewer than three (3) members. The members of the Design Committee need not be Owners. Declarant shall have the right to appoint, remove and increase the number of members of the Design Committee; provided that such right shall vest in the Owners upon the expiration of any continuous period of eighteen (18) months during which Declarant at all times owns less than ten percent (10%) of the residential Lots then covered by this Declaration. Declarant may voluntarily relinquish control of the Design Committee to the Owners at any time. Unless authorized by the Owners, the members of the Design Committee shall not receive any compensation, but all members shall be entitled to reimbursement from the Owners for reasonable expenses incurred in the

performance of any Design Committee function. Once the Design Committee is fully controlled by the Owners, the Owners shall hold a meeting to elect Design Committee members as needed.

4.02 Actions Requiring Approval. No fence, wall, Dwelling, accessory or addition to a Living Unit visible from the Common Areas or public streets within the property, or landscaping or other improvement of a residential Lot visible from the Common Areas or public streets within the property shall be constructed or performed, nor shall any alteration of any structure on any residential Lot, including a change in exterior color, be made, unless complete plans and specifications showing the nature, color, kind, shape, height, materials and location of the same shall first be submitted to and approved by the Design Committee.

CITY STAFF?

4.03 Standard of Design Review. Before granting any approval of plans and specifications, the Design Committee shall determine to its reasonable satisfaction that such plans and specifications (a) conform to all architectural standards contained in this Declaration and all further architectural standards promulgated from time to time by the Design Committee and (b) provide for a structure, alteration, landscaping or other improvements in harmony as to external design, color and location with surrounding structures and topography.

4.04 Design Committee Rules and Architectural Standards. The Owners, in accordance with the amendment provisions of this instrument, may adopt and file as a matter of public record reasonable rules related to the efficient review of plans and specifications including requirements as to the number of sets of plans and specifications to be submitted, the fixing of a review or variance request fee not exceeding Fifty Dollars (\$50.00) per review or variance request, the details to be shown on plans and specifications, and design guidelines consistent with this Declaration and covering such matters as setbacks, height limitations, restrictions on minimum or maximum size and quality of structures.

4.05 Approval Procedure. The Design Committee and any subcommittees thereof shall meet from time to time as necessary to perform the duties of the Design Committee. The vote or written consent of a majority of the Design Committee or any authorized subcommittee shall constitute the act of the Design Committee. Any plans and specifications submitted to the Design Committee shall be approved or disapproved within thirty (30) days after receipt by the Design Committee. If the Design Committee fails to take action within such period, the plans and specifications shall be deemed to be approved as submitted.

4.06 Variance Procedure. If plans and specifications submitted to the Design Committee are disapproved because such plans and specifications are not in conformity with applicable architectural standards, the party or parties making such submission may submit a request for variance to the Design Committee who shall approve or disapprove the request for variance in writing.

4.07 Nonwaiver. The approval by the Design Committee of any plans and specifications for any work done or proposed shall not constitute a waiver of any right of the Design Committee to disapprove any similar plans and specifications.

POSSIBLE
REMOVE OR
REPLACE
WITH
SIMPLE
REQUIRE
BY CITY
STAFF
FOR
CONFORMANCE

4.08 Completion of Construction. Once begun, any improvements, construction, landscaping or alterations approved by the Design Committee shall be diligently prosecuted to completion in strict accordance with the plans and specifications approved by the Design Committee.

4.09 Estoppel Certificate. Within thirty (30) days after written demand therefor is delivered to the Design Committee by any Owner, the Design Committee shall issue an estoppel certificate in recordable form executed by any two of its members, certifying with respect to any residential Lot of such Owner that as of the date thereof either (a) all improvements and other work made or done upon or within such residential Lot by the Owner, or otherwise, comply with this Declaration, or (b) such improvements or work do not so comply, in which event the certificate shall also (i) identify the nonconforming improvements or work, and (ii) set forth the nature of such noncompliance. Any mortgagee or purchaser from the Owner shall be entitled to rely on such certificate with respect to the matters therein set forth.

* 4.10 Multiple Lot Ownership. Only one Dwelling may be constructed on any Lot. No other storage building, outbuilding, or habitable structure may be permitted on any Lot unless specifically approved by the Design Committee. *- City Ordinance*

4.11 Disclaimer of Liability. Neither the Design Committee, nor any member thereof acting in good faith shall be liable to the Owners or to any Owner for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or rejection of, or the failure to approve or reject, any plans, drawings and specifications, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development or manner of development of any of the Property, or (d) any engineering or other defect in approved plans and specifications.

ARTICLE V - CONSTRUCTION COVENANTS

The following construction regulations shall be enforced and shall be made a part of the construction contract between the Owner and the builder of each Dwelling or other improvement on a Lot. An Owner shall be bound by these regulations, and violations committed by the Builder or its employees, subcontractors or others shall be deemed a violation by the Owner for which the Owner is liable.

5.01 Zoning Ordinances. All improvements shall be constructed in accordance with applicable building line and setback provisions of zoning ordinances.

5.02 Materials. All structures constructed on any Lot shall be constructed with new materials unless otherwise permitted by the Design Committee. No used structure shall be relocated or placed on any Lot.

5.03 Mailboxes. The Design Committee shall have the authority to establish architectural and design standards for the construction and installation of mail boxes to be installed by each owner. *REMOVE*

* 5.04 Roofing. Materials shall be cedar shapd, tile or architectural-grade asphalt shingle (at least 30 year type) or other high quality roofing materials which are prior approved by the Design Committee. No steel roofs or shake shingles will be allowed

* 5.05 Exterior Building Materials. Each dwelling shall be constructed with a minimum of brick or ornate stone/rock as set forth in this Declaration. If brick is selected the dwelling shall have no less than 70% brick on the front of the dwelling and 30% on the sides. If rock is selected, the dwelling shall have no less than 50% rock on the front of the dwelling and 30% rock on the sides. The balance materials may consist of stucco or fiber cement board. In no event shall vinyl or aluminum siding be allowed on any dwelling.

* 5.06 Time Commencement of Construction. Construction of a dwelling upon a lot must commence within one year from the date of the sale of any lot. No dwelling shall be permitted to remain incomplete for a period in excess of one year from commencement of construction unless approved by the Design Committee.

5.07 Accessory Buildings. All accessory buildings built on any lot shall conform to the following:

- I. No accessory buildings shall exceed a frontage of 40 feet and the length of 60 feet.
- II. The exterior building materials must be the same type, grade, and quality as the materials used in constructing the dwelling situated on the lot, and
- III. The maximum heights of any accessory building shall be 12 feet from the ground to the eve of the building.

* 5.08 Occupancy. No structure shall be occupied with:

- I. The same is substantially completed in accordance with plans and specifications previously approved by the Design Committee, and
- II. The City of Perry has properly issues a Certificate of Occupancy.

* 5.09 No outside Toilet. No outside toilet(s) other than self contained portable toilet units used during construction shall be placed or constructed on any lot. All plumbing, fixtures, dishwashers, garbage disposals, toilets and sinks shall be connected to a public sewage system.

* 5.10 Appearance. The lot must be maintained in a reasonably organized and neat condition at all times during construction of the dwelling or improvements. Once the dwelling is enclosed, materials shall be stored inside, and out of sight whenever practical and possible.

* 5.11 Hours of Work. Daily working hours on the site shall be limited to the period beginning one-half hour after sunrise and ending one-half hour before sunset. The builder is responsible for controlling noise emanating from the site.

* 5.12 Landscaping. No Lot shall remain without full landscaping (front and back) for a period in excess of one year from the date the city issues the applicable occupancy permits.

? 5.13 Fencing. No fence shall be constructed unless consistent with the building materials used in the subdivision and must be pre-approved by the Design Committee. No fence shall extend closer to any street than the corner of each Dwelling constructed on the Lot.

ARTICLE VI - GENERAL

6.01 Notices. Any notice required or permitted to be given to any Owner under the provisions of this Declaration shall be deemed to have been properly furnished if delivered or mailed, postage prepaid, to the person named as the Owner, at the latest address for such person as reflected in the public property records at the time of delivery or mailing. Any notice required or permitted to be given to the Design Committee may be given by delivering or mailing the same to the managing agent of the Design Committee. Any notice required or permitted to be given to the Design Committee may be given by delivering or mailing the same to the managing agent or any member of the Design Committee.

6.02 Amendment. Except as provided below in this Section 6.02 or in Section 6.08 of Article XII, this Declaration may be amended by:

- (a) the affirmative vote of a majority of the Owners, and
- (b) the written consent of Declarant, if such amendment is adopted any time when Declarant holds title to any Lot.

Until all portions of the undeveloped land are annexed to the Property or until Declarant's right to annex land to the Property otherwise terminates, Declarant reserves the right to amend this Declaration insofar as it applies to any land annexed at or after the date of such amendment, provided that (a) any such amendment shall be set forth in a supplemental declaration annexing land to the Property, (b) no such amendment may affect the voting rights of Owners (other than the inclusion of additional Owners entitled to vote). Declarant may at any time amend this Declaration so as to limit, diminish or eliminate all or any of the reserved rights or benefits of Declarant herein, provided that any such amendment shall be effective only after being filed of record in the office of the County Recorder of Box Elder County, Utah.

6.03 Consent in Lieu of Vote. In any case in which this Declaration requires authorization or approval of a transaction the assent or affirmative vote of a stated percentage of the Owners, whether present or represented at a meeting, such requirement may be fully satisfied by obtaining, with or without a meeting, consents in writing to such transaction from Owners entitled to cast at least the stated percentage of all membership votes outstanding in connection with the class of membership concerned. The following additional provisions shall govern any application of this Section 6.03:

(a) All necessary consents must be obtained prior to the expiration of ninety (90) days after the first consent is given by any Owner.

(b) The total number of votes required for the applicable authorization or approval shall be determined as of the date on which the last consent is signed.

(c) Except as provided in the following sentence any change in ownership of a residential Lot which occurs after a consent has been obtained from the Owner thereof shall not be considered or taken into account for any purpose. A change in ownership which would increase the total number of votes outstanding shall, however, be effective in that regard and shall entitle the new Owner to give or withhold his consent.

(d) Unless the consent of all Owners whose memberships are appurtenant to the same residential Lot are secured, the consent of none of such Owners shall be effective.

6.04 Declarant's Rights Assignable. All or any portion of the rights of Declarant under this Declaration or in any way relating to the Property may be assigned.

6.05 Interpretation. The captions which precede the Articles and Sections of this Declaration are for convenience only and shall in no way affect the manner in which any provision herein is construed. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, and any gender shall include both other genders. The invalidity or unenforceability of any portion of this Declaration shall not affect the validity or enforceability of the remainder hereof, which shall remain in full force and effect. The laws of the State of Utah shall govern the validity, construction and enforcement of this Declaration.

6.06 Covenants to Run With Land. This Declaration and all the provisions hereof shall constitute covenants to run with the land or equitable servitudes, as the case may be, and shall be binding upon and all inure to the benefit of Declarant, the Owners, all parties who hereafter acquire any interest in a residential Lot, and their respective grantees, transferees, heirs, devisees, personal representatives, successors, and assigns. Each Owner or occupant of a residential Lot or shall comply with, and all interests in all residential Lots shall be subject to, the terms of this Declaration and the provisions of any rules, regulations, agreements, instruments, and determinations contemplated by this Declaration. By acquiring any interest in a residential Lot the party acquiring such interest consents to, and agrees to be bound by, each and every provision of this Declaration.

6.07 Duration. The covenants and restrictions of this Declaration shall remain in effect until the expiration of twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George W. Bush, the President of the United States at the time this Declaration was recorded.

6.08 Declarant's Right to Amend. Until all portions of the undeveloped land are included in the Development, or until the right to expand the Development through the annexation of all or part of the lands constituting the undeveloped land terminates, whichever event first occurs, Declarant shall have, and is hereby vested with, the right to unilaterally amend this Declaration as may be reasonably necessary or desirable: (a) to more accurately express and intent of any provisions of this Declaration in light of then existing circumstances or information; (b) to better insure, in light of then existing circumstances or information, workability of the arrangement which is contemplated by this Declaration; or (c) to facilitate the practical, technical, administrative, or functional annexation of any undeveloped land to the Property.

6.09 Effective Date. This Declaration and any amendment hereof shall take effect upon its being filed for record in the office of the County Recorder of Box Elder County, Utah.

6.10 Severability. Each of the covenants contained in this Declaration shall be independent of the others, and in the event that any one is found to be invalid, unenforceable, or illegal by a court of competent jurisdiction, the remaining covenants shall remain in full force and effect.

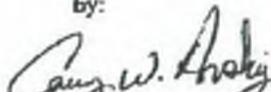
6.11 Mortgage Protection Provision. The breach of any of the foregoing covenants shall not defeat or render invalid the lien of any mortgage or Deed of Trust lien on the Property that is made in good faith and for value.

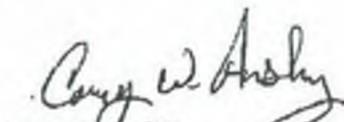
6.12 Enforcement of Restrictions. The following shall have the right to exercise or seek any remedy at law or in equity to enforce compliance with this Declaration (a) Declarant so long as it has any interest in any of the property or Lots or (b) any Owner. The prevailing party in an action for the enforcement of any provision of this Declaration shall be entitled to collect court costs and reasonable attorneys fees.

6.13 Limited Liability. Neither the Declarant nor the Design Committee of its individual members nor any other Owner shall have personal liability to any other Owner for actions or inactions taken under these covenants provided that any such actions or inactions are the result of the good faith exercise of their judgment under these covenants.

DATED this 3RD day of FEBRUARY 2011

by:


Corey W. Ansley


Corey W. Ansley

VERIFICATION

STATE OF UTAH)
 BOX EDEE: ss
COUNTY OF WEBBER)

On this 3RD day of FEBRUARY, 2011, personally appeared before me Cory W Ansley, Corey W Ansley, who, being by me duly sworn, declared that he is the owner of Ansley Subdivision that he signed the foregoing Declaration, and that the statements therein contained are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 3RD day of FEBRUARY, 2011.

NOTARY PUBLIC

Kathy Love



DATED this 18 day of Jan, 2011.

By:

Melvin L. Schiffman
Melvin L. Schiffman

VERIFICATION

STATE OF UTAH ,)
COUNTY OF Davis : ss
~~WEBER~~)

On the 18 day of January, 2011, personally appeared before me Melvin L. Schiffman, who, being by me duly sworn, declared that he is the Owner of Lot #3 in Ansley Subdivision that he signed the foregoing Declaration, and that the statements therein contained are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 18 day of January, 2011.

NOTARY PUBLIC

Wendy Bierwolf



DATED this 24TH day of JANUARY 2011

By: H. Scott Bessinger

H. Scott Bessinger

VERIFICATION

STATE OF UTAH)
 Box Elder : ss
COUNTY OF WEBER)

On the 24TH day of JANUARY 2011, personally appeared before me H Scott Bessinger, who, being by me duly sworn, declared that he is the Owner of Lot #5 in Ansley Subdivision that he signed the foregoing Declaration, and that the statements therein contained are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 24TH day of JANUARY 2011.

Kathy Love
NOTARY PUBLIC



DATED this _____ day of _____,

By:

Kelly Kimball
Kelly Kimball

Jana Kimball
Jana Kimball

VERIFICATION

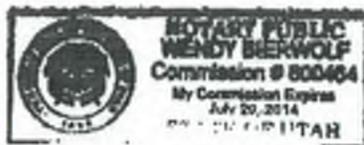
STATE OF UTAH)
) : ss
COUNTY OF DAVIS)
~~WEBER~~

On the 15 day of January, 2011, personally appeared before me Kelly Kimball and Jana Kimball, who, being by me duly sworn, declared that he is the Owner of Lot #15 in Ansley Subdivision that he signed the foregoing Declaration, and that the statements therein contained are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of January, 2011.

NOTARY PUBLIC

Wendy Beerwolf



DATED this 31st day of January, 2011.

By: 
Jason Griffin


Mindy Griffin

VERIFICATION

STATE OF UTAH)
 : ss
COUNTY OF WEBER)

On the 31st day of January, 2011, personally appeared before me Jason Griffin and Mindy Griffin, who, being by me duly sworn, declared that he is the Owner of Lot #6 in Ansley Subdivision that he signed the foregoing Declaration, and that the statements therein contained are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of January, 2011.

NOTARY PUBLIC



DATED this 26 day of January, 2011.

By:

Earlene J Hill
Earlene J Hill

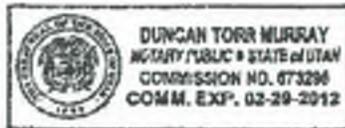
VERIFICATION

STATE OF UTAH)
) Box ELDER: ss
COUNTY OF ~~Wasatch~~)

On this 26 day of Jan. 2011, personally appeared before me Earlene J Hill, who, being by me duly sworn, declared that she is the owner of Lot #17 in Ansley Subdivision that she signed the foregoing Declaration, and that the statements therein contained are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of Jan. 2011.

Duncan T. Murray
NOTARY PUBLIC



DATED this 26th day of Jan, 2011.

By: Duncan Terr Murray, City Administrator

Duncan Terr Murray
Perry City Corp.

VERIFICATION

STATE OF UTAH)
COUNTY OF ~~Wasatch~~ Box Elder : ss

On this 26th day of Jan, 2011, personally appeared before me Perry City Corp, who, being by me duly sworn, declared that he is the owner of Detention Basin in Ansley Subdivision that he signed the foregoing Declaration, and that the statements therein contained are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of Jan, 2011.

Shanna S. Johnson
NOTARY PUBLIC

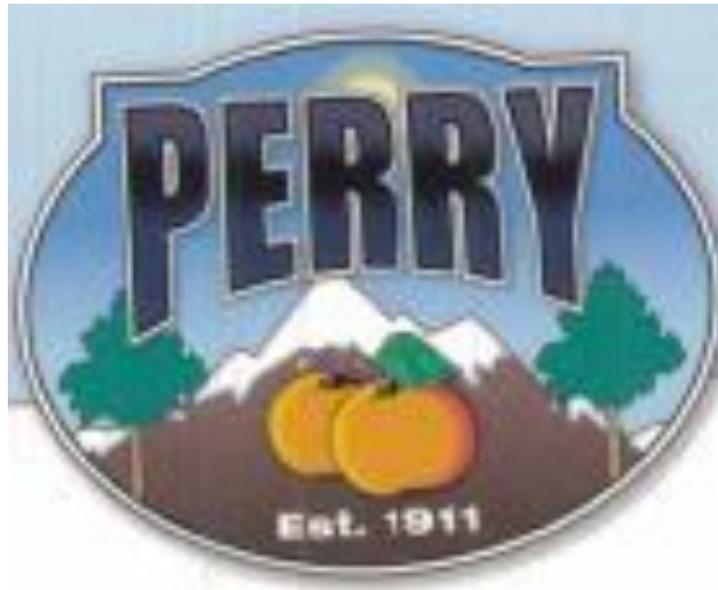


EXHIBIT A

Legal Description

Lots 1 through 18, Ansley Subdivision, according to the official plats thereof as recorded on the records of Box Elder County, Utah.

PERRY CITY
EMERGENCY OPERATIONS PLAN



APPROVED
August XX, 2016

**Perry City
EMERGENCY OPERATIONS PLAN**

PREFACE

The City of Perry Emergency Operations Plan establishes a flexible framework for the community's activities to prepare for, respond to, and recovery from all types of major disasters. This manual is to assist City officials and staff during times of emergencies and disasters. Each section contains major activities that will need to be organized and/or accomplished. The activation of this plan and the numbers of responders needed to assist in the Emergency Operations Center (EOC) and in the field will depend on the type and size of the emergency or disaster. This plan is modular and can be activated fully or in part, depending on the situation.

PROCLAMATION

The welfare and safety of citizens is never more threatened than during disasters. The goal of emergency management is to ensure that mitigation, preparedness, response, and recovery actions exist so that public welfare and safety is preserved.

The Perry City Emergency Operations Plan provides a comprehensive framework for city-wide emergency management. It addresses the roles and responsibilities of government organizations and provides a link to local, State, Federal, and private organizations and resources that may be activated to address disasters and emergencies in Perry.

The Perry City Emergency Operations Plan has been constructed with the best information available and from a planning perspective. It is recognized that as an emergency unfolds and new information becomes available, decisions and actions may be different than the plans envisioned here, in this version of the Emergency Operations Plan.

Therefore, in recognition of the emergency management responsibilities of Perry government and with the authority vested in me as the Chief Executive Officer of Perry, I hereby decree Perry City Emergency Operations Plan. I urge all officials, employees, and others involved in the total emergency management effort, individually and collectively, to do their share in making the City of Perry a disaster resistant and resilient community.

This plan supersedes all previous plans.

Declared this XX day of August, 2016.

Karen Cronin, Mayor

**PERRY CITY
EMERGENCY OPERATIONS PLAN**

Applicable Documents

FEDERAL LEGISLATION

The following documents are pertinent to the Perry City EOP.

- A. 44 CFR Chapter 1 (Emergency Management and Assistance)
Outlines the organization, power and duties of the Federal Emergency Management Agency (FEMA). Details the operation and scope of FEMA programs such as hazard mitigation, the National Flood Insurance Program (NFIP), fire prevention and control, disaster assistance and preparedness (including, in Part 350, radiological emergency preparedness).
<http://www.ecfr.gov/cgi-bin/text-idx?SID=ad3aa3f1bced5f18d1230b2c74244692&mc=true&tpl=/ecfrbrowse/Title44/44chapter1.tpl>
- B. Disaster Relief and Emergency Assistance Act (Stafford Act.) (PL 100-707)
Limits the qualifying events for disaster assistance to natural catastrophes and established provisions for cost sharing by state and local governments.
<http://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended>
- C. Disaster Mitigation Action of 2000 (PL 106-390)
Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for pre-disaster mitigation, to streamline the administration of disaster relief, to control the federal costs of disaster assistance and for other purposes.
<http://www.fema.gov/media-library/assets/documents/4596>
- D. Emergency Planning and Community Right-to-know Act (EPCRA) (42 USC 110001-11050)
Provides the public with information on the hazardous chemicals in their communities and establishes emergency planning and notification requirements to protect the public in the event of a release of an extremely hazardous substance.
<http://www.epa.gov/epcra>
- E. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),
42 USC 9601-9675
Protects the public health and environment by facilitating cleanup of environmental contamination and imposing costs on parties responsible for the pollution.
<http://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act>
- F. 10 CFR 50-47
Requires the establishment of state and local plans and preparedness for coping with effects of radiological emergencies as part of the nuclear power plant license.
<http://www.nrc.gov/reading-rm/doc-collections/cfr/part050/part050-0047.html>

G. Homeland Security Presidential Directive 5 (HSPD 5)
The purpose of this directive is to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.

<http://www.dhs.gov/publication/homeland-security-presidential-directive-5>

H. Homeland Security Presidential Directive 8 (HSPD 8)
Aimed at strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the nation, including acts of terrorism, cyber-attacks, pandemics, and catastrophic natural disasters. This goes hand in hand with the HSPD 5.

<http://www.dhs.gov/presidential-policy-directive-8-national-preparedness>

STATE LEGISLATION

State Statutes are located in State Emergency Operation Center (EOC).

- A. State of Utah Emergency Operations Plan
<http://dem.utah.gov/wp-content/uploads/sites/18/2015/07/05EOPBasicPlanFINAL.pdf>

- A. The Governor's Emergency Operation Directive
Utah Emergency Management Act of 1981, Utah Code 53-2, 63-5
Disaster Response Recovery Act Utah Code 63-5A
Emergency Interim Succession Act, Utah Code 63-5B

- B. UTAH NATIONAL GUARD (Chapter from Utah Code)
Chapter 39 - Describes departmental duties.

- C. DEPARTMENT OF NATURAL RESOURCES (Chapters from Utah Code)
Chapter 65 - Discusses responsibilities during forest fires.
Chapter 23 - Discusses responsibilities for wild animals and plants and powers for restricting hunting and fishing.
Chapter 17 - Discusses the powers and duties of the department regarding flood control
Chapter 65 - Discusses general environmental provisions (e.g., hazardous substance spills, disposal of debris including animal carcasses.)

- D. DEPARTMENT OF FAMILY SERVICES (Chapters from Utah Code)
Chapter 63 - Describes the administration, supervision, powers and duties of state health activities.
Chapter 63 - Describes the structure, duties and levels of services of local health departments.
Chapter 63 - Describes departmental powers and duties regarding communicable diseases.
Chapter 63 - Describes the powers, duties, identification and control of environmental health concerns (e.g. toxic substances, radioactive material/nuclear power plants, disease control.)

- E. DEPARTMENT OF TRANSPORTATION (Chapters from Utah Code)
Chapter 72 - Describes emergency repairs of county trunk highways.
Chapter 72 - Describes departmental powers, duties and organization.
Chapter 72 - Describes the powers and duties of traffic officers.

Chapter 72 - Describes provisions for the maintenance of order in state, county and municipal prisons.

- F. DEPARTMENT OF AGRICULTURE (Chapters from Utah Code)
 - Chapter 4 - Describes departmental powers and duties.
 - Chapter 4 - Describes the maintenance of animal health requirements (e.g., cooperation with the federal government during animal disease outbreaks, embargo and condemnation of diseased animals, slaughter on premises.)
 - Chapter 4 - Describes the regulation of food.G. COUNTIES (Chapter from Box Elder County Policies and Procedures)
 - Chapter 17 - Describes the legal status and organization (e.g., home rule; powers of the board chairperson and vice-chair, executive, administrator and sheriff).

- H. CITIES (Chapter from Utah Code)
 - Chapter 62 - Describes the legal status and organization (e.g., powers of the mayor and council, ambulance service).

- I. GENERAL MUNICIPAL LAW (Chapter from Utah Code)
 - Chapter 10 - Describes the legal status and organization (e.g., exercise of home rule, law enforcement, mutual assistance, emergency powers).
 - Chapter 10 - Defines and describes the authorities regarding mutual aid agreements.
 - Chapter 53 - Describes the police power of a fire chief or a rescue squad.

Perry City
EMERGENCY OPERATIONS PLAN

APPROVAL AND IMPLEMENTATION

Transmitted herewith is the integrated Emergency Operations Plan for Perry City. It provides a framework for all city departments to plan and perform their respective emergency functions before, during, and after a disaster or other emergency. It is further intended that this document be used as a reference and training aid for all departments and emergency response personnel to ensure efficient and effective response and management of disasters and other emergencies.

This plan may be used to prepare for or to respond whenever there is a disaster or emergency that could significantly threaten human health, property, or the environment. The functions of emergency management are under the immediate operational direction and control of the City's Emergency Manager, who coordinates interdepartmental emergency operations and maintains the ultimate responsibility for resolution of conflicts regarding the application of limited resources to a variety of concurrent emergency situations. Upon declaration of a disaster or other emergency by the mayor, the Emergency Manager or his/her designee is authorized to commit the resources necessary to carry out the provisions contained in this plan.

In accordance with the Homeland Security Presidential Directive (HSPD) 5, all departments and organizations having responsibilities delineated in this Emergency Operations Plan will use the National Incident Management System (NIMS). (See "Federal Applicable Documents", p 4 & 5 of EOP). This system will allow proper coordination between local, state, and federal organizations.

Responsibility for coordination of emergency activities with regional, state, and private partners resides with the Emergency Manager or his/her designee and will be accomplished through established liaison roles within the incident or unified command structure as outlined in the National Incident Management System.

The Incident Command System (ICS), as part of NIMS, will enable effective and efficient incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating with a common organizational structure. All EOC functions and on-scene management of incidents will be conducted using the Incident Command System. The City's Emergency Manager, the Mayor, and the Department heads will comprise the EOC team and will provide overall direction and support to the EOC and responders in the field.

This plan is in accordance with existing local, state, and federal statutes. It has been approved by the Perry City Council and will be reviewed and updated as required, but at least biannually. Future revisions can be approved by the city mayor and emergency manager.

Effective Date: August XX, 2016

Karen Cronin, Mayor

Emergency Manager

**Perry City
EMERGENCY OPERATIONS PLAN**

RECORD OF CHANGES

The Perry City Emergency Operations Plan is a dynamic document that will be strengthened and enhanced over time as it is tested and activated for actual events or exercises. In concert with the plan maintenance section and planning efforts with other agencies, this plan may be revised and refined on a regular basis. Changes must be agreed upon by the City Mayor and Emergency Manager, in conjunction with Department Heads.

Each revision to the plan will be numbered and documented. As new versions are created, they will be distributed to designated plan holders and will supersede all previous versions.

RECORD OF CHANGES

Revision Number	Section of Plan Changed	Brief Explanation of Change	Revision Date	Initial

PERRY CITY EMERGENCY OPERATIONS PLAN

DEFINITIONS

Disaster:

A sudden calamitous human made, natural or accident-caused event bringing great damage or destruction.

Emergency:

An unplanned, sudden or accidental event that threatens health, property and/or the environment and requires specialized equipment and/or personnel to control.

Human Made Disaster:

Any industrial or transportation accident, explosion, power failure, hazardous material spills or injurious environmental contamination resulting from human made causes which threatens or causes human suffering, hardship, injury, loss of life or substantial damage to property. Mass shootings, acts of terrorism, and other hate-based crimes fall within this category.

Natural Disaster:

Storm, windstorm, flood, earthquake, landslide, mudslide, snowstorm, drought, fire or other nature caused catastrophes that result in substantial damage to property or causes human suffering, hardship, injury or loss of life.

Accident Caused Disaster:

Train derailment, air crash, structural fire or other accident caused catastrophe that results in substantial damage to property or causes human suffering, hardship, injury or loss of life.

Emergency Operations Plan:

A document that establishes a flexible framework for the community to prepare for, respond to, and recover from all types of major disasters within the city. It defines roles and responsibilities of the government, support agencies, and appointees and the functions assigned to them.

Emergency Committee:

A group of individuals led by the city Mayor (known as “Emergency Commander”) that has the responsibility for judicious planning, assignment and coordination of resources for response, and recovery from emergencies/disasters.

Emergency Operation Center:

A facility equipped with a communications system and other essential facilities/equipment to support the Emergency Committee to coordinate the activities of various agencies involved in disaster relief functions.

Emergency Support Functions:

Specific functions defined in the Emergency Management Plan that define individuals/agencies responsible for the coordination of activities involved in that function.

Expenses:

Actual costs of government personnel including labor, wages, workers, compensation benefits, fringe benefits, administrative overhead, cost of equipment, cost of materials, and cost of any contracted labor and materials.

NIMS:

The National Incident Management System is a standardized approach to incident management developed by the Department of Homeland Security. According to the Homeland Security Presidential Directive (HSPD) 5, all departments and organizations having responsibilities delineated in this and other Emergency Operations Plans will use NIMS. This system allows proper coordination between local, state, and federal organizations.

Contract Work:

Any disaster related work performed by private contractors for the city on a contract basis.

Perry City EMERGENCY OPERATIONS PLAN

PURPOSE

It is the purpose of this plan to define the actions and roles necessary to provide a coordinated response within Perry City, Utah, should a disaster or emergency beyond normal day-to-day emergencies occur. This plan provides guidance to agencies within Perry City, by predetermining actions to be taken by the city organizations and private/public groups to reduce vulnerabilities of people and property to disaster/emergency and establish capabilities and procedures to respond effectively to the actual occurrence of disaster/emergency. It provides a general concept of potential emergency assignments before, during, and following emergency situations. It also provides for the systematic integration of emergency resources when activated and does not replace county emergency operations plans or procedures.

SCOPE

This plan applies to all participating departments and agencies of the jurisdictions contained within the geographical boundary of Perry City, Utah. Emergency response, like all governmental action, is based on legal authority. This plan is a support document to the State of Utah Emergency Operation Plan (See "State Applicable Documents"), and therefore follows state and federal guidelines for conducting emergency planning, training, emergency response, and recovery.

In accordance with HSPD 5, all departments and organizations having responsibilities described in this EOP will use the National Incident Management System (NIMS). The NIMS system allows coordination between local, state, and federal organizations.

SITUATION

Perry City is located in Box Elder County, Utah, covering approximately 8 square miles with a population of about 4,700 residents.

It is bordered by Brigham City on the north and Willard to the south. The east side of the city is bordered by the Cache National Forest at the northern end of the Wasatch Range. The west side of the city is bordered by the Bear River Federal Bird Refuge.

The Pineview canal flows along the east bench of the city, and is a source of water for the orchards and homes within Perry. It is part of the Weber-Box Elder Conservation District.

Interstate Freeway (I-15) runs through the west side of Perry, and U.S. Highway Route 89 runs through the middle of the city. Access from Perry is at the south end, from Exit 357, or the north end, from Exit 362.

WalMart, and Maddox Restaurant, and Walker Cinemas are some the biggest businesses in Perry. There are many fruit stands and smaller businesses located throughout the city.

Emergency Response is provided by the Perry City First Responders, ambulance and fire services by Brigham City, CERT, and other emergency services such as wildfire by Box Elder County.

The nearest hospital is located just north of Perry, on 500 West in Brigham City, approximately .5 miles away from Perry's northern border. Ogden Regional Medical Center and McKay-Dee Hospital are located approximately 25 miles to the south of Perry.

There are two schools located within Perry. Three Mile Creek Elementary is public, and houses children grades 2 through 5, and has approximately 550 students. Promontory Charter School is located exactly one block to the south of Three Mile Creek Elementary, and houses children grades K through 8. There are approximately 450 students.

Perry City children who attend the public school system are also bussed to Willard and Brigham City. There are 4 levels of schools of the public system (elementary, intermediate, middle, and high school) outside of the Perry City, leaving many children located outside of the city in a disaster.

There is significant traffic and activity during the summer, as tourists come through "Utah's Scenic Fruit Highway", and also in the event of closure of Interstate Freeway (I-15) due to traffic accidents.

VULNERABILITY

Perry City could be subjected to one or more range of emergencies that include:

1. Hazardous material spills or releases into the air, ground, or water. This may occur during transportation or at fixed locations. Thousands of pounds of hazardous materials are transported daily via Interstate I-15 and the railway. When the Interstate is shut down for various accidents/ weather situations, all cars, trucks, and transports are routed east to U.S. Route 89, in the center of Perry.
2. Landslides and mudslides caused by heavy snowmelt or runoff.
3. Earthquake activity. The Wasatch Fault parallels US Route 89, and the largest earthquake event in Utah happened only 57 miles northwest of Perry in Hansel Valley.
4. Flash flooding caused by sudden downpours and water cascading down the mountain slopes. Flooding could also be caused by the bordering bodies of water during storms.
5. Strong canyon winds, causing damage to power lines, trees, and buildings.
6. Drought. A water shortage and drought could have severe impact on our crops, businesses, homes, and families.
7. Wildland and forest fires. These become a threat in late summer when growth is dry and easily inflamed.

8. Canal Ruptures/ Breaks. Pineview Canal is exposed to many natural threats, which potentially weaken the structure. It is possible for leaks, breaks, and ruptures, which may not only cause damage to property surrounding it, but also damage to the crops it should be providing water to.
9. Pandemics/Epidemics. While modern medicine and vaccinations have lessened the occurrence of outbreaks, these are still possibilities that could affect the city of Perry.
10. Terrorism, aircraft crashes, civil disturbances, mass shootings, and tornadoes.

Perry City
EMERGENCY OPERATIONS PLAN

Perry City Government Responsibility
In the Event of Emergency/Disaster

RESPONSIBILITIES

Perry City has the responsibility to protect the life and property of their citizens from disasters through recognition of potential disasters, advanced planning and utilization of resources. The various departments in the city have the primary responsibility for emergency management activities, but when the emergency or disaster exceeds their capability to respond, assistance will be requested from the County or State. The Federal government will provide assistance to the State, when appropriate. This plan is based upon the concept that emergency functions for various groups involved in emergency management will generally parallel their normal day-to-day functions. To the extent possible, the same personnel and material resources will be employed in both cases. It is generally true, however, that a disaster is a situation in which the usual way of doing things no longer suffices. It is desirable, and always attempted to maintain organizational continuity and to assign familiar tasks to personnel. In large-scale disasters, however, it may be necessary to draw on people's basic capacities and to use them in areas of greatest need. Day-to-day functions that do not contribute directly to the emergency operation may be suspended for the duration of any emergency. Resources normally used for day-to-day functions will be redirected to accomplish the emergency task by the agency concerned.

CONTINUITY OF GOVERNMENT

The line of succession for Perry City's continuity of Government, should the chief elected official not be available, is as follows:

- A. Mayor
- B. In concert:
 - a. City Administrator
 - b. Designated City Council Member
 - c. Emergency Manager

MUTUAL AID AGREEMENTS

Mutual aid agreements with surrounding local emergency response departments will be used to supplement needed resources within the city. Perry City is a partner in the Regional Mutual Aid agreement (See Appendix C)

Perry City
EMERGENCY OPERATIONS PLAN

Concept of Operations

PLANNING ASSUMPTIONS

Effective prediction and warning systems have been established that make it possible to anticipate certain disaster situations that may occur throughout the city or the general area beyond the city's boundaries.

It is assumed that any of the disaster contingencies could individually, or in combination, cause a grave emergency situation within the City of Perry. It is also assumed that these contingencies will vary in scope and intensity, from an area in which the devastation is isolated and limited to one that is wide-ranging and extremely catastrophic. For this reason, planning efforts are made as general as possible so that great latitude is available in their application, considering they could occur in several locations simultaneously.

Initial actions to mitigate the effects of emergency situations or potential disaster conditions will be conducted as soon as possible by the Mayor, the City Administrator, Council, and/or Emergency Manager.

Assistance to Perry City by response organizations from another jurisdiction are expected to supplement the efforts of Perry in an efficient, effective, and coordinated response when city officials determine their own resources to be insufficient.

Federal and State disaster assistance, when provided, will supplement, not substitute for, relief provided by local jurisdictions.

It is the priority of Perry City to work to save lives, protect property, relieve human suffering, sustain survivors, repair essential facilities, restore services, and protect the environment.

When a jurisdiction receives a request to assist another jurisdiction, reasonable actions will be taken to provide the assistance as requested.

PLANNED RESPONSE

Operation of the plan commences when the Mayor or a designated representative determines that the severity or length of the situation warrants plan implementation to reduce threat to life and/or property. The operation of the plan shall be coordinated amongst departments and agencies and not dependent upon any one individual. The steps of the plan proceed as thus:

- Alert and order the mobilization of the City Emergency Management Organization.
- Activate the City Emergency Operations Center. Size and composition of the staff is to be determined by the magnitude of the disaster.
- Alert the general population of the disaster or impending disaster.
- Arrange the evacuation of threatened areas if necessary.
- Alert the Box Elder County Emergency Management for assistance and coordination of other resource agencies.

The Perry City Emergency Operations Center (EOC) staff will collect, record, and evaluate information in order to determine measures to be taken before, during, and after disasters/emergencies. The information will be evaluated and used to identify the need for critical resources to support response activities and minimize the effects of the emergency.

Problem areas and deployment of resources will be monitored and recorded. Public information will be coordinated with the Joint Information Center (JIC) as necessary.

Perry City will utilize a simple Emergency Level Response System to help clarify the impact of the emergency of the City, and to alert City officials as to the need for EOC activation. The emergency response levels outlined below are declared by the on-scene commanders in concert with the Mayor or Mayor's designee (see Continuity of Government). When an incident reaches a magnitude that the City's resources are being taxed, the on-scene commanders will notify the Mayor to discuss:

- A. Impact of the Event on the City and its resources.
- B. Situation Status (what has happened, what is happening, what may happen.)
- C. Resource Status (resources on-scene, resources en route, resources needed.)
- D. Need for declaration of Emergency Level.

Emergency response is always guided by the following priorities: 1) Life Safety, 2) Incident Stabilization, and 3) Protection of Property.

TERRORIST INCIDENTS

The response to a terrorist's incident includes two major components, which may operate concurrently or consecutively:

Crisis Management

Crisis management is the law enforcement response to the causes of terrorist incidents, terrorist, and their weapons. It includes measures to identify, acquire and plan the use of resources needed to anticipate, isolate, prevent, and/or resolve a threat or act of terrorism. The federal government exercises preeminent authority and responsibility in crisis management. The federal crisis management effort is led by the Federal Bureau of Investigation (FBI) with assistance from other federal, state, and local agencies as necessary.

Consequence Management

Consequence management addresses the consequences of terrorism, the effects upon people, their property, and their community. It includes measures to protect public health, and safety, restore essential government services, and provide emergency relief to government, businesses, and individuals affected by the consequences of terrorism. The authority and responsibility for terrorism consequence management rests with the State of Utah and Perry City.

Perry City EMERGENCY OPERATIONS PLAN

Duties and Responsibilities in the Event of an Emergency

Duties and Responsibilities

In this section the duties and responsibilities of the key Perry City government officials and employees are described. Also provided is a checklist for these individuals to be used during the emergency. The duties/responsibilities and the checklist supplement each other. The duties predetermine the actions to be taken by these individuals in preparation for an emergency.

Emergency Commander (Mayor)

This individual has the ultimate authority and responsibility before, during and after an emergency declaration. The Mayor issues the proclamation of emergency (see Appendix E for form to be filled out) after consultation with the incident commander(s) at the disaster site(s) and rescinds it when appropriate. The Mayor is responsible for ensuring mutual aid agreements are in place with neighboring communities and county/state agencies. The Mayor ensures that a line of succession exists for the members of the emergency committee and each city department head in the event that they are unable to discharge their duties at the time of emergency. The Mayor is responsible for appointing emergency committee. Periodic training of these individuals through classroom sessions or on site drills will be supported by the Mayor.

Emergency Committee

The mayor is advised during the emergency by the Emergency Committee. The Perry City Emergency Committee is made up of the following members.

- Emergency Commander (Mayor)
- Emergency Manager
- City Administrator
- Emergency Committee Facilitator as appointed
- Public Works Coordinator
- City Council Members as appointed to serve on committees
- Secretary as appointed
- Police Chief

The Emergency Committee has the ultimate responsibility to carry out the directions of the mayor before, during and after the emergency/disaster situation. The Emergency Committee has authority for making decisions during the emergency. Policy issues would typically include expenditures, appointment of coordinators, requesting aid and resources, establishing incident specific goals, creating response procedures etc.

Emergency Committee duties and responsibilities, under the direction of the Mayor are:

- *Coordination of City emergency organization of training and education efforts.
- *Point of contact/liason with other municipal, county, state, or federal, organizations
- *Review and update City mutual aid agreements
- *Evaluate and update the City Emergency Operations Plan
- *Coordinate department specific written plans within the City, included as annexes to the

City Emergency Management Plan

- *Practice the four phases of Emergency Management - Mitigation, Preparedness, Execution and Recovery
- *Coordinate City plans with the cities/towns within the County and State Emergency Management Plans

Each member of the City's Emergency Committee should assure that their respective checklists are ready and available. These checklists should be stored where they can be accessed easily. Upon notification of emergency/disaster, each member needs to get background information concerning the location, incident size and type, type of damage, and the response up until now. Each member of the Emergency Committee, before reporting, must first assess family and household needs. If a member of their household is injured or sick, or their house is severely damaged, it is more imperative for that member to stay home and take care of their family first. If this is the case, the member should call in and notify the Emergency Committee Facilitator of the situation. Emergency Committee Members are to respond only when their homes and families are taken care of and in a stable state.

Police Department

The State of Utah has adopted statutes requiring all persons exercising police authority to be "CERTIFIED" by the State of Utah. Only Certified Officers will be able to exercise police power, even in the times of disaster or emergency. In order to create the most efficient working environment, any and all officers responding from outside the Perry City Police Department must first check in with the Chief of Perry Police.

During emergency operations requiring active use of police authority, the Perry City Police Department may utilize mutual aid from other law enforcement agencies.

Emergency Manager

The Emergency Manager is responsible for the preparation leading up to any disaster or emergency for the city. Those duties include:

- *creation and maintenance of the City EOP in conjunction with the Mayor.
- *collaboration with the County Emergency Manager and with those from other local cities.
- *Educating the public to be prepared.

During a City Emergency, the Emergency Manager should be in the Emergency Operation Center with the Mayor, giving advice and support concerning the situation. The Emergency Manager will also support by:

- *Coordinating between the different agencies and reporting to the Commander.
- *Step into Command, in conjunction with the City Administrator and a City Council Member, should the Mayor be unable to fulfill the mayoral duties.

City Administrator

The City Administrator's duties will be largely supportive and delegated depending upon the situation at hand.

- *Support the Mayor and Emergency Manager in their duties throughout the emergency.
- *Be prepared to step into command in counsel with the Emergency Manager and City Council Member, should the Mayor be unable to perform the duties required.

Emergency Committee Facilitator

The Facilitator duties and responsibilities during and after the emergency situation are:

- *Ensuring operational readiness of the Emergency Operations Center
- *Coordinator for all requests for emergency financial resources
- *Keeping records to track expenditures incurred during the emergency
- *Preparing financial reports to County, State and Federal governments in support of reimbursements
- *Assists in the resolution of claims and accounting for resources expended during the emergency

Public Works Department Coordinator

The responsibilities are:

- *Assist in providing damage assessment information to the EOC
- *Coordinate and aid disaster operations as related to repair and restoration of public works - roads, bridges, power, gas, sewer, etc.
- *Coordinate with the police department in the identification of alternate/detour routes for vehicular traffic throughout the city
- *Coordinate the clearance of debris

City Department Heads

The city department heads will ensure that a chain of command exists that allows the continuation of routine services at the highest possible level during emergency operations. Since it is anticipated that these department heads will be engaged in the resolution of the emergency, prior designation for the responsibility of continued services and routine tasks within the department is important.

Individual Employees

During times of emergency, employees may find their normal supervisors are engaged in the resolution of the emergency situation and may not have the opportunity to direct activities as usual. If this occurs, the city expects individual employees to continue assigned functions, and pick up any additional duties likely to result from the reassignment of resources, to maintain the pre-emergency level of services.

Checklists

The subsequent pages contain checklists for the key individuals involved in the operation and resolutions of emergency operations. They are an aid to ensuring that the necessary items that need to be attended to are carried out.

Forms

The forms to be filled out during an emergency are included in Appendix E.

Emergency Operation Center (EOC) Activation

The designated Emergency Operation Center (EOC) is in the city offices at 3005 South 1200 West. The Emergency Committee Facilitator (hereafter shown as "Facilitator") is responsible for the operation readiness (seating arrangements, equipment, supplies, etc.) of the command center.

In case the designated command center is rendered non-operational, the alternate command center is located in the Principals Office, Perry Elementary School, located at 994 West 2625 South.

The Emergency Commander (Mayor) is responsible for selecting other command centers. Communication between the command center and the field units will be accomplished through the Box Elder Public Safety Dispatch Center located at 52 South 1000 West, Brigham City, Utah.

1. The EOC will be activated on the order of the Mayor, City Administrator, or Emergency Manager.
2. The Emergency Committee is responsible for setting up of the furniture, equipment, displays, etc.

**Emergency Commander Responsibilities
(Perry City Mayor or Designee)**

1. Establish and activate the Emergency Operations Center (EOC). Sign the activation checklist roster provided by the facilitator.
2. Communicate with Box Elder County Dispatch and determine who will be notified, and the mode of notification.
3. Obtain situation briefing from emergency manager and incident commander(s) - evaluate the situation.
4. Declare local disaster emergency by releasing form to the Box Elder County Emergency Services Department with a copy to the State of Utah Department of Emergency Services (provided by the city facilitator). See Appendix E for forms.
5. Direct the notification of county and state authorities (form provided by the facilitator). See Appendix E for forms.
6. Determine and direct action necessary to obtain internal and external assistance/resources.
7. Determine public information officer and authorize information release.
8. Request and review rapid updates of emergency/disaster impacts from incident commander(s) and other sources.
9. Activate County JIC/JIS (Joint Information Center/Joint Information System) if necessary.
10. Determine volunteer assembly points and review current situational needs.
11. Verify rescue operations are occurring as rapidly as possible.
12. Review evacuation plans if required.
13. Maintain Emergency Operation center (EOC) support until stability is achieved.
14. Appoint assistants and specialists as needed during an emergency.
15. Rescind proclamation of local emergency when appropriate by releasing local state of emergency cancellation form provided by the City Facilitator. (See Appendix E for form)

Emergency Manager Responsibilities

1. Work with the Emergency Commander to determine the need for EOC activation, based upon the incident level of involvement and scope.
2. Act as a liaison between incident commander(s) and Emergency Commander; provide situational briefing.
3. Assist the Box Elder County EOC, if needed, to gain additional resources as needed.
4. Advise and assist the Emergency Commander in all aspects of the emergency, throughout the situation, as requested.
5. Be prepared to step into Command, in conjunction with the City Administrator and a City Council Member, should the Mayor be unable to fulfill the mayoral duties.

**Emergency Management Committee (EMC)
Member Responsibility**

1. Report to the Emergency Operations Center (EOC). If unable to report immediately, communicate with Emergency Operations Center (EOC) and assign alternate to report.
2. Sign activation checklist roster provided by the Facilitator.
3. Obtain assignments from the Emergency Commander - be prepared to act in capacity assigned.
4. Access individual "what to do" checklist.
5. Establish contact with resource personnel and employee reporting to you.
6. Stay until released by Emergency Commander.

Volunteer/Donation Coordinator Responsibility
(Post will be designated by the Mayor)

1. Act under the direction of the Emergency Commander and Emergency Operations Center (EOC).
2. Maintain regular contact with Emergency Commander at Emergency Operations Center (EOC).
3. Establish assembly points and a briefing area for volunteers separate from the incident scene.
4. Maintain a list of all volunteers, contacts phone numbers/addresses, and hours worked and provide these to government agencies as needed. (See Appendix E for forms.)
5. Prepare clear and concise statements defining role of volunteers, where needed, transportation, arrangement of communication requirements, physical requirements for help required (shovel etc.)
6. Organize volunteers for a 24 hour operation on a rotating shift basis.
7. Serve as point of contact for amateur radio organizations serving as auxiliary telecommunication support.
8. Ensure volunteers are not put in harms way by coordinating with incident commanders (need for safety equipment and blankets, immunizations etc).
9. Conduct any training required for volunteers.
10. Maintain a list of donors, amounts/supplies/equipment, when received and provide these to the city recorder as needed. (See Appendix E for forms.)
11. Prepare and maintain a list of unused donations. Protocol for unused donations will be:
 - a. donation that can be used by the city during or after the emergency will be retained
 - b. donation that cannot be used by the city during or after emergency use will be returned to the donor or to a non-profit organization.
12. Prepare and mail a "thank you" letter signed by the Mayor or designee to volunteers who have donated time and/or cash supplies. Forward "thank you" letter to local newspaper for publication if desired.

Public Information Officer (PIO) Responsibility
(Post will be designated by Mayor upon commission of the EOC)

1. Act under the direction of the Emergency Commander at Emergency Operations Center (EOC).
2. Maintain regular contact with Emergency Commander at Emergency Operations Center (EOC).
3. Solicit update of events from Emergency Operations Center (EOC), incident commander(s).
4. Establish liaison with representatives of public informing media.
5. Establish a briefing area for the media away from the emergency scene.
6. Prepare drafts of clear, concise statements reflecting current situation of events as quickly as possible.
7. Obtain release signature on communication drafts from the emergency commander.
8. Read communication drafts to media and answer questions without speculation.
9. Brief media members on areas they may use or visit and those they may not.
10. Assign personnel to take incoming calls to the Emergency Operations (EOC) and direct them to the applicable coordinator/Emergency Committee member.
11. Assist in the establishment of communication with external resources for members of Emergency Committee staff and Emergency Commander.
12. Inform media of time and location of next update.
13. Prepare and maintain display boards to show open and closed roads, evacuation routes etc.

**Incident Commander Responsibility
(One Commander for each Incident)**

1. Assume control of the emergency scene.
2. Coordinate overall emergency activities including activities of outside agencies.
3. Appoint scribe for recording events at scene. Record incident description - where, when, what, who, damage.
4. Determine boundaries of the scene. Cordon if required.
5. Evaluate scene for secondary threats.
6. Contact emergency commander by any means possible (runner, cell phone, radio, ham radio, land line phone, etc.) and keep commander informed of changes at the scene.
7. Recommend to emergency commander if declaration of disaster is required.
8. Call for necessary assistance including photographer and emergency equipment.
9. Request utility shut off as needed.
10. Brief personnel on site of plan of action, any exposure concerns.
11. Report injury and fatality information to the Emergency Operations Center (EOC).
12. Report all site team member's names to the Emergency Operations Center (EOC).
13. Request additional assistance as needed through the Emergency Operations Center (EOC).
14. Prevent movement or contamination of evidence.
15. Direct debris removal and rescue.
16. Request food, water, sanitary facilities and replacement of personnel as needed.
17. Downsize the scene and rescue efforts as needed.
18. Hand over responsibility to responsible department leaders when incident has been contained.
19. Release site personnel as needed.
20. Instruct all emergency responders to refer the news media to the emergency commander or Public Information Officer (PIO).

City Facilitator Responsibility

1. Ensure Emergency Operations Center (EOC) is operational - seating arrangements, telecommunication, equipment, power etc.
2. The Facilitator is responsible for ensuring furniture, telephones, communication equipment, city maps, evacuation route maps, shelter locations, etc. are located in or near the EOC.
3. The Facilitator is responsible for ensuring emergency declaration forms, roster, checklist for EOC members and copies of this Emergency Management Plan are available to EOC members immediately.
4. Get Emergency Commander to sign notification of emergency declaration and release to county and state officials.
5. Get Emergency Commander to sign "local government initial disaster report form" (Appendix E) and transmit form to Division of Emergency Services by rapid communication means (phone:801-538-3400; fax 1-801-538-3770).
6. Maintain in the Emergency Operations Center (EOC) current and detailed situations maps, roster of emergency committee members check in/check out times, roster of support agencies (American Red Cross etc.) and when they were informed.
7. Coordinate with incident commanders the identification markings and securing of public and private buildings that constitute a safety hazard.
8. Assist Emergency Commander in the tracking of damage assessment activities in the city.
9. Act as focal point for collecting damage assessment records, collecting bills for expenses incurred for disaster relief by contractors, city departments acquiring/renting equipment liability claims, etc.
10. Maintain and properly store detailed expense records to show expenses incurred due to disaster, submitted to city, county, state or federal agencies for reimbursement purposes.
11. Provide information to city government departments on how emergency expenditures may be changed.
12. Assist in the supervision and direction of the city clerical staff such as typing, answering phones, faxing, answering inquiries or other emergency related duties.
13. Other duties as assigned during the emergency.

Public Works Coordinator Responsibility

1. Report to the Emergency Operations Center (EOC).
2. Be responsible for coordinating all work within their jurisdiction.
3. Assist with barricades, traffic control points, signs and markers as requested.
4. Utilize heavy equipment for expedient bulldozing and debris clearance to maintain routes for emergency vehicles and evacuation routes.
5. Provide logistical support for fleet operation -fleet fueling, lease, purchase, or rental of equipment etc.
6. Try to ensure water supply, power and sanitary services are operable and maintained at shelters and mass care facilities during emergency.
7. Coordinate with other county and state agencies in the execution of appropriate emergency support functions (ESF's).
8. Determine need for and obtain additional resources.

Police Coordinator Responsibility

1. Report to the EOC.
2. Be responsible for coordinating all law enforcement efforts.
3. Take primary responsibility for traffic control.
4. Utilize law resources to control access to the site of the disaster and maintain security there.
5. Coordinate with neighboring communities if mutual aid is necessary.
6. Commandeer a unit of personnel to provide community security and prevent looting and robbery.
7. Coordinate reentry activities when the scene has been deemed safe.

Individual City Employees Responsibility

1. Continue assigned functions in areas of responsibility.
2. Take on additional duties from Emergency Committee to maintain pre-emergency level of services.

Perry City
EMERGENCY OPERATIONS PLAN
Supporting Agencies

The following are possible Support Agencies and Organizations for various emergencies situations

Police: **Primary:** Perry Police Department 435.734.3800
 Support: Willard Police Department 435.734.9881
 Brigham City Police Department 435.734.6650
 Box Elder County Sheriff's Office 435.257.5657
 Utah Highway Patrol / Utah Department of Public Safety 435.723.1094

Fire: **Primary:** Brigham City Fire and Ambulance
 Support: Perry City First Responders, Willard Fire Department, Weber County Fire
 Wildfires: Box Elder County Fire, Bureau of Land Management, National Forest Service

Other support agencies for various emergencies

Box Elder County Emergency Management Director 435.734.3813/435.452.1772
Brigham City Emergency Services
Box Elder County Hazmat Team- Hazardous materials
Box Elder Sheriff's Office Search and Rescue - Lost persons
Box Elder Sheriff's Office Scuba Search and Rescue- Water searches
Box Elder School District - Buses for mass transportation needs
Bear River Health Department - Health needs and possible body bags
Utah Medical Examiner's Office - Body bags and death investigations
Utah Department of Public Safety Dive Team - Water searches
Utah Department of Public Safety (DPS) Division of Emergency Services and Homeland Security - any significant emergency. This agency can activate and assist in finding resources in most cases.
Utah National Guard and Utah Air Guard - Has to be activated for use through the Governor's office, usually with a recommendation from Utah Department of Public Safety (DPS).
Utah Department of Transportation - Heavy equipment and roadway construction
Hill Air Force Base Emergency Operations Center (EOC) - for Bomb and Explosive problems
Federal Emergency Management Agency - Call at recommendation of Division of Emergency Services.
Box Elder County Coroner

Utility Companies

Rocky Mountain Power/ PacifiCorp
Questar Gas
Qwest/ Comcast and other service providers
Pineview Water Systems

Private Resources

Life-flight (IHC) / Air-med University of Utah - Emergency medical transport needs
Utah Transit Authority - Large transportation needs
American Red Cross - Temporary Shelter and food supplies
The Church of Jesus Christ of Latter-day Saints / Manpower and emergency supplies
Brigham Community Hospital - Medical coordination
Geneva Rock - Heavy equipment and debris removal
Staker/Parsons - Heavy equipment and debris removal
Gallegos Construction - Heavy equipment and debris removal
Whitaker Construction - Heavy equipment and debris removal
Kel Con Construction - Heavy equipment and debris removal
Braegger Construction - Heavy equipment and debris removal
Gillies Funeral Home - deceased persons help
Myers Mortuary - deceased persons help
Anvil Construction - Heavy equipment and debris removal
Ormond Construction - Heavy equipment and debris removal

Perry City
EMERGENCY OPERATIONS PLAN
DESCRIPTION OF EMERGENCY CONDITIONS - LEVELS 1,2,3

Emergency Conditions

An emergency is anything that occurs that is not normal. An emergency is any situation that is above and beyond the normal operating activities of any city department or agency. These activities are in response to a threat to life (personal safety), property, or the environment.

Perry City personnel respond to emergencies within the City. Box Elder County, the State of Utah, and the federal government may provide resources and assistance to the City. Using the incident command system, Perry City retains responsibility for management of the incident, except for in the case of terrorism crisis management.

The National Emergency Management system (NIMS) will be incorporated into the Incident Command System (ICS) system. Other mutual aid agreements can be activated with the various communities.

When carrying out the emergency operations plan, the transition from normal operations to emergency operation must be orderly. To ensure that everything runs efficiently, all departments need to have a common definition and status of emergencies.

There are three levels of emergency conditions for which action is taken: Level 1, 2, 3. These defined levels of an emergency provide for uniform transition from normal operating posture to full alert and provide for coordination with other agencies. When responding to emergencies, and coordinating between the Emergency Operations Center (EOC), the following levels apply.

Level 3: No Outside Help Needed

A Level 3 emergency is a small incident or event at one site. There may be more than one agency involved, but it is quickly controlled through routine procedures. It requires minimum staffing, and generally, an EOC is not needed.

Level 2: Enhanced Response - Help from outside needed

A Level 2 emergency is any unexpected occurrence that can be met with the City's available resources. This would include any resources from contracted outside agencies (i.e. BESO on duty deputies, Box Elder County Fire, Brigham City Fire and Ambulance, etc.) A Level 2 emergency will require the use of all city resources, but yet would not overwhelm the city's response capabilities.

Responsibility of the Level 2 emergency is given to the agencies that normally would respond and establish command. Their duties would include command setup, decision making, and situation resolution. The organization establishing command will establish on-site command, as appropriate. The incident command will make sure all necessary actions are completed until it is resolved. If notification is needed in a Level 2 emergency, it will be determined by the Mayor, and may include specific responding organizations.

If a large scale evacuation (10+ homes) is required, the level is automatically changed from a Level 2 response to a Level 1 response; the EOC must be activated.

Level 1: Major Disaster - Help needed now from everywhere

A Level 1 emergency is any unexpected occurrence that overwhelms the city's response capabilities and resources. A Level 1 emergency requires additional resources far beyond a normal response pattern. Such emergencies may require a cooperative effort and a commitment of personnel, equipment, or resources that would upset the normal working routine of either or all responding departments or agencies. The EOC would be activated in order to maintain the organization of the response.

Responsibility and decision making in a Level 1 emergency rests with the City Emergency Operations Center. Because Level 1 Emergencies require more than the contracted resources the city normally utilizes, it will require a cooperative effort with all city departments and outside agencies and/or jurisdictions that are responding to the city, but would also call for help from outside jurisdictions, such as neighboring communities and cities, county, and state.

In the event of a Level 1 emergency, the Mayor, all Department Heads, the Emergency Committee, and the Box Elder County Emergency Management will be notified. The Mayor or designee will activate the EOC. Members of the EOC, under the direction of the Mayor, will organize and coordinate the city's response. Those departments responsible for on-scene management will establish an on-site command post and notify all responding agencies (and the EOC) of the location. The on-site command post will coordinate directly with the EOC. Press relations will be handled by the Mayor.

The Box Elder County EOC may also be activated to support the City EOC. If it is not activated, the County Emergency Manager will report to the City EOC for coordination and support. The County Joint Information Center may also be activated to support the city's information needs, but may not necessarily require County EOC activation.

EMERGENCY RESPONSE CONDITIONS

During response operations, responders maintain the principle of centralized control and decentralized execution. All response actions are in harmony and orchestrated by legal authority from the EOC. As city departments, agencies, and non-governmental organizations progress from normal operations to an emergency posture, they go through the following response conditions.

RESPONSE CONDITION 3: NO OUTSIDE ASSISTANCE REQUIRED

1. Incident Commander will monitor the situation regularly.
2. Review applicable plans and Standard Operations Procedures.
3. Notify mayor or EOC chain of command as identified by the continuity of operations plan.
4. Review status of all equipment and supplies.

RESPONSE CONDITION I2: ENHANCED RESPONSE REQUIRED

1. Place Emergency Operations Center on medium staffing until determined by the Emergency Commander.
2. Accelerate repair or procurement of equipment and supplies on an emergency basis 24 hours a day. Work with Emergency Commander and the EOC for procurement of supplies and equipment.
3. Place all personnel on standby status.

RESPONSE CONDITION 1: MAJOR INCIDENT

1. Place Emergency Operations Center on full staffing.
2. Bring equipment and supplies to full operational status.
3. Recall personnel as necessary.
4. Commit all supplies and resources to the emergency.

The above procedures will not constrain or limit the emergency actions of any department or agency involved in a response. The department or agency notifies the Emergency Committee of the size of the emergency by using one of the definitions of an emergency. The Emergency Commander may declare a response condition and notify the Emergency Committee to begin developing a plan of action for the event.

Perry City
EMERGENCY OPERATIONS PLAN
PHASES OF EMERGENCY MANAGEMENT

There are four phases of emergency management - Mitigation, Preparedness, Response and Recovery.

1.0 Mitigation

Mitigation activities are any actions taken to prevent or reduce the occurrence of any emergency or risk to human life and property. Examples of mitigation efforts include, but are not limited to:

- *Building codes
- *Disaster insurance
- *Public education
- *Procurement and integration of equipment
- *Identifying resources

2.0 Preparedness

Preparedness activities are any actions taken prior to the emergency that facilitate the implementation of a coordinated response. Examples of preparedness efforts include, but are not limited to:

- *Continuity of government decisions
- *Testing and maintaining equipment
- *Establishing, equipping and maintaining the Emergency Operations Center (EOC)
- *Developing emergency plans and procedures
- *Participation in training, drills and exercises
- *Coordination of Emergency Broadcast System utilization
- *Coordination of Community Emergency Response Teams locally
- *Coordination of First Responders' trained responses
- *Training within the ICS system for leadership positions
- *Hazard Identification

3.0 Response

Response activities are any actions taken immediately before, during or directly after an emergency to save lives, minimize damage to property and increase the effectiveness of recovery efforts.

- a. Perry City government has primary responsibility for supporting the response activities of local units of government by:
 - *Providing or supporting initial response resources (i.e., police, fire and rescue, Emergency Medical Services (EMS), public works, protective actions and public health-environmental issues) and draw additional resources (i.e., mutual aid agreements) from within and outside the county when local/county resources are exhausted.
 - *Notifying the State of the incident where statutes require and request assistance as needed.
 - *Providing a line of succession of key government officials (Continuity of Government).
 - *Maintaining accurate records of disaster-related activities and expenses.
 - *Compiling damage assessment figures reported by damage assessment teams and local units of government.

- b. State government provides support upon county request in disaster response by:
 - *Activating the State Emergency Operations Center (EOC) when necessary.
 - *Supplementing resources when they are exhausted or need specialized services not available.

Services may be provided by private contractors or through various mutual aid agreements.

- *Keeping informed and maintaining accurate records of disaster-related activities and expenses.
- *Compiling information collected through the damage assessment process and requesting assistance from appropriate federal agencies.
- *Requesting National Guard support.

- c. Federal government provides support upon state request in disaster response by:
- *Providing assistance through the Federal Response Plan.
 - *Providing disaster assistance under the Stafford Act and other federal authorities.

4.0 Recovery

Recovery is the phase that involves restoring systems to normal. Short-term recovery actions are taken to assess damage and establish vital life-support systems; long-term recovery actions may continue for years. Examples of city recovery efforts include, but are not limited to:

- *Restoring essential services to the community, including debris clearance, decontamination, counseling, and temporary housing.
- *Assigning personnel, obtaining additional assistance, and managing volunteers and donated resources.
- *Coordinating access to the disaster area.
- *Coordinating restoration activities (i.e., re-entry).
- *Identifying short and long-term health/mental health impacts and determining how to address them.
- *Identifying and implementing mitigation opportunities where feasible.
- *Addressing the long-term economic impacts of the disaster.
- *Continuing with the damage assessment process.
- *Assisting local units of government with submitting disaster assistance applications.

Examples of state government recovery activities include, but are not limited to:

- *Supporting city restoration activities by providing basic guidance, conflict resolution, providing specialized resources and requesting additional resources from federal government/private contractors.
- *Coordinating health and environmental issues, which arise.
- *Assisting the city government with the damage assessment process.
- *Supporting the city government with identifying and addressing short and long-term impacts (e.g., health, mental health, mitigation and economic).
- *Coordinating with the federal government to deliver disaster assistance under the Stafford Act and other federal authorities.

Examples of federal government recovery activities include, but are not limited to:

- *Coordinating federal assistance under the Stafford Act and other federal authorities.
- *Providing specialized resources not previously available in accordance with state policy through the Emergency Support Function (ESF) of the Federal Response Plan (FRP).
- *Supporting city and state long-term recovery efforts.

Perry City
EMERGENCY OPERATIONS PLAN
Plan Implementation

This plan addresses Perry City's planned response to large scale emergency situations created by natural or human triggered incidents as well as unexpected events or accidents. It is not meant for day to day emergencies that utilize well established and routine procedures. It is to be used for unique situations that require unusual emergency response.

Figure 1 (p. 40) summarizes the implementation of the plan for the anticipated emergencies/disasters listed in the left hand column. It starts with the arrival of the first responder (which can be a citizen or a member of the police department) at the emergency scene. The '911' call from the citizen or the first contact of the dispatch center by the police activates the Incident Command System (ICS). The police are trained to request the proper agencies for assistance and assume the role of the "initial" incident commander.

The actual incident commander's role is decided by the police, fire department and medical services personnel arriving at the scene based on the nature of the emergency and who is best fit to assume command for that emergency. For example, an individual from the police department will assume the role for a public shooting. An individual from the fire department will assume the role for a major fire. The incident commander is responsible for informing and briefing the Emergency Commander (Mayor of Perry City or Designee) on the type and magnitude of the emergency as well as recommendation on whether an emergency should be declared. The incident commander(s) is also trained to invoke the implementation of the emergency support functions (ESF's) and remain at the incident site until incident is contained and recovery operations have been initiated. At that time the incident commander will ensure that responsibility at the site is properly assumed by the appropriate personnel.

The decision to declare an emergency rests with the Emergency Commander (EC) who chairs the Emergency Management Committee (EMC). The Emergency Commander and the Emergency Management Committee provide the focal point for management of the various agencies and appointees engaged in the resolution of emergency. Effective direction coordination and control of resources in a teamwork environment is a key Emergency Management Committee function. Their decisions are based on getting frequent and accurate situational assessment from the incident commander and appointees. Checklists have been prepared for the key individuals involved in the resolution of the emergency and these can be found in Section 5 and Appendix F of the plan.

Two key appointees to be made by the Emergency Commander at the onset of the emergency/disaster are the Volunteer Coordinator and the Public Information Officer. These coordinators are responsible for the execution of Emergency Support Functions ESF #6 and ESF #5 respectively.

The various support agencies (city, county, state and federal), and appointed coordinators and the city employees in the various departments have the responsibility to extend every effort to restore and maintain city services and functions to pre-emergency levels.

Perry City
EMERGENCY OPERATIONS PLAN
Evacuations

The responsibility for ordering evacuations rests only with the Incident Commanders. The Incident Commander is responsible for notifying the Emergency Commander of any evacuation ordered. Any time the need arises to evacuate people voluntarily or involuntarily; the Emergency Commander should be notified so that proper measures can be taken to provide security at the evacuation sites. Involuntary evacuations require an unusual exercise of policy power, and restraint should be exercised in non-life threatening situations. When life is threatened, evacuations must be ordered and enforced.

Voluntary evacuation decisions are usually left to the property owner. For hazards that are highly visible or extensively discussed in the media, people may evacuate prior to the official recommendation to do so.

Evacuation of Public Buildings

If certain types of emergency situations occur during working hours, it may be necessary to evacuate employees and the public from City buildings until a safety check can be completed. Departments should develop an evacuation plan, and conduct periodic briefings for their employees. The Elected Officials/Department Head, the major building occupant, or the highest level of government occupying the premises, will be responsible for assuring plans are in place.

Medical Facilities

Within Perry City there are medical facilities (i.e. Beehive Homes) that needs special consideration with regard to evacuation and relocation of patients/residents. These plans will be developed by the medical facilities, and the City will review them to ensure that plans are in place and operational.

Animal/Livestock Evacuation

The sheltering and protection of animals and livestock is the responsibility of the owners. However, in an emergency, the Emergency Management Committee will provide information to the police on how animal control operations will be conducted. This includes shelter areas, quarantine areas, assisting the reuniting owners.

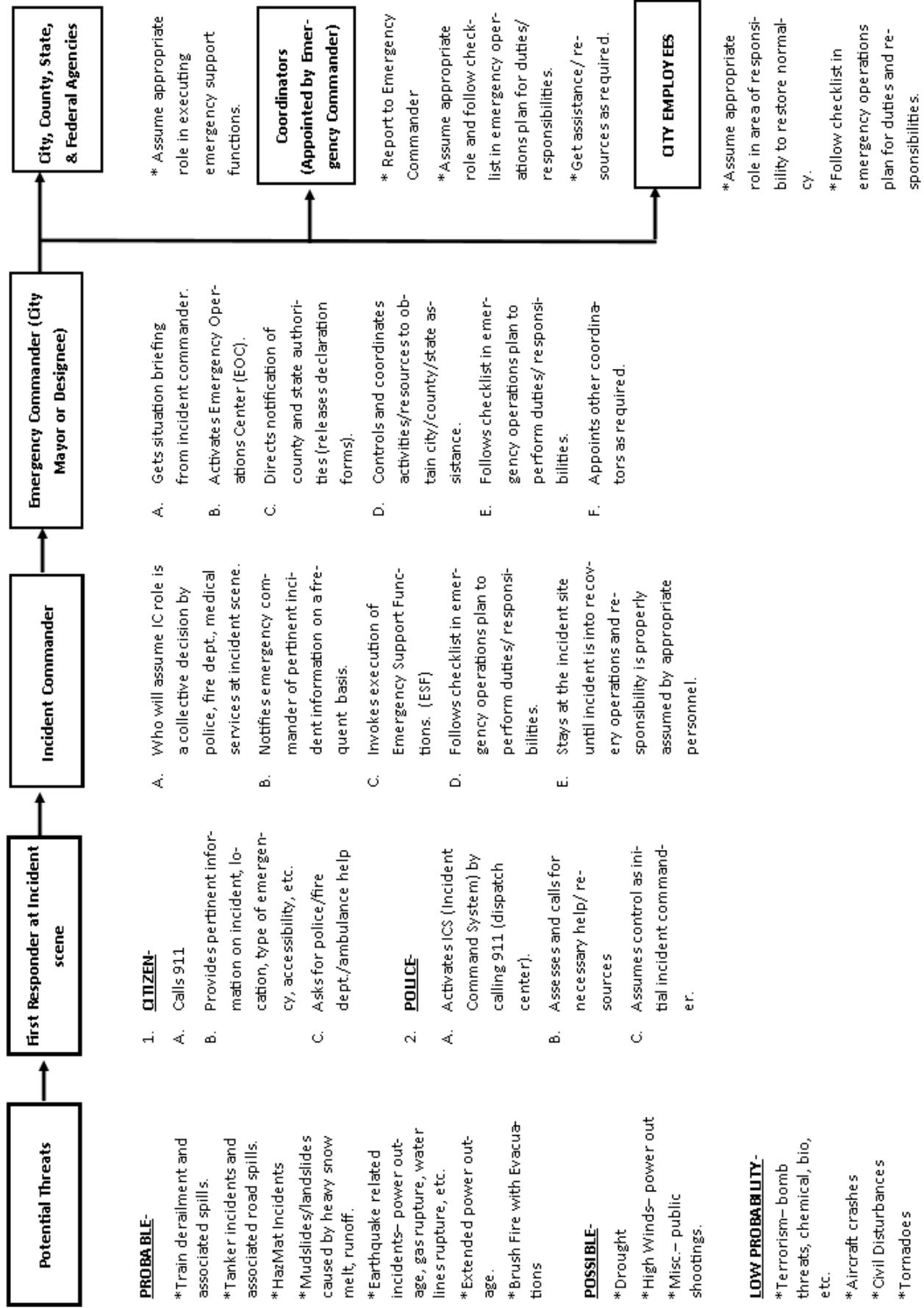
Shelters

The American Red Cross has been chartered under Federal law to provide mass care (feeding and housing) to victims/displaced persons of natural disasters. Hence efforts should be coordinated with them since they will normally operate shelter and mass care operations. Other agencies such as the Salvation Army, religious groups and volunteer organizations may operate shelters in coordination with the Emergency Operations Center. Some or all of these organizations coordinate their efforts with the American Red Cross. Some may operate the shelters themselves and assume full responsibility for them.

Schools

The schools are responsible for developing and implementing an evacuation plan. These plans will be reviewed with the City. Coordination with the police department in an emergency situation is required.

FIGURE 1 —PERRY CITY EMERGENCY OPERATIONS PLAN IMPLEMENTATION



Perry City
EMERGENCY OPERATIONS PLAN
Emergency Support Functions

The Perry City Emergency Committee established the following eleven Emergency Support Function (ESF's). They contain the emergency assignments and responsibilities for each of the functions as detailed below. Table 1(p. 40) summarizes the emergency support functions and supporting agency responsibilities.

During the recovery phase, all agencies are expected to support continuing operations with equipment and staff.

A. ESF#1 Emergency Alert Issuance

Primary Agencies:

Box Elder Consolidated Dispatch (911 Center)

Supporting Agencies:

Perry City Emergency Management Committee

Perry City Police Department

CERT

Box Elder County Emergency Management

Local cellular and telephone companies

Media

Volunteer and Private Organizations

Response

1. Provide countywide, redundant 24-hour communications and warning capabilities and procedures.
2. Initiate and disseminate warning to emergency response personnel.
3. Receive and disseminate reports and warnings of incidents to the public and emergency response personnel.
4. Support the direction and control function by linking primary and supporting agencies, jurisdictions, field sites and command facilities.

Recovery

1. Demobilize and return resources to a state of readiness.

B. ESF#2 - Law Enforcement

Primary Agencies:

Perry City Police Department

Supporting Agencies:

Perry City Emergency Management Committee

Response

1. Agency members participate and assume appropriate role in the incident area(s) and Emergency Operations Center.
2. Assist with acquiring security and control access to the site of the disaster, Emergency Operations Center (EOC), temporary morgue sites and other facilities. Assist with controlling traffic and crowds.
3. Coordinate with neighboring community agencies in the establishment of a perimeter around the evacuated area and a pass system for emergency response personnel and resources.
4. Coordinate with neighboring community law enforcement to conduct warning, evacuations, search and rescue, identification of victims and shelter operations.
5. Obtain special resources and services (e.g. bomb squad, civil support team, hostage negotiators, and other services as directed by emergency commander or emergency manager).
6. Coordinate and assist the FBI in matters dealing with terrorism or terrorism threats arising within Perry City.
7. Conduct investigations into criminal conduct.

Recovery

1. Coordinate re-entry activities with local law enforcement.
2. Demobilize and return resources to a state of readiness.

C. ESF#3 - Fire and Rescue

Primary Agencies

Brigham City Fire Department
Perry City First Responders

Supporting Agencies

Perry City Emergency Management Committee
Box Elder County Management
CERT

Response

1. Agency members participate and assume appropriate role in the incident area(s) and Emergency Operations Center.
2. Mobilize and coordinate city resources to assist the fire department.
3. Conduct hazardous materials and decontamination operations.
4. Provide fire suppression and search and rescue operations.
5. Assist the Incident Commander with requesting and coordinating with Utah Division of Emergency Services a County Level Hazardous Materials Team, if needed.
6. Determine the need for and acquire additional resources.

Recovery

1. Assist re-entry activities with local law enforcement.
2. Demobilize and return resources to a state of readiness.

D. ESF#4 - Public Works

Primary Agencies:

Perry City Public Works Department

Supporting Agencies:

Perry City Emergency Management Committee

Bear River Health Department-Environmental Health

Utah Department of Transportation (UDOT) - trucks, front end loaders, portable toilets

Mutual Aid Communities

Utah Department of Natural Resources

Response

1. Agency members participate and assume appropriate role in the incident area(s) and Emergency Operations Center.
2. Assess and report damage to infrastructure and waterways.
3. Procure necessary equipment (trucks, earth moving equipment, portable toilets, etc.) from Utah Department of Transportation.
4. Coordinate the restoration and maintenance of essential services (i.e., electricity, fuel, water, gas, sewage disposal) to the affected area.
5. Clear or barricade roads, repair water and sewer systems and provide potable water supply and emergency lighting as needed.
6. Coordinate with Utah Department of Natural Resources for debris removal and disposal.
7. Procure services from neighboring communities with mutual aid agreement, city engineering contractors, and private contractors and coordinate their operations with the Emergency Operations Center.

Recovery

1. Assist with recovery activities and assessment of damage to those systems.
2. Demobilize and return resources to a state of readiness.

E. ESF#5 - Communications Management

Primary Agencies:

Public Information Officer (PIO)
Perry City Emergency Management Committee

Supporting Agencies:

Perry City elected officials
Perry City Police Department
Bear River Health Department
Perry City Public Works Department
Local Media

Response

1. Maintain liaison with Emergency Operations Center and field command post.
2. Convene emergency public information staff; coordinate information between officials and the news media and implement rumor control.
3. Obtain information and when authorized, by the Emergency Commander, release information to the news media through the proper channels (e.g., local media, Emergency Alert System, newspaper).
4. Establish and maintain a joint public information center to ensure coordinated public information during emergency operations.
5. Disseminate instructions to the public regarding protective action recommendations.
6. Provide consumer protection information to the public.
7. Assess the public affairs implications and support public officials with the dissemination of emergency protective actions.

Recovery

1. Coordinate returning to pre-disaster/emergency status.

F. ESF#6 - Volunteer Management

Primary Agencies:

Volunteer/Donation Coordinator
Perry City Emergency Management Committee

Supporting Agencies:

Perry City Elected Officials
CERT
American Red Cross, Northern Chapter
Salvation Army
Volunteer and private organizations

Response

1. Identify and coordinate donated resources (i.e., personnel, facilities, equipment, supplies) in support of local operations.
2. Track resources used during operations.
3. Coordinate volunteer agency activities.

Response

1. Identify and release resources from service when no longer needed.
2. Coordinate returning to pre-disaster status and replenish resources.

G. ESF#7 - Evacuation, Mass Care and Sheltering

Primary Agencies:

Perry City Emergency Management Committee
Perry City Police Department Office
Bear River Health Department
Perry City Elected Officials
American Red Cross, Northern Chapter

Supporting Agencies:

CERT
Box Elder School District
Salvation Army
Volunteer and private organizations

Response

1. Agency member(s) participate and assume appropriate role in the incident area(s) and the Emergency Operations Center.
2. Assess the incident and the need to evacuate or shelter in-place.
3. Coordinate with ESF#1 and ESF#5 to implement procedures for public warning, traffic re-routing, and evacuation and shelter operations including pets and livestock.
4. Identify and request special resources (such as neighborhood schools, etc.) needed for evacuation and sheltering operations.
5. Coordinate the activities regarding evacuation, shelter and human services functions including persons with special needs (e.g. mass feeding, registration of victims and families, shelter operation, emergency financial aid, mental health and stress management support to victims and responder).

Recovery

1. Collect vital statistics and identify potential or actual continuing hazards affecting public health and offer appropriate guidance for mitigation and harmful effects in accordance with ESF#8 and report to appropriate local, state, and federal authorities.
2. Determine the appropriateness of re-entry and implement re-entry activities.
3. Assist evacuees in returning to their homes and address temporary and long-term housing needs.

H. ESF#8 - Health and Medical

Primary Agencies:

Perry City Emergency Management Committee
Bear River Health Department/Environmental Services
Perry City First Responders
Brigham City Fire Departments
Utah State Medical Examiner's Office

Supporting Agencies:

Perry City Police Department
CERT
Box Elder County Emergency Management
Volunteer and Private organizations
Local funeral home directors
Local Hospitals and Clinics

Response

1. Agency members participate and assume appropriate role in the incident area(s) and Emergency Operations Center.
2. Coordinate and provide leadership in the activities of public health, emergency medical response, and mortuary services.
3. Provide triage, transportation, and emergency and non-emergency medical treatment to victims, including isolation and decontamination activities.
4. Issue health and medical advisories to the public and emergency responders in accordance with ESF #5.
5. Assist with shelter operations/rehabilitation sites and the recording and registration of victims and in accordance with ESF#7.
6. Procure mutual aid resources for medical/health/mortuary supplies, equipment and personnel.
7. Coordinate the response and the activities regarding public health functions for hazardous materials/radiological hazards, infectious and communicable disease, safety of food and drugs, vaccinations, medical/mental health and crisis counseling for victims, responders and persons with special needs, vector control, potable water/wastewater/solid waste, and inspections/damage assessments for contamination and health hazards.
8. Coordinate with the Utah Department of Health and Division of Family Services.

Recovery

1. Assist with re-entry activities.
2. Collect vital statistics and identify potential or actual continuing hazards affecting public health and offer appropriate guidance for mitigation and long-term health effects and report to appropriate local, State, and Federal authorities.

I. ESF#9 - Hazardous Materials/Radiological Protection

Primary Agencies:

Brigham City Fire and Ambulance Department
Box Elder County HazMat Team
Perry City Emergency Management Committee

Supporting Agencies:

Perry City Police Department
Perry City Public Works Departments
Perry City First Responders
Box Elder County Emergency Management
Bear River Health Department, Brigham City
Utah Department of Environmental Health
Local hospitals and clinics

Response

1. Set up a perimeter around the facility or spill and enact an access control system.
2. Report the incident to the Utah Division of Emergency Services and Homeland Security Duty Officer in Brigham City or the Department of Environmental Health.
3. Document all personnel who might have been exposed to radiation /hazardous material contamination.
4. Coordinate with ESF#7 to implement procedures for evacuation, mass care and sheltering.
5. Collect shipping papers and contact facilities' representatives for more information regarding material involved and relate to appropriate agencies.
6. Provide emergency medical care to victim(s).

Recovery

1. Determine the appropriateness of re-entry and implement re-entry activities.
2. Assist evacuees in returning to their homes and address temporary and long term housing needs.

J. ESF#10 - Animal Protection and Control

Primary Agencies:

Perry City Emergency Management Committee
Perry City Police Department
Bear River Health Department, Brigham City
Utah State University Extension Agents

Support Agencies:

Box Elder County Humane Society
Local Veterinarians
Volunteer Agencies and Private Organizations
Media
Public Information Officer (PIO)

Response

1. Provide biosecurity and surveillance to contain and prevent spread of disease.
2. Provide regulatory enforcement of quarantines.
3. Control vectors that may be involved in the spread of disease.
4. Provide vital needs and care to displaced animals.
5. Communicate information and guidance to the public.
6. Determine need for additional resources.
7. Coordinate with Department of Natural Resources, United States Department of Agriculture, and other local, State and Federal agencies.

Recovery

1. Provide assistance with reuniting owners and their animals.
2. Provide provisions for re-entry of animals (domestic and wild).

K. ESF#11 - Disaster Assessment and Recovery

Primary Agencies:

Perry City Facilitator
Perry City Emergency Management Committee

Supporting Agencies:

Perry City Police Department
Bear River Health Department
Perry City Public Works Departments
Brigham City Fire Department
Perry City First Responders
CERT
Box Elder County Emergency Management
American Red Cross
Salvation Army

Response

1. Activate the Perry City disaster assessment process by identifying damage to roads, bridges, power lines, gas lines, water lines, etc.
2. Report to the involved agencies the extent of agency involvement, estimate damages and gather information regarding the disaster's impact on the public and private sectors.
3. Submit Local Government Initial Disaster Report (Appendix E) to Utah Division of Emergency Services/Homeland Security in Brigham City within 24 hours and update as needed.
4. Receive and disseminate information to decision makers to prioritize recovery efforts and determine the need for state or federal assistance.

Recovery

1. Assist with the Preliminary Damage Assessment and disaster declaration processes as requested.

AGENCY

AGENCY	Emerg. Alert	Law Enforce	Fire & Rescue	Public Works	Comm. Management	Volunteer Management	Evacuation Shelter	Health & Med	HazMat	Animal Prot.	Assessment & Recovery
Perry City Emergency Management Committee	S	S	S	S	P	P	P	P	P	P	P
Box Elder Dispatch (911) Center	P										
Perry City Police Department	S	P					P	S	S	P	S
Box Elder County Emergency Management	S		S					S			S
Local Cellular & Telephone Companies	S										
Media	S				S					S	
Brigham City Fire Department			P					P	P		S
Perry City First Responders			P					P	S		S
Perry City Public Works Department				P	S				S		S
Bear River Health Dept.				S	S		P	P	S	P	S
CERT	S					S	S	S			S
Box Elder County HazMat Team									P		
Utah Department of Transportation				S							
Mutual Aid Communities				S							
Utah Department of Natural Resources				S							
Public Information Officer (PIO)					P					S	
Perry City Elected Officials					S	S	P				
Volunteer Donation Coordinator						P					
American Red Cross						S	P				S
Salvation Army						S	S				S
Volunteer & Private Organizations	S					S	S	S		S	
Box Elder School District							S				
Utah State Medical Examiners Office								P			
Local Funeral Home Directors								S			
Utah Department of Environmental Health									S		
Local Hospitals & Clinics								S	S		
Utah State University Extension Agent										P	
Local Veterinarians										S	
Box Elder County Humane Society										S	
Perry City Facilitator											P

P= Primary S= Support

13.02.070 Appeals, Enforcement, And Penalties

√ The Municipality has authority as follows:

1. Appeal. Pursuant to Utah Code Annotated §10-9-1001, 1953 as amended, no person may challenge in district court a municipal land use decision made under any municipal land use ordinance until that person has exhausted his/her administrative remedies.
2. Enforcement. Pursuant to Utah code Annotated §10-9-1002, 1953 as amended, any enforcement official has the authority to institute an enforcement action as authorized by that section for any land use violation of this municipal code and specifically:
 - a. Permits and Licenses. All departments, officials and public employees of Marriott-Slaterville City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Ordinance and shall issue no permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this Zoning Ordinance, and any such permit or license, if issued in conflict with the provisions of this Zoning Ordinance, shall be null and void.
 - b. Building Permits. The Building Inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect.
3. Penalties. Pursuant to Utah code Annotated §10-9-1003, 1953 as amended, the municipality imposes the following penalties for any land use violation of Title 10 chapter 9 of the Utah Code Annotated or any municipal ordinance adopted under the authority of that chapter:
 - a. Civil Penalty. In addition to other remedies as authorized by law, any person, firm, or corporation weather as principal, agent employee or otherwise, violating or permitting the violation of any land use provision established by law shall pay a \$1,000.00 penalty, per violation, per day, in addition to reasonable attorney's fees and costs incurred by the municipality, or
 - b. Misdemeanor. Any person, firm, or corporation weather as principal, agent employee or otherwise, violating or permitting the violation of the provisions of any land use provision established by law shall be guilty of a misdemeanor and punishable as provided by law. Such person, form or corporation who intentionally violates this Zoning Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Zoning Ordinance is committed, continued, or permitted by such person, firm or corporation, shall be punishable as herein provided.

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08.15 Inspection And Cleaning

08.15.010 Short Title

08.15.020 Definitions

08.15.030 Nuisance Declared

08.15.040 Accumulation Prohibited

08.15.050 Administration And Enforcement

08.15.060 Appeal

08.15.070 Eradication And Removal By Municipality

08.15.080 Statement Of Expenses And Demand For Payment

08.15.090 Referral To County Treasurer

08.15.110 Assistance Of Sheriff

08.15.120 Suit And Judgement For Expenses

08.15.130 Chapter Not Exclusive Remedy

08.15.140 Exemptions

08.15.150 Penalty

√ 08.15.010 Short Title

This chapter shall be known as "Inspection and Cleaning" adopted as authorized by UCA §10-11-1, et seq, 1953 as amended.

08.15.020 Definitions

The following terms, as used in this chapter, shall mean as follows:

1. Abandoned means a motor vehicle, boat, recreational vehicle, or trailer left unattended for a period of seven (7) days or more upon public or private property.
2. Abate, abatement means to repair, replace, rehabilitate, remove, destroy, demolish, correct or otherwise remedy a condition that constitutes a public nuisance.
3. Inoperable means a motor vehicle, boat, recreational vehicle, or trailer not currently licensed in accordance with state law and not operable for the use for which it was intended.
4. Municipality or city means the Marriott-Slaterville City, Utah, and any area within corporate limits of the same.
5. Notice to property owners: a written notice in accordance with UCA §10-11-2 served upon the owner or occupant of land where there is located noxious weeds, garbage, refuse, or unsightly or deleterious objects or buildings.
6. Property means a lot, parcel or plot of ground, whether occupied or not, and any premise including a building or structure, or the premises on which a building or structure is located, or undeveloped land.
7. UCA or Utah Code means Utah Code Annotated, 1953 as amended.

08.15.030 Nuisance Declared

It is hereby declared that the any accumulation of prohibited objects indicated in Section 8.15.040 constitutes a public nuisance when such create a fire hazard; when such are a source of pollution of any kind; foster rodents, insects, or other forms of life deleterious to human habitation; are unsightly or deleterious to surroundings, or are in violations of law.

08.15.040 Accumulation Prohibited

It is unlawful and a violation of this Chapter for the owner or occupant of real property or estate, or its agent, to cause or permit upon such property, or right-of-way adjacent thereto, the accumulation of, or, after notice as provided in this chapter, to fail to eradicate or remove garbage; refuse; abandoned vehicles or inoperable vehicles, boats, or trailers, in excess of the number allowed by the municipal code; or any unsightly or deleterious objects or structures in accordance with the powers granted by Title 10, Chapter 11 of the Utah Code.

08.15.050 Administration And Enforcement

1. Administration. The Director of the Community Development Department, or his designee, is appointed to administer the provisions of this chapter.
2. Powers and duties. The Director, or his designee, is authorized to:
 - a. Inspect real property within the City to determine if such contains objects indicated in Section 8.15.040, and whether such constitute a nuisance as provided in this chapter.
 - b. Ascertain the names of the owner(s) or occupant(s) of property where a violation exists.
 - c. Service notice, in writing, upon the ascertained owner(s) or occupant(s) either personally or by mailing the notice, postage pre-paid, addressed to the owner(s) or occupant(s) at the last known address, as indicated by the records of the county assessor, or as otherwise ascertained.
 - i. Written notice shall require the owner(s) or occupant(s) to eradicate or destroy and then remove objects in violation in no less than ten (10) days from the date of service of such notice.
 - ii. If mailed, service is deemed complete upon the day of mailing.
 - iii. One notice is deemed sufficient on any lot or parcel of property for the entire season of weed growth during a given year.
 - iv. Notice shall include a statement informing the party of their right to appeal the decision of the Director, or his designee, in accordance with the General Appeal Procedure provided in Chapter 3.12.
 - v. Proof of service, under oath, of the notice provided in this part shall be filed with the county treasurer or its designee in accordance with UCA §10-11-2.
 - d. Eradicate and remove objects in violation of this Chapter, initiate suit or other remedies allowed by law, and/or assess costs in accordance with UCA §§10-11-3 and 10-11-4.

08.15.060 Appeal

The owner(s) or occupant(s) who receives a notice under this Chapter to eradicate or destroy and then remove objects in violation of this Chapter may appeal such by following the procedures provided in Chapter 3.12 entitled "General Appeal Procedure".

08.15.070 Eradication And Removal By Municipality

If the owner(s) or occupant(s) of the property described in the written notice given in accordance with this Chapter, including any decision from an appeal related to the same, fail or neglect to conform to the requirements relating to the eradication and removal of any objects determined to be in violation of this Chapter, the Director, or his designee, may employ all necessary assistance to cause such materials or conditions to be eradicated and removed from the property at the initial expense of the municipality.

08.15.080 Statement Of Expenses And Demand For Payment

Upon completion of the eradication and removal, the Director, or his designee, shall cause to be prepared an itemized statement of expenses incurred by the municipality for the eradication and removal of objects in violation of this Chapter, along with a demand for payment of the same to be made within twenty (20) days from the date of mailing. Said a copy of statement and demand shall be mailed to the owner(s) or occupant(s) of the property described in the written notice. Three (3) copies of the statement and demand shall be filed with the county treasurer as provided in UCA §10-11-3.

08.15.090 Referral To County Treasurer

In the event that the owner(s) or occupant(s) of the property described in the written notice fail to make payment as demanded, the Director, or his designee, may refer the matter to the county treasurer to be included in tax notice as provided in UCA §10-11-4.

08.15.110 Assistance Of Sheriff

The Weber County Sheriff's Department shall, upon the request of the Director, or his designee, assist in the enforcement of any notice issued pursuant to this Chapter.

08.15.120 Suit And Judgement For Expenses

In the event that the collection of expenses for violations of this Chapter, and eradication and removal of the same, are pursued in court, the municipality shall be entitled to sue for all expenses related to the violation including administration, eradication, removal, attorney's fees, court costs, and interest on the same. Judgment shall be executed in the manner provided by law.

08.15.130 Chapter Not Exclusive Remedy

This chapter shall not be construed to exclude any other remedy provided by law.

08.15.140 Exemptions

This Chapter does not apply to agricultural operations or family food production.

08.15.150 Penalty

Any person who violates this Chapter is guilty of a class B misdemeanor.

Adopted by Ord. 2006-01 on 1/1/2006

amended, incorporated herein by this reference.

- b. For any person to throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any road, any public property, or any private property without the consent of the property owner any material described in Utah Code Annotated §41-6a-1712, 1953, as amended.
- c. For any person to operate any type of trash receptacle in a manner resulting in any litter or debris falling, dropping, scattering, or otherwise being placed on any road or public property.

2. Penalty. Any person violating any provision of this section is guilty of a class C misdemeanor and shall be fined not less than \$100 for each violation. The sentencing judge may also impose additional penalties consistent with Utah Code Annotated §41-6a-1712, 1953, as amended.

3. Warning signs. The traffic engineer, upon consent of the mayor, may post warning signs to notify the public of this section where it deems proper in the municipality. Failure to post a warning sign does not constitute a defense to any violation of this section.

Adopted by Ord. 2003-02 on 1/1/2003

§ 08.12 Public Nuisance Abatement Law

08.12.010 Legislative Findings

08.12.020 Short Title

08.12.030 Definitions

08.12.040 Public Nuisance: Right Of Action To Abate

08.12.050 Civil Abatement

08.12.060 Permanent Injunction

08.12.070 Preliminary Injunctions And Temporary Restraining Orders

08.12.080 Temporary Restraining Order And Defendant's Remedies

08.12.090 Temporary Receiver

08.12.100 Civil Penalties

08.12.110 Assistance Of Sheriff

08.12.120 Prohibited Acts

08.12.130 Chapter Not Exclusive Remedy

08.12.010 Legislative Findings

The Marriott-Slaterville City Council finds that public nuisances exist in the city in the operation of certain commercial establishments and the use, alteration, maintenance or operation of residential, commercial and industrial properties, in flagrant violation of the ordinances of the city or the laws of the State of Utah. All of these interfere with the interest of the public in property values, public health, safety, and welfare, and the quality of life and community environment. The council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the city and of the businesses thereof. It is the purpose of the council to create one standardized procedure for securing legal and equitable remedies in the civil courts relating to the subject matter encompassed by this law, without prejudice to the use of other remedies or procedures available under existing and subsequently enacted statutes or ordinances, and to strengthen

existing laws on the subject.

08.12.020 Short Title

This Chapter shall be known as the "Public Nuisance Abatement Law."

08.12.030 Definitions

The following terms, as used in this chapter, shall mean as follows:

1. Abate, abatement: to repair, replace, rehabilitate, remove, destroy, demolish, correct or otherwise remedy a condition that constitutes a public nuisance.
2. Adverse impact: including, but is not limited to, any search warrants served on the premises or property where controlled substances and/or weapons were seized; investigative purchases of controlled substances on or near the property by law enforcement agencies or their agents; arrests for violations of controlled substance law and/or possession of weapons; loitering for the purposes of engaging in illegal activity; an increase in the volume of traffic associated with property; complaints made to law enforcement officials of illegal activity associated with the property, finding of illegal weapons, as provided in Part 5, Chapter 10, Title 76, Utah Code, or controlled substances, as defined in the Utah Controlled Substances Act of the Utah Code, on or near property by law enforcement officials and their agents.
3. Closing, closing order: a court order prohibiting use or occupancy of premises or property, except as reasonably necessary for the performance of maintenance or abatement work in accordance with municipal ordinance.
4. Conviction: the entry of a plea of guilty or no contest to, or a verdict of guilty, upon an indictment or information in a criminal action.
5. Habitual nuisance: any premises or property located within the city:
 - a. Where there have occurred two or more convictions of a public nuisance related offense on the part of the lessees, owners, operators or occupants within the period of one year prior to the commencement of an action under this chapter.
 - b. Where there have occurred three or more violations of a public nuisance related offense on the part of the lessees, owners, operators or occupants within the period of one year prior to the commencement of an action under this chapter; or
 - c. For which there has been presented a preponderance of evidence of repeated criminal activity that has an adverse impact on such premises or property, or the surrounding neighborhood, within the period of one year prior to the commencement of an action under this chapter.
6. Notice to abate: a written notice to abate or otherwise correct a public nuisance as defined herein, which notice is provided either by personal service, or by first class mail or certified mail, postage prepaid, to the address of the premises or property, or to such other address as provided in the records of the Weber County Assessor.
7. Property: a lot, parcel or plot of ground, whether occupied or not.
8. Premise: a building or structure, or the premises on which a building or structure is located, or undeveloped land.
9. Utah Code: Utah Code Annotated, 1953 as amended.

10. Violation: conduct or evidence of conduct prohibited under this chapter. A violation does not require criminal prosecution and conviction but only a preponderance of evidence that the prohibited conduct is occurring or has occurred. Evidence of prohibited conduct may include, but is not limited to, police reports, investigative reports, execution of search warrants, results of police surveillance, arrest and/or conviction of local and state and federal laws, activities associated with trafficking of controlled substances, finding of weapons and/or controlled substances on or near the property, increased volume of traffic associated with the premises or property.

08.12.040 Public Nuisance: Right Of Action To Abate

1. Every premises or property within the city is a public nuisance and subject to abatement under the provisions of this chapter where:
- a. There occurs, or has occurred, the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in the Utah Controlled Substances Act, Title 58, Chapter 37, Utah Code;
 - b. Gambling is, or has been, permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part 11 of the Utah Code;
 - c. Criminal activity is, or has been, committed in concert with two or more persons as provided in §76-3-203.1, Utah Code;
 - d. Parties or activities occur frequently that create the conditions of a nuisance as defined in Subsection 78-38-1(1) of the Utah Code;
 - e. Prostitution or promotion of prostitution is, or has been allowed to be, regularly carried on by one or more persons as provided in Title 76, Chapter 10, Part 13, Utah Code;
 - f. Used for the purpose of, or to aid in, the commission of a violation of Title 76, Chapter 10, Part 5 (Weapons) of the Utah Code;
 - g. There is, or has occurred, a criminal nuisance as defined in Sections 76-10-801, 802, 803, 804, or 805 of the Utah Code;
 - h. Used for the purposes of pornographic performances and/or promotion of pornographic material as defined and prohibited in Title 76, Chapter 10, Part 12 of the Utah Code;
 - i. Used for purpose of a business, activity, or enterprise that is not licensed as required by federal, state, or the provisions of the Title 5 of the municipal code, exclusive of any license required only for revenue purposes;
 - j. There exists, or has been allowed to exist, alcoholic beverages or products possessed, kept, used, offered for sale, sold, given, furnished, supplied, received, purchased, stored, warehoused, manufactured, adulterated, shipped, carried, transported, or distributed in violation of Chapter 3, Title 5 of this Code or in violation of Alcohol Beverage Control Act, Title 32A of the Utah Code, which alcoholic products, packages, equipment, or other property kept or used in maintaining the public nuisance on such premises or property shall also be considered to be a public nuisance;
 - k. There is, or has occurred, a violation of the provisions of §76-6-408 (Receiving Stolen Property), §41-1a-1313 (Possession without Identification Number), §41-1a-1316 of the Utah Code (Receiving or Transferring Stolen Vehicle), §41-1a-1317 (Selling or Buying

without Identification Numbers), §41-1a-1318 (Fraudulent Alteration of Identification Number) of the Utah Code;

1. Used for the purpose of animal fighting as prohibited under Title 76, Chapter 9, Part 3 of the Utah Code, or §13-3-1 of this Code; or
2. There is occurring:
 - a. A violation of the Building Code of Marriott-Slaterville City, Utah, Title 11, of the Municipal code, or failure to comply with an order issued pursuant to that Title.
 - b. A violation of the Zoning Ordinances of Marriott-Slaterville City, Utah, Title 13 of the municipal code, or failure to comply with an order issued pursuant to that Title.
 - c. A violation of the Public Improvement and Development Regulations of Marriott-Slaterville City, Title 15, of the municipal code, or failure to comply with an order issued pursuant to that Title.
 - d. An unauthorized encroachment on any public property, public infrastructure, irrigation way or watercourse, public road, road by use, or public right of way.
3. Premises or property determined to be a habitual nuisance as defined herein shall be deemed to be a public nuisance subject to abatement under the provisions of this chapter, and a cause of irreparable harm to the city and the interests of the public sought to be protected under this chapter.

08.12.050 Civil Abatement

1. Whenever there is reason to believe that a public nuisance, as defined in Section 8.12.040 of this chapter, is kept, maintained, or exists in the city, the city attorney or his designed deputy may maintain a civil proceeding:
 - a. To abate or enjoin the public nuisance, through the issuance of one or more of the following:
 - i. temporary restraining order, including, but not limited to, the issuance of a closing order or vacation order pursuant to Section 8.12.070 of this Chapter.
 - ii. preliminary injunction, including, but not limited to, the issuance of a closing order or vacation order pursuant to Section 8.12.070 of this Chapter.
 - iii. permanent injunction, including, but not limited to, the issuance of a closing order pursuant to Section 8.12.060 of this chapter or a vacation order pursuant to Section 8.12.060 of this chapter.
 - b. For damages for causing or maintaining the public nuisance, including but limited to:
 - i. The cost, if any, of abating the public nuisance, or
 - ii. The actual costs, expenses and disbursements of the city in investigating, bringing and maintaining the action, including reasonable attorney fees.
 - c. To abate any public nuisance defined in this chapter and obtain an order for the automatic eviction of the tenant of the premises or property harboring the public nuisance, pursuant to §§78-38-10 through 78-38-16 of the Utah Code.
 - d. For the imposition of civil penalties as provided in Section 8.12.100 of this chapter.
 - e. Any other equitable relief determined by the court or allowed by law to be appropriate or necessary for the abatement of such public nuisance.

2. The action shall be brought in the Second District Judicial Court of the State of Utah, or any other court of competent jurisdiction, and shall be in the form prescribed by the Rules of Civil Procedure of the State of Utah for injunctions, but the city attorney shall not be required to execute a bond with respect to the action. The civil action may be brought pursuant to this ordinance or pursuant to state law.
3. In any action to abate or enjoin any public nuisance, the court need not find that the property involved was being unlawfully used at the time of the hearing.
4. If the action is instituted to abate the distribution or exhibition of material alleged to offend public decency, no restraining order or injunction shall issue except upon notice to the person sought to be enjoined, and that person shall be entitled to a trial of the issues commencing within three days after filing of an answer to the complaint and a decision shall be rendered by the court within two days after the conclusion of the trial. As used in this paragraph, "distribute," "exhibit," and "material" mean the same as provided in §76-10-1201, Utah Code.

08.12.060 Permanent Injunction

1. Personal property. A judgment awarding a permanent injunction may direct the sheriff to seize and remove from the premises or property, all material, equipment and instrumentalities used in the creation and maintenance of the public nuisance and shall direct the sale by the sheriff of such property in the manner provided for the sale of personal property under execution pursuant to the provisions of the Rules of Civil Procedure of the State of Utah.
2. Removal and correction of construction and structural alterations. A judgment awarding a permanent injunction may authorize officers, employees, contractors, or agents of the city to forthwith remove or correct construction and structural alterations in violation of this chapter or the municipal code.
3. Vacation order. If the premises or property are in such condition as to make it immediately dangerous to the life, limb, health, property or safety of the public or its occupants, a judgment awarding a permanent injunction shall order that the premises or property be vacated until such condition is abated, in addition to any other order of the court. A vacation order shall not prohibit abatement work performed pursuant to municipal ordinance.
4. Closing order. A judgment awarding a permanent injunction may direct the closing of premises or property by the sheriff, to the extent reasonably necessary to abate the nuisance, which order shall direct the sheriff to post a copy of the judgment and a printed notice of such closing conforming to the requirements of paragraph 5 below. The closing directed by the court shall be for such period as the court may direct, but in no event shall the closing be for a period of more than one year.
5. Surety in lieu of closure. If the owner, lessee, tenant or occupant gives a bond with sufficient surety approved by the court in the value of the premises or property ordered to be closed, under paragraph 4 above, and submits proof to the court that the public nuisance has been abated and will not be created, maintained or permitted for such period of time as the premises or property has been directed to be closed in the judgment pursuant to paragraph 4 above, the court may vacate the provisions of the judgment that directs the closing of the premises or property.
6. Posting. Upon issuance of a permanent injunction directing the closure or vacation of the

premises or property, the officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the public nuisance is being conducted, maintained or permitted. In addition, where a permanent injunction has been granted prohibiting or restricting specific activity upon the premises or property, the officers shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that shall state that certain described activity is prohibited by court order. Where an order of closure or vacation has been issued, the notice shall contain the legend "Closed by Court Order" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, the date of the order, the court from which issued and the name of the office or agency posting the notice, and that it is a class B misdemeanor to occupy or use the premises or to mutilate or remove this notice. A notice for an order of vacation shall also state that the building is "unsafe to occupy."

7. Costs. A judgment awarding a permanent injunction pursuant to this chapter shall provide, in addition to the costs and disbursements allowed by the Rules of Civil Procedure of the State of Utah, upon satisfactory proof by affidavit or such other evidence as may be submitted, the actual costs, expenses and disbursements of the city in investigating, bringing and maintaining the action, including reasonable attorney fees.
8. Closing or vacation not possession or ownership. A closing order or order of vacation pursuant to this Section shall not constitute an act of possession, ownership or control by the sheriff or the city of the closed property or premises. Nor shall such orders relieve the owner or lessee from any duty to comply with laws and ordinances affecting the premises or property.
9. Not exclusive remedy. The provisions of this chapter are not intended to preclude other equitable remedies that may be imposed by the court.

08.12.070 Preliminary Injunctions And Temporary Restraining Orders

1. General. Pending an action for a permanent injunction, the court may grant a temporary restraining order or preliminary injunction enjoining a public nuisance within the scope of this chapter and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. A temporary restraining order or preliminary injunction shall include a temporary or preliminary vacation order where the premises or property are in such condition as to make it immediately dangerous to the life, limb, health, property or safety of the public or its occupants. A temporary restraining order or preliminary injunction shall include a temporary or preliminary closing order where reasonably necessary to prevent the further conducting, maintaining or permitting of a public nuisance on the premises or property. Where a preliminary injunction has been granted, the court shall render a decision with respect to a permanent injunction at its earliest convenience after conclusion of the trial. The procedure and grounds for entry of a preliminary injunction or temporary restraining order shall be as prescribed by the Rules of Civil Procedure of the State of Utah. The city attorney shall not be required to execute a bond or provide other security with respect to the action.
2. Temporary restraining order and preliminary injunction. A temporary restraining order or preliminary injunction entered pursuant to this chapter shall restrain the defendants and all persons from further conducting, maintaining or permitting the public nuisance and, if

applicable, from removing or transferring off the premises or property or in any manner interfering with fixtures or movable property used in conducting, maintaining or permitting the public nuisance. Furthermore, the court may order all other temporary or preliminary relief it deems appropriate.

3. Vacation order for dangerous premises. A temporary or preliminary vacation order shall order that the premises or property be vacated until the conditions creating immediate danger to the life, limb, health, property or safety of the public or its occupants are abated. A vacation order shall not prohibit abatement work performed pursuant to city ordinances.
4. Closing order. A temporary or preliminary closing order shall order the closing of those portions of the premises or property wherein the public nuisance is being, or has been, conducted, maintained or permitted until further order of the court.
5. Issuance of both temporary restraining order and/or temporary closing order or vacation order. If the city attorney submits evidence warranting both a temporary or preliminary closing order or vacation order, the court shall grant both orders.
6. Closing of premises pursuant to temporary closing order. The officers serving a temporary restraining order imposing a temporary or preliminary closing order or vacation order of the premises or property shall, upon service of the order, command all persons present in the premises or property to vacate the premises forthwith. Upon the premises or property being vacated, the premises shall be securely locked and all keys delivered to the officers serving the order who thereafter shall deliver the keys to the fee owner, lessor or lessee of the premises involved. If the fee owner, lessor or lessee is not at the premises or property when the order is being executed, the officers shall securely padlock the premises and retain the keys until the fee owner, lessor or lessee of the building is ascertained, at which time, the officers shall deliver the keys to such owner, lessor or lessee, if such individual resides within Weber County.
7. Posting. Upon issuance of a temporary or preliminary closing order or vacation order, the officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the public nuisance is being conducted, maintained or permitted. In addition, where a temporary restraining order or preliminary injunction has been granted prohibiting or restricting activity upon the premises or property, the officers shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that shall state that certain described activity is prohibited by court order. Where a closing order or vacation order has been issued, the notice shall contain the legend "Closed by Court Order" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, the date of the order, the court from which issued and the name of the office or agency posting the notice, and that it is a class B misdemeanor to occupy or use the premises or to mutilate or remove this notice. A notice for an order of vacation shall also state that the building is "unsafe to occupy."
8. Inventory of personal property. If a temporary restraining order or preliminary injunction restrains the defendants and all persons from removing or transferring off the premises or property or in any manner interfering with the fixtures and movable property used in conducting, maintaining or permitting the public nuisance, the officers serving a temporary restraining order or preliminary injunction shall forthwith make and return to the court an inventory of personal property situated in and used in conducting, maintaining or permitting a public nuisance within the scope of this chapter and shall

enter upon the premises or property for such purpose. Such inventory shall be taken in any manner that is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory including, but not limited to, photographing such personal property.

9. Closing or vacation not possession or ownership. A closing order or vacation order entered pursuant to this section shall not constitute an act of possession, ownership or control by the sheriff or the city of the closed property or premises. Nor shall such order relieve the owner or lessee from any duty to comply with laws and ordinances affecting the premises or property.
10. Not Exclusive Remedy. The provisions of this section are not intended to preclude other equitable remedies that may be imposed by the court.

08.12.080 Temporary Restraining Order And Defendant's Remedies

1. A temporary restraining order shall be vacated by the court, upon notice to the city attorney, if the defendant shows by affidavit and such other proof as may be submitted that the public nuisance has been abated and will not be resumed during the pendency of the action. An order vacating a closing order, vacation order, or other temporary restraining order shall include a provision authorizing officers or employees of the city to inspect the premises or property, which is the subject of an action pursuant to this chapter, periodically without notice, during the pendency of the action, for the purpose of ascertaining whether or not the public nuisance has been resumed.
2. A temporary restraining order may be vacated by the court, upon notice to the city attorney, when the defendant gives an undertaking and the court is satisfied that the public health, safety or welfare will be protected adequately during the pendency of the action. The undertaking shall be in an amount equal to the assessed valuation of the premises or property where the public nuisance is being conducted, maintained or permitted or in such other amount as may be fixed by the court.

08.12.090 Temporary Receiver

1. General. In any action wherein the complaint alleges that the public nuisance is being conducted or maintained in the residential portions of any premises or portion thereof, which are occupied in whole, or in part, as the home, residence or sleeping place of one or more human beings, the court may, upon motion on notice by the city, appoint a temporary receiver to manage and operate the premises or property during the pendency of the action, in lieu of a temporary closing order. A temporary receivership shall not continue after final judgment unless otherwise directed by the court. Upon the motion of any party, including the temporary receiver, or on its own initiative, the appointing court may remove a temporary receiver at any time.
2. Powers and duties. The temporary receiver shall have such powers and duties as the court shall direct, including, but not limited to, collecting and holding all rents due from all tenants, leasing or renting portions of the premises, making or authorizing other persons to make necessary repairs or to maintain the premises or property, hiring security or other personnel necessary for the safe and proper operation of a dwelling, prosecuting or defending suits flowing from his or her management of the premises or property and retaining counsel therefore, and expending funds from the collected rents in furtherance

of the foregoing powers.

3. Oath. A temporary receiver, before entering upon his or her duties, shall be sworn or shall affirm faithfully and fairly to discharge the trust committed to such receiver. The oath or affirmation may be waived upon consent of all parties.
4. Undertaking. A temporary receiver shall give an undertaking in an amount to be fixed by the court making the appointment, that such receiver will faithfully discharge his or her duties.
5. Accounts. A temporary receiver shall keep written accounts itemizing receipts and expenditures, and describing the premises or property and naming the depository of receivership funds, which shall be open to inspection by any person having an apparent interest in the premises or property. Upon motion of the temporary receiver, or of any person having an apparent interest in the premises or property, the court may require the keeping of particular records, or direct or limit inspection or require presentation of a temporary receiver's accounts shall be served upon the sureties on the temporary receiver's undertaking as well as upon each party.

08.12.100 Civil Penalties

A defendant lessee, owner, operator or occupant of any premises or property determined to be a public nuisance shall be subject to a civil penalty in the amount of \$500.00 for each day it is found that the defendant conducted, maintained or permitted the public nuisance after a notice to abate was given to the defendant by the city. Such civil penalty may also be imposed by the court for each day a defendant is in violation of any closing order, vacation order, or other temporary restraining order, preliminary injunction or permanent injunction. Such penalties shall be in addition to any other civil penalty imposed under the municipal code.

08.12.110 Assistance Of Sheriff

The Weber County Sheriff's Department shall, upon the request of the city attorney or upon the direction of the mayor, assist in the enforcement of any order issued pursuant to this chapter.

08.12.120 Prohibited Acts

In addition to any other punishment prescribed by law, the following acts are punishable, on conviction, as a class B misdemeanor:

1. Mutilation or removal of a closing order, vacation order, or other temporary restraining order, preliminary injunction or permanent injunction, posted in accordance with this chapter while it remains in force.
2. Intentional disobedience of, or resistance to, a closing order, vacation order, or other temporary restraining order, preliminary injunction or permanent injunction, issued pursuant to the provisions of this chapter.
3. Intentional disobedience of, or resistance to, an inspection provision of an order vacating a temporary restraining order under Section 8.12.080 of this chapter.

08.12.130 Chapter Not Exclusive Remedy

This chapter shall not be construed to exclude any other remedy provided by law.

Adopted by Ord. 2005-04 on 1/1/2005

08.15 Inspection And Cleaning

08.15.010 Short Title

08.15.020 Definitions

08.15.030 Nuisance Declared

08.15.040 Accumulation Prohibited

08.15.050 Administration And Enforcement

08.15.060 Appeal

08.15.070 Eradication And Removal By Municipality

08.15.080 Statement Of Expenses And Demand For Payment

08.15.090 Referral To County Treasurer

08.15.110 Assistance Of Sheriff

08.15.120 Suit And Judgement For Expenses

08.15.130 Chapter Not Exclusive Remedy

08.15.140 Exemptions

08.15.150 Penalty

08.15.010 Short Title

This chapter shall be known as "Inspection and Cleaning" adopted as authorized by UCA §10-11-1, et seq, 1953 as amended.

08.15.020 Definitions

The following terms, as used in this chapter, shall mean as follows:

1. Abandoned means a motor vehicle, boat, recreational vehicle, or trailer left unattended for a period of seven (7) days or more upon public or private property.
2. Abate, abatement means to repair, replace, rehabilitate, remove, destroy, demolish, correct or otherwise remedy a condition that constitutes a public nuisance.
3. Inoperable means a motor vehicle, boat, recreational vehicle, or trailer not currently licensed in accordance with state law and not operable for the use for which it was intended.
4. Municipality or city means the Marriott-Slaterville City, Utah, and any area within corporate limits of the same.
5. Notice to property owners: a written notice in accordance with UCA §10-11-2 served upon the owner or occupant of land where there is located noxious weeds, garbage, refuse, or unsightly or deleterious objects or buildings.
6. Property means a lot, parcel or plot of ground, whether occupied or not, and any premise including a building or structure, or the premises on which a building or structure is located, or undeveloped land.
7. UCA or Utah Code means Utah Code Annotated, 1953 as amended.

08.15.030 Nuisance Declared

It is hereby declared that the any accumulation of prohibited objects indicated in Section 8.15.040 constitutes a public nuisance when such create a fire hazard; when such are a source of

pollution of any kind; foster rodents, insects, or other forms of life deleterious to human habitation; are unsightly or deleterious to surroundings, or are in violations of law.

08.15.040 Accumulation Prohibited

It is unlawful and a violation of this Chapter for the owner or occupant of real property or estate, or its agent, to cause or permit upon such property, or right-of-way adjacent thereto, the accumulation of, or, after notice as provided in this chapter, to fail to eradicate or remove garbage; refuse; abandoned vehicles or inoperable vehicles, boats, or trailers, in excess of the number allowed by the municipal code; or any unsightly or deleterious objects or structures in accordance with the powers granted by Title 10, Chapter 11 of the Utah Code.

08.15.050 Administration And Enforcement

1. Administration. The Director of the Community Development Department, or his designee, is appointed to administer the provisions of this chapter.
2. Powers and duties. The Director, or his designee, is authorized to:
 - a. Inspect real property within the City to determine if such contains objects indicated in Section 8.15.040, and whether such constitute a nuisance as provided in this chapter.
 - b. Ascertain the names of the owner(s) or occupant(s) of property where a violation exists.
 - c. Service notice, in writing, upon the ascertained owner(s) or occupant(s) either personally or by mailing the notice, postage pre-paid, addressed to the owner(s) or occupant(s) at the last known address, as indicated by the records of the county assessor, or as otherwise ascertained.
 - i. Written notice shall require the owner(s) or occupant(s) to eradicate or destroy and then remove objects in violation in no less than ten (10) days from the date of service of such notice.
 - ii. If mailed, service is deemed complete upon the day of mailing.
 - iii. One notice is deemed sufficient on any lot or parcel of property for the entire season of weed growth during a given year.
 - iv. Notice shall include a statement informing the party of their right to appeal the decision of the Director, or his designee, in accordance with the General Appeal Procedure provided in Chapter 3.12.
 - v. Proof of service, under oath, of the notice provided in this part shall be filed with the county treasurer or its designee in accordance with UCA §10-11-2.
 - d. Eradicate and remove objects in violation of this Chapter, initiate suit or other remedies allowed by law, and/or assess costs in accordance with UCA §§10-11-3 and 10-11-4.

08.15.060 Appeal

The owner(s) or occupant(s) who receives a notice under this Chapter to eradicate or destroy and then remove objects in violation of this Chapter may appeal such by following the procedures provided in Chapter 3.12 entitled "General Appeal Procedure".

08.15.070 Eradication And Removal By Municipality

If the owner(s) or occupant(s) of the property described in the written notice given in accordance with this Chapter, including any decision from an appeal related to the same, fail or neglect to conform to the requirements relating to the eradication and removal of any objects determined to be in violation of this Chapter, the Director, or his designee, may employ all necessary assistance to cause such materials or conditions to be eradicated and removed from the property at the initial expense of the municipality.

08.15.080 Statement Of Expenses And Demand For Payment

Upon completion of the eradication and removal, the Director, or his designee, shall cause to be prepared an itemized statement of expenses incurred by the municipality for the eradication and removal of objects in violation of this Chapter, along with a demand for payment of the same to be made within twenty (20) days from the date of mailing. Said a copy of statement and demand shall be mailed to the owner(s) or occupant(s) of the property described in the written notice. Three (3) copies of the statement and demand shall be filed with the county treasurer as provided in UCA §10-11-3.

08.15.090 Referral To County Treasurer

In the event that the owner(s) or occupant(s) of the property described in the written notice fail to make payment as demanded, the Director, or his designee, may refer the matter to the county treasurer to be included in tax notice as provided in UCA §10-11-4.

08.15.110 Assistance Of Sheriff

The Weber County Sheriff's Department shall, upon the request of the Director, or his designee, assist in the enforcement of any notice issued pursuant to this Chapter.

08.15.120 Suit And Judgement For Expenses

In the event that the collection of expenses for violations of this Chapter, and eradication and removal of the same, are pursued in court, the municipality shall be entitled to sue for all expenses related to the violation including administration, eradication, removal, attorney's fees, court costs, and interest on the same. Judgment shall be executed in the manner provided by law.

08.15.130 Chapter Not Exclusive Remedy

This chapter shall not be construed to exclude any other remedy provided by law.

08.15.140 Exemptions

This Chapter does not apply to agricultural operations or family food production.

08.15.150 Penalty

↑ Any person who violates this Chapter is guilty of a class B misdemeanor.

Shanna Johnson

From: Tony Ekins [TEkins@brighamcity.utah.gov]
Sent: Thursday, July 21, 2016 2:25 PM
To: Shanna Johnson
Subject: RE: Code Enforcement Ordinance and Fees
Attachments: perryexample.pdf

Shanna,

I attached a PDF of examples how I communicate code violations with citizens. When I started working in February there wasn't much to go off of. I created the following in the attached PDF:

Pages 1 and 2: This is a tri-fold brochure I made that is a collection of most of the complaints the Community Development Department receives. This brochure has several guidelines to ordinances and references as well so I know remember where to look up the full code definition.

Pages 3 and 4: This is a document I made and print out on card stock. These are door hangers that I put on doors of places when citizens are not home. This is typically used when the violations are minimal and can be voluntary corrected in a few days. The front has the address, violation, and a note section where I can give direction for compliance.

Pages 5 and 6. This is a copy of a letter I had to write to a property. The owner lives out of state and I am not getting compliance. Soon it will be sent to the City attorney.

As for getting people to voluntarily comply is a hard task indeed. Typically when I reach somebody in violation I will let them know about the violation then give them appropriate time to correct it. Sometimes they are overnight and some 14 days. When they don't have it completed I will then ask them if they need more time and they usually do. Everyone has complied so far that I can get in touch with. Brigham City does not write administrative citations. This means that any person who does not comply, we send the case to the City attorney and he goes from there, and this is a process I have not yet been through. Hopefully what examples I have illustrate enough information for you to see how my letters and door notices note that non voluntary compliance will pursue a citation. It is not in my business or the City's best interest to give out citations or take citizens to court. But when there are complaints by other citizens and you can identify the code violation one must have to do so for compliance.

If you have any questions please let me know.

Thanks,

Tony Ekins, Assistant Planner

Community & Economic Development
Brigham City Corporation
Ph: (435) 734-6619

From: Shanna Johnson [<mailto:Shanna.Johnson@perrycity.org>]
Sent: Thursday, July 21, 2016 8:34 AM
To: Tony Ekins <TEkins@brighamcity.utah.gov>
Subject: Code Enforcement Ordinance and Fees

Tony:

I am wondering if you could send us a copy of your code enforcement ordinance and fees associated with violations of the code.

Thanks,

Shanna Johnson, CMC

Finance & Human Resources Director

Ph. 435-723-6461 Ext. 119

Fx. 435-723-8584



[Spam](#)

[Phish/Fraud](#)

[Not spam](#)

[Forget previous vote](#)

Abandoned motor vehicles:

It shall be unlawful for a person to cause or permit scrap of a vehicle on any property. All vehicles on any residential property must be properly licensed, with an exception of 2 unlicensed vehicles stored behind a legally constructed barrier preventing view from any street or adjoining property. (16.03.050)

Obstructing park strip and sidewalk:

It shall be unlawful for any person or entity owning, having charge or control of or occupying any real estate abutting on any street within the City to fail, refuse or neglect to remove all weeds and noxious vegetation from the curb line to the inside line of public sidewalks and further, to keep the sidewalk in front of such property free from litter, snow, ice and obstructions. (24.01.150)

Parking on walk or curbing:

No person shall leave any vehicle upon over or across any sidewalk or parking strip area between the sidewalk and curb. (15.02.180)

Off-street parking:

In single family, two family, and multi-family dwellings off-street parking is not allowed within the minimum required front yard setback. (29.26.020). All off-street parking spaces and maneuvering areas shall be paved and permanently maintained with hard-surfacing. (29.26.170). All areas designated for off-street parking, maneuvering, loading or site landscaping shall not be used for outdoor storage of materials.

Helpful Connections

Brigham City Public Power
(435) 734-6624

Brigham City Public Works
(435) 734-6615

Bear River Health Department
(435) 734-0845

Box Elder County Landfill
(435) 744-2275



Brigham City Green Waste
and Recycling Facility
(435) 734-6615

Recycling bins are located at 820 N.
Watery Lane. Bins are available for paper,
cardboard, metal and plastic recycling.

Brigham City Code Compliance

Brigham City Corporation
P.O. Box 1005
20 North Main Street
Brigham City, Utah 84302
Telephone: (435) 734-6619

Brigham City Code Compliance

Brigham City Codes contain development and property maintenance standards to safeguard livability and avoid conditions which can be detrimental to the public health, safety, or general welfare for all citizens.

Our goal is to protect the vitality of the City by making certain that residential neighborhoods, multiple housing complexes, industrial, and commercial areas are maintained in a safe and healthy manner through fair and reasonable compliance.

What is a code violation?

In most cases, investigation of code violations and enforcement action happens when a citizen reports a potential violation. Types of violations that are typically reported include: building too close to property lines, improper building maintenance, accumulation of storage, and overgrown vegetation. The following list of common code violations is not meant to be all inclusive but a general overview of



Operating a business without a lawful City license:

No person shall engage in business within the City without first procuring a business license. It is the responsibility of any person engaging in business within the City to voluntarily apply for and maintain in full force a valid business license. (14.02.010)

Building without a permit:

A permit must be obtained for structures including pre-fabricated structures such as sheds, fences, solar panels, reroofing, additions, infill and improvements, and any other structures including gas, electrical, plumbing, or mechanical systems. Permits are also needed to move, remove, or demolish structures. (5.01.070)

Building too close to property lines:

Brigham City zoning codes require minimum setbacks from property lines for all buildings and structures according to the zoning of the property in question. (29.12)

Improper building maintenance:

City codes require buildings, structures, walls, signs, fences, gates, or other structures to be properly maintained in a condition where in they are not an attractive nuisance nor endanger the health, safety, or life to any one within the City. (13.01.230)

Sign regulations:

Any sign and sign structure within the corporate limits of the City used to draw the attention of observers require permits, including temporary signs. (29.12)

Advertisement signs:

It shall be unlawful for any person within the corporate limits of the City to post any advertisement upon public property or the streets and sidewalks of the City. (16.02.010).

Accumulation of trash:

It is prohibited for property owners to cause or permit decaying putrescible materials to remain on a property for more than 7 days or non-putrescible to remain on a property for more than 30 days. (13.01.060)

Accumulation of storage:

A property owner must not accumulate salvage materials, furniture, appliances, or other fixtures within the public right-of-way, or visible from the street or adjoining property, or in a place that is likely to harbor rats, vermin, or other pests. (13.01.230)

Overgrown vegetation:

City codes prohibit dead, decayed, diseased, or hazardous trees, noxious weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, is a potential fire hazard, or which is likely to harbor rats, vermin, or other pests. (13.01.230)

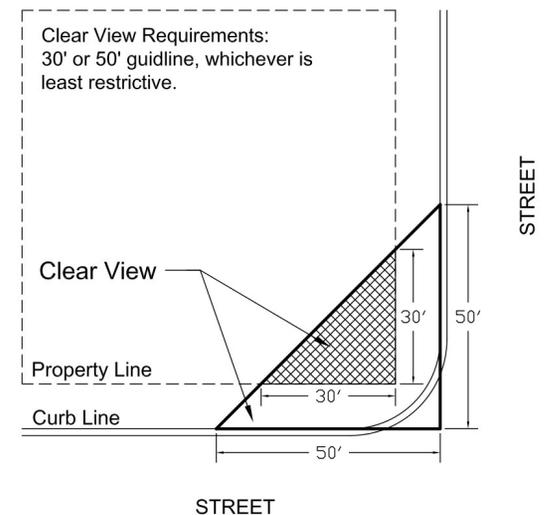
A property owner is responsible for routine removal of noxious weeds, vegetation waste, and cultivation of overgrown vegetation and grasses regularly throughout the property and adjoining public right-of-ways. Areas include the front yard, side yard, rear yard, against buildings, fences, or other structures, along property lines, and to the edge of the roadway or between the sidewalk and roadway.

Trees located within public property or obstructing public utilities:

Any trees within the public right-of-way are to be maintained by Public Works and overgrown tree canopies encroaching onto utilities are to be maintained by Public Power. Please contact the respective Brigham City Departments to schedule maintenance and corrective action. (24.01.050)

Clear View of Intersecting Streets:

A clear view at the intersection of two streets shall be maintained within a triangular area formed by the existing or future back-of-curb lines extended and a line connecting them at points 50' from the intersection of such lines, or the property lines and a line connecting them 30' from the intersection of such line. No visual obstructions between 3' and 7' in height from the street elevation shall be allowed within the clear view area. (29.05.200)



A PROPERTY OWNERS RESPONSIBILITY

A property owner must not cause dead, decayed, diseased, or hazardous trees, noxious weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, is a potential fire hazard, or which is likely to harbor rats, vermin, or other pests.

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A property owner must keep abutting sidewalks and park strips free from noxious vegetation, litter, snow, ice, and other obstructions. Including the removal of vegetation growing from private property if it overhangs and obstructs streets, alleys, or sidewalks. A clearance of 7 feet over sidewalks is required for pedestrian walkways.

A property owner must not cause or permit decaying garbage to remain on a property for more than 7 days or non-decaying garbage to remain on a property for more than 30 days, or accumulate soil, sand, gravel or rock, litter, debris, or plant trimmings in the public right-of-way or visible from the street or adjoining property.

A property owner must not accumulate junk, salvage materials, abandoned or discarded furniture, sinks, toilets, cabinets, and other fixtures or other equipment in the right-of-way or visible from a public street, alley, or adjoining property.

A property owner must maintain building structures, walls, signs, fences, gates, hedges or other structures that will become defective or in a condition of deterioration or despair.

A property owner must not leave a parked vehicle, trailer, or any other obstruction over any sidewalk or park strip area between the sidewalk and curb. This area is reserved for the pedestrians.

A property owner in Single Family, Two Family and Multi Family Dwellings Off-Street Parking is not allowed within the required front yard setback and must be parked on a paved area that is permanently maintained.

A property owner must not cause or permit scrap of a vehicle on any property. All vehicles on any residential property must be properly licensed, with an exception of 2 unlicensed vehicles stored behind a legally constructed barrier preventing view from any street or adjoining property.

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July 21, 2016

NOTICE OF CODE VIOLATION

~~XXXXXXXXXXXX~~
~~000 North 100 West~~
BRIGHAM CITY, UT 84302

CASE NUMBER: 2016094

Dear ~~XXXXXXXXXXXX~~

Brigham City Codes contain development and property maintenance standards to safeguard livability and avoid conditions which can be detrimental to the public health, safety, or general welfare for all citizens. In efforts to correct code violations the property located at ~~000 North 100 West~~ was inspected and found in violation.

Brigham City Code Services Requests Voluntary Correction for the Following Items:

1. Relocate accumulation junk and salvage materials where it cannot be visible from a public street, alley, or adjoining property. Remove such storage off the property if storage is likely to harbor rats, vermin, or other pests.
2. Routinely remove of noxious weeds, vegetation, waste, and cultivation of overgrown vegetation and grasses regularly throughout the property and adjoining public right-of-ways. Areas include the front yard, side yards, year yard, against buildings, fences, or other structures, along property lines, and to the edge of the roadway or between the sidewalk and roadway.
3. Maintain building defectiveness, deterioration, and other conditions of despair, and secure all exterior opening of the building's opening's against entry of rats, vermin, or other pests. The building failed to complete building inspection correction notices and was left in an unreasonable state of partial construction for a period of six (6) months or longer. The City requests these corrections also be completed.
4. The property is only allowed to have two (2) unlicensed motor vehicles on the property and they must be stored behind a legally constructed barrier out of view of a street or adjoining property. Any remaining unlicensed motor vehicles greater than two (2) must be removed from the property.

Reference to Brigham City Codes:

13.01.230(D) Nuisance - Accumulation of Junk.

Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded, or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property, or which is likely to harbor rats, vermin, or other pests. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premises.

13.01.230(F) Nuisance - Vegetation.

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

13.01.230(J) Nuisance - Improper Maintenance.

Maintenance of buildings, structures, walls, signs, fences, gates, hedges or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:

1. Any building or structure which is unfit for human habitation or which is an unreasonable hazard to the health of people residing in the vicinity thereof, and which is not reasonably secured against entry; or
2. Any building or structure that presents an unreasonable fire hazard in the vicinity where it is located.
3. Any building or structure which is abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. The building or current building permit, or a plan for its rehabilitation is being reasonably pursued.
4. Any building or structure having dry rot, warping, termite infestation, decay, excessive cracking, peeling or chalking finish material, so as to render the building unsightly and/or in a state of disrepair, and for which no plan for its rehabilitation is being reasonably pursued.
5. Any building, structure or condition that violate any building, electrical, plumbing, fire, housing or other code adopted by the City.

13.01.250. Responsibility for Nuisances.

Every Responsible Person(s) is responsible for abating any nuisances found on the Responsible Person's property pursuant to this ordinance, and every Responsible Person(s) is liable, both civilly and criminally, for any and all costs, fees, damages or penalties associated with such nuisance. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

13.01.260(D) Voluntary Correction.

The Code Enforcement Officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by contacting the Responsible Person(s), where possible and explaining the nuisance.

13.01.260(E) Non-Voluntary Correction.

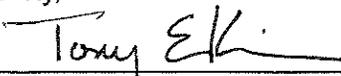
Any Responsible Person who maintains or assists in maintaining a nuisance is guilty of a Class C Misdemeanor. If the alleged nuisance is also a violation of a provision of City Code (other than this nuisance ordinance) or state law, the Responsible Person may be charged under the specific provision of City Code or state law, even if the Code Enforcement Officer did not first attempt to obtain voluntary correction as provided in Section 13.01.260(D) of this ordinance.

16.03.050(C) - Abandoned and Unlicensed Motor Vehicles.

It shall be unlawful for any person to have more than two (2) unregistered vehicles on a parcel at any time. Any abandoned or unlicensed vehicles must be stored behind a legally constructed barrier from the view from the street or adjoining properties.

This notice serves as a request that violations are voluntarily corrected. Please address these items within **14 OF NOTICE**. If you have any questions call Brigham City Code Services at **(435) 734-6619**. In the absence of voluntary correction or reoccurring violations this case may result in a citation pursuant to Brigham City Code.

Sincerely,



Tony Ekins, Code Services Coordinator

Brigham City Corporation
P.O. BOX 1005
20 North Main Street
Brigham City, Utah 84302

11.26.050 Penalties

In accordance with Utah Code Annotated §10-3-703, 1953, as amended, the municipality imposes the following penalties for each violation of this chapter:

1. Criminal penalty. Any owner(s), agent(s), occupant(s), corporation, entity, or lessee found in violation under this chapter shall be guilty of class B misdemeanor and a fine not to exceed \$1,000. Each and every day that a violation continues shall constitute a separate offense.
2. Civil Penalty. In addition to criminal penalties and other remedies provided by law, any owner(s), agent(s), occupant(s), corporation, entity, or lessee found in violation under this chapter is subject to a civil penalty not to exceed \$1,000.00, per violation, per day, in addition to administrative enforcement costs, reasonable attorney's fees, and court costs as authorized by this part or other governing law. Penalties shall be applied as follows:
 - a. Upon Recording of a Certificate of Non-compliance, \$125, plus an additional \$125.00, per day, thereafter that the violation continues.
 - b. After 30 days of filing the Certificate of Non-compliance where the violations(s) continue, \$250.00, per day thereafter.
 - c. After 60 days of filing the Certificate of Non-compliance where the violations(s) continue, \$500.00, per day thereafter.
 - d. After 90 days of filing the Certificate of Non-compliance where the violations(s) continue, \$1,000.00, per day thereafter.
3. Other penalties or actions. In addition to other penalties provided by law:
 - a. If the violation is located at a commercial operation within the City, it is deemed that such violation is cause for warning, suspension, or revocation of a business license issued by the City in accordance with the procedure for the same as provided in the municipal code.
 - b. The City may record with the County Recorder a Certificate of Non-compliance identifying the property where the violations exists, state the violation(s), indicate that civil fines are accruing each day the violation continues, and state that the City may take abatement action at any time without further notice. A copy of a Certificate of Non-compliance is to be mailed to the address for the property in violation as such address is indicated on the records of the County Recorder Office.
 - c. When a violation is removed the City shall record a Certificate of Compliance, as appropriate and the case may be, on the property where the violation had been located.
 - d. For continuing violations:
 - i. The City may institute foreclosure proceedings where penalties have significantly accrued.

- ii. The City Attorney may reach a settlement agreement with the violators independently or in conjunction with the Appeal Authority.
- iii. The City Attorney may abate a portion of the accrued penalties for good cause, but cannot abate the penalties below the actual costs incurred by the City for enforcement on a given violation, including staff time, administrative costs, attorney's fees and costs, notices, clean-up costs incurred, and other costs related to the violations and its remediation.

Adopted by Ord. 255 on 11/26/1991

Amended by Ord. 414 on 10/27/2009

1 PERRY CITY COUNCIL MEETING
2 PERRY CITY OFFICES
3 June 9, 2016
4

7:00 PM

5 OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting. Toby
6 Wright, Esther Montgomery, James Taylor, Nathan Tueller
7

8 OFFICIALS EXCUSED: Brady Lewis
9

10 CITY STAFF PRESENT: Greg Westfall, City Administrator
11 Shanna Johnson, Chief Deputy Recorder
12 Craig Hall, City Attorney
13

14 OTHERS PRESENT: Vicki Call, Kathy Waggoner, Brett Jones (City Engineer, Jones & Associates),
15 Shara Holt, Tim Martin, Travis Martin, Jacob Ferguson, Carolyn Ferguson, Matt Hansen, Brandon
16 Harris, Julia Harris, Jared Tonioli, Jacob Mildenhall

17 **ITEM 1: CALL TO ORDER**

18 Mayor Cronin called the City Council meeting to order.

19 **A. INVOCATION**

20 Council Member Tueller offered the invocation.

21 **B. PLEDGE OF ALLEGIANCE**

22 Council Member Montgomery led the audience in the Pledge of Allegiance.

23 **C. REVIEW AND ADOPT THE AGENDA**

24
25 **MOTION:** Council Member Wright made a motion to approve the agenda. Council Member Taylor
26 seconded the motion.

27 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
28 Council Member Montgomery, Yes Council Member Tueller, Yes
29 **Motion Approved.** 4 Yes, 0 No.
30

31 **ITEM 2: PROCEDURAL ISSUES**

32 **A. CONFLICT OF INTEREST DECLARATION**

33 None.
34

35 **B. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)**

36 Shanna Johnson passed out the warrants.
37

38 **C. APPOINTMENTS**

- 39 • None.

40
41 **D. BUSINESS LICENSE(S)**

- 42 • None.

43
44 **ITEM 3: PRESENTATIONS**

45 **A. CITY HIGHLIGHTS**

1 Mayor Cronin reported that the Smith and Edwards Range Day will be taking place Saturday, June
2 11th. She stated that Ruger is coming this year; it is the first year they have participated. She
3 explained that they usually do not participate in these types of events but because of the excitement
4 that has been built up about this they are joining us. She announced that Remington and Smith and
5 Wesson are some other vendors that will be participating. She advised that the public is invited to
6 come out and shoot the different guns provided by the vendors and the only cost is the cost of the
7 ammo. She stated that ammo punch passes are available for purchase and the ammo is at Smith and
8 Edward's discounted price. Mayor Cronin stated the event will go from 10 am to 5 pm.

9
10 Mayor Cronin reported that by June 15th all of Perry City will be built out with Utopia Fiber Optic
11 Internet. She said Utopia beat their goal of having the City completely built by the end of June.

12 13 **B. Water conservation and Overage Rate Increase**

14 Mayor Cronin explained that the Council has discussed the fact that culinary water is a precious
15 resource. She said that we are fortunate as a City to have wells that provide us culinary water, but
16 water from the wells comes from an aquifer and the aquifer is shared by cities from North Salt Lake
17 up to the Tremonton area. She referred to this being like a giant big gulp with all cities having a
18 straw in it and stated we have been warned that at some point the water may run out so we must
19 be frugal with our use of this critical resource. She said that as a Council they have been discussing
20 how they can encourage conservation. She turned some time over to the City Engineer, Brett Jones
21 to explain the water conservation plan and a proposed water overage rate.

22
23 Brett Jones reviewed the City's water supply he said one unfortunate thing that has happened over
24 the past couple of years is that the City's Well #3 has reduced production by 300,000 gallons per
25 day. He said that Well #1 was performing well but now is offline. He explained that the City has
26 some springs and 4 wells. He reviewed a presentation with a table showing the City's water supply
27 broken down by well (see attached). He explained that if the City loses production of any other
28 wells at this point the City will be in trouble and will not have enough supply for the City. He said
29 that a City water system usually has an additional well to help with that. He said in terms of
30 conservation, when you water supply isn't excellent you have some options. He explained that the
31 City did a water conservation plan in December 2014 and the things outlined as possible solutions
32 were:

- 33 • Working to get additional production
- 34 • Build more supply
- 35 • Water conservation

36
37 Brett said that water conservation is important and in the water conservation plan and the new city
38 public works standards it talks about different ways to conserve one of which is through water
39 rates. He said a lot of cities are doing this to promote conservation. He said if there is an average
40 home using normal amount compared to a high water user, you can meter this and charge overage
41 fees accordingly. He said this helps people conserve. He said another thing identified in the
42 conservation plan is that all new connections are required to connect to the Pineview Secondary
43 Water system if available.

44
45 Council Member Taylor asked about wells that are being rehabilitated. Brett said that the City is
46 currently working to get Well #1 back online, which will add a significant amount of water back to
47 the system. He said it is currently offline due to some mechanical issues and an issue that has it out
48 of compliance with state laws and regulations. He said that Well #2 is currently a decent running
49 well, but recently also had to have some upgrades to meet the state compliance. Brett said Well #3
50 is another well that needs some work. He said that they are doing some things such as taking video
51 of the well to see why production has dropped. If it is the aquifer itself then we will know that we
52 are getting as much water as possible from the well. He said more likely it could be some failure

1 down in the well column, possibly created by bacteria growth, or other issues that we can address.
2 He said this would have the same priority as Well #1 that the City will address. Brett said Well #4 is
3 pretty healthy right now. Council Member Taylor stated many people are draining this aquifer and
4 asked how the output of the aquifer is performing overall. Brett said the performance is currently
5 lower. Brett said that Well #4 is fed from the Box Elder Canyon drainage and it is a pretty healthy
6 aquifer. Greg Westfall said that South Willard (Box Elder County) is currently studying the shared
7 Great Basin Aquifer which will help us to understand the health of it. Mayor Cronin said that she
8 talked with a representative of Pineview Water who told her the Great Basin Aquifer had pockets
9 drying up, causing many communities to place new construction on hold. She said this has
10 triggered an extensive study by South Willard to see if they need to drill deeper to get water or if it
11 is gone.

12
13 Brett said most drainage water is going east behind the mountain and ends in Mantua, he said that
14 when we have dry years it dries up and slows the aquifer. He said just around the bend from here
15 there was a community that put a moratorium on building due to lack of water. Mayor Cronin
16 wrapped up by stating we are pretty near our max in terms of available water and if we were to
17 ever have a problem with a well we would only have roughly 3 days prior to having a problem.
18 Greg confirmed that depending on which well went out this would be the case. He said that we had
19 Well #2 go out and we functioned for 6-7 days without it, but we were draining the reservoir.
20 Mayor Cronin said this is why conservation is so important. She said we are fortunate to have
21 secondary water, but even the legislature has discussed metering secondary water. Mayor Cronin
22 said we have one business using 2.5 Million gallons of water per month the equivalent of 250
23 homes. She said if we had a development of 100 homes that wanted to come in we would be
24 pushing our water supply, thus the need of conservation.

25
26 Council Montgomery stated that the 2014 Perry City Conservation Plan states that all new
27 development are required to connect to secondary water. Mayor Cronin agreed, stating the Council
28 has discussed this back and forth and when she was researching the topic she found that the
29 Conservation Plan Act passed by the City Council and submitted to the State does already require
30 new developments to supply secondary water and each lot buyer to connect to the secondary water
31 system. Council Member Tueller said that they have to purchase the connection but they are not
32 required to use it. Shanna Johnson clarified by stating they would not be required to put in a
33 sprinkling system. Mayor Cronin agreed. Greg Westfall said they could zero-scape. Council
34 Member Tueller said they could buy the connection and still use culinary. Mayor Cronin said yes,
35 she has a secondary connection but can still water her yard from a hose connected to the culinary
36 system, thus the need for a two prong approach and that is why the City is looking at the overage
37 rate increase.

38
39 Mayor Cronin said that there were some questions regarding the connection fee to the secondary
40 system. She said that there is an impact fee as part of the connection, which is a 1 time fee along
41 with a \$200 connection fee. She said that new residents can wrap this up into the purchase or
42 construction price of their home. She said then based on your lot size a yearly tax is assessed.
43 Council Member Tueller asked for a copy of the fee schedule. Mayor Cronin said she will scan and
44 have these sent to the City Council. Council Member Taylor asked for the pricing on a 1/3 acre lot.
45 Mayor Cronin reviewed the fees as follows:

- 46 • Impact fee for 1/3 Acre Lot - \$645.00
- 47 • Connection Fee - \$200.00

48
49 She said the table goes up to 8.25 acres which would cost \$17,735.50. Council Member Taylor
50 asked the impact fee for a 1/2 acre. Mayor Cronin said this would be \$1,075. Greg Westfall said
51 there is also an annual tax charged.

52

1 Mayor Cronin reported that paperwork received from Pineview states that they are planning to
2 expand the system to all of the incorporated boundaries of Perry City. She said the City will be
3 working with Pineview to accomplish this. Mayor Cronin advised that in existing subdivisions
4 where Pineview has not been installed the City will have to put in the infrastructure and then
5 dedicate it back to Pineview. Greg said that is why it is so important to require new developments
6 to put this infrastructure in.

7
8 Mayor Cronin took a few minutes to recognize the Scouts attending the meeting.
9

10 **ITEM 4: PUBLIC HEARINGS AND/OR PUBLIC COMMENTS**

11 Approx. 7:23pm

12 **A. Ordinance 16-C Water Overage Rate Increase**

13 **MOTION:** Council Member Wright made a motion to open a Public Hearing regarding Ordinance
14 16-C Water Overage Rate Increase. Council Member Montgomery seconded the motion.

15 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
16 Council Member Montgomery, Yes Council Member Tueller, Yes

17 **Motion Approved.** 4 Yes, 0 No.
18

19 **Matt Hansen:** said he lives in Maple Hills Subdivision. He said his concern is there is no access to
20 secondary water in the Maple Hills Subdivision due to this being located above the canal, and
21 according to what he has been told by Pineview the system will most likely never be installed in this
22 area. He said that he discussed the cost of water with the City several years ago prior to putting in
23 his yard, which is 1 ½ acres and he did so based on the current pricing. He asked the Council to
24 consider a lower rate structure for those unable to connect to the secondary system.
25

26 Mayor Cronin said that she should have mentioned that there is already higher number of gallons
27 allowed in the base rate for those without access to secondary water. She said that 10,000 gallons
28 of water is allotted for those with access to secondary water and 15,000 gallons is allotted for those
29 without access to the secondary system. She stated that the proposed Ordinance would allow the
30 City to charge only the current overage rate of \$0.95 per 1,000 gallons over the base allotment up to
31 double the base allotment (30,000 for those without access to Pineview), and will increase to \$2.00
32 per thousand gallons thereafter.
33

34 Matt Hansen said that he was told by a previous administration that he was given extra water.
35 Mayor Cronin said yes you are allotted 15,000 gallons compared to the standard 10,000. Mr.
36 Hansen said that most of his neighbors do not have yards in and he believes the City will see a lot of
37 yards not being put in if the rate increases.
38

39 **Jared Tonioli:** asked for clarification regarding the proposed water overage rate increase.
40

41 Greg Westfall said that currently Mr. Tonioli pays the overage rate of \$0.95 per 1,000 gallons used
42 over base allotment of 15,000 gallons. He said under the proposed plan Mr. Tonioli would continue
43 to pay \$0.95 per 1,000 gallons over the base allotment up 30,000 gallons of water used, after the
44 30,000 gallons of water used the water overage rate will increased to the proposed rate.
45

46 Mr. Tonioli asked if there will ever be the ability to connect above the canal. Greg Westfall said that
47 this will be a challenge due to the location being above the canal.
48

49 Mr. Tonioli also expressed concerns with the flow rate of his culinary water stating this is very low,
50 he indicated that he would like the pressure he used to have with his previous home.
51

1 **MOTION:** Council Member Montgomery made a motion to close the public hearing and go back to
2 the regular meeting. Council Member Wright seconded the motion.

3 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
4 Council Member Montgomery, Yes Council Member Tueller, Yes
5 **Motion Approved.** 4 Yes, 0 No.
6

7 **B. PUBLIC COMMENTS**
8

9 **Tim Martin:** made a request to increase the number of streetlights in the community specifically
10 for streetlights in his neighborhood. Mayor Cronin advised that there is a streetlight plan, it
11 includes 1 light per year due to budget and invited him to come in and visit with the Public Works
12 Director.
13

14 **ITEM 5: ACTION ITEMS**

15 **A. APPROVAL OF THE WARRANTS**

16 Council Member Taylor made reference to the number of miles driven by the Mayor. Mayor Cronin
17 indicated that the mileage reimbursement is for the entire miles driven for the Fiscal Year to date.
18

19 **MOTION:** Council Member Wright made a motion to approve the warrants. Council Member
20 Taylor seconded the motion.

21 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
22 Council Member Montgomery, Yes Council Member Tueller, Yes
23 **Motion Approved.** 4 Yes, 0 No.
24

25 **B. RESOLUTION 16-07 ADOPTING THE FISCAL YEAR 2016-2017 TENTATIVE BUDGET AS A**
26 **FINAL BUDGET**

27 Mayor Cronin gave a creative and delicious budget presentation using a Banana Split Sunday to
28 explain the process.
29

30 Mayor Cronin reviewed a PowerPoint Presentation detailing revenues and expenditures in the
31 General, Utility and Sewer Funds (see attached).
32

33 **MOTION:** Council Member Taylor made a motion to approve Resolution 16-07 Adopting the Fiscal
34 Year 2016-2017 Tentative Budget as a Final Budget. Council Member Tueller seconded the motion.

35 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
36 Council Member Montgomery, Yes Council Member Tueller, Yes
37 **Motion Approved.** 4 Yes, 0 No.
38

39 **C. RESOLUTION 16-08 ADOPTING A FISCAL YEAR 2015-2016 BUDGET AMENDMENT**
40

41 **MOTION:** Council Member Montgomery made a motion to approve Resolution 16-08 Adopting a
42 Fiscal Year 2015-2016 Budget Amendment. Council Member Wright seconded the motion.

43 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
44 Council Member Montgomery, Yes Council Member Tueller, Yes
45 **Motion Approved.** 4 Yes, 0 No.
46

47 **D. RESOLUTION 16-12 ADOPTING THE FINAL TAX RATE FOR TAX YEAR 2016**

48 Mayor Cronin explained that each year the State takes into consideration home values whether they
49 go up or down and they take rate into account that cities need a constant budget number to work
50 from so they adjust the taxes via a certified tax rate to ensure cities will at least get the same
51 funding from taxes as received the previous year if a tax rate increase is not put in place. Shanna
52 Johnson explained that the certified tax rate takes into account growth as well, so the rate can go up

1 or down and if there has been an increase in home valuations or in growth the City may end up
2 receiving more money than the prior year without any increase to taxes. Shanna advised that the
3 City is proposing to adopt the Certified Tax Rate (of 0.002459) as set by the State with no tax
4 increase for the 2016 tax year (generating \$591,629 in property tax revenue).

5
6 **MOTION:** Council Member Wright made a motion to adopt Resolution 16-12 Adopting the Final
7 Tax Rate for Tax Year 2016. Council Member Montgomery seconded the motion.

8 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
9 Council Member Montgomery, Yes Council Member Tueller, Yes

10 **Motion Approved.** 4 Yes, 0 No.

11
12 **E. ORDINANCE 16-C WATER OVERAGE RATE INCREASE**

13 Mayor Cronin stated the Council has heard from the public tonight and this may affect some people.
14 The Council has also heard from the City Engineer regarding the need to make very wise use of our
15 culinary water. She indicated the intent of this fee is not to increase revenue but to incentivize
16 conservation. Mayor Cronin asked Greg to explain the cost of a new well. Greg advised that this
17 would cost approximately \$3.5M. Shanna Johnson stated that the City does not hold enough savings
18 to cover this cost and would need to bond for a project of this amount, which would result in a rate
19 increase for all users.

20
21 Council Member Taylor said if in fact people are being assessed Pineview fees via property taxes
22 and they are not able to utilize the system he would like to know. Mayor Cronin said she thinks part
23 of the fees is for savings to get water shares to provide service in the future.

24
25 Council Member Tueller said he is in favor of conservation, but is a bigger fan of developing
26 technology to help with conservation. He said he is also a businessman and knows the cost of
27 business. He stated we know that Perry City we need to develop our resources in preparation for
28 that growth. Mayor Cronin expressed appreciation for Council Member Tueller's comments stating
29 our Public Works Director is part of a water conservancy group and they meet and try to develop
30 things regionally. We also work with Utah League of Cities and Towns (ULCT) to help in these
31 efforts.

32
33 Council Member Wright said that he is directly impacted by this Ordinance as he does not have
34 access to secondary water. He said his lawn is green and he does use water, but he thinks it is
35 probably in the best interest of all right now.

36
37 Council Member Montgomery stated that water is a precious natural resource and we have to do
38 what we can to conserve. She said this is a baby step, there are many users that are using
39 exorbitant amounts of water and this is an effort to help reduce this use.

40
41 Mayor Cronin said at the ULCT Conference and at the Legislative Session they stated that water will
42 be the controlling growth factor in Utah. She said that even metering secondary water was
43 discussed at the Legislative Session. She said we are fortunate to have the wells that we have.
44 Some cities in the Southern portion of the State are drilling wells at the cost of \$3.5 Million and
45 coming up dry.

46
47 Brett Jones said that Jones and Associates represents many cities and the rates being proposed are
48 very reasonable. He said that he just pulled up the rates for a City very similar to Perry City and
49 their base rate is \$32 and their highest tiered overage rate at 25,000 gallons of water is \$3.40 per
50 thousand gallons used over the base allowed limit. He said this is pretty reasonable when you start
51 looking at other cities. Council Member Tueller said it should be known that we looked at several
52 cities and with this change Perry City will still be the lowest.

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MOTION: Council Member Montgomery made a motion to adopt Ordinance 16-C Amending the Culinary Water Rate Fee Structure by Increasing Overage Consumption Rates. Council Member Taylor seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Wright, Yes
 Council Member Montgomery, Yes Council Member Tueller, Yes

Motion Approved. 4 Yes, 0 No.

ITEM 6: DISCUSSION ITEMS

A. STREET PROJECTS FUNDING

Mayor Cronin said it has been discussed in several meetings the need for a maintenance plan for City Streets. She said that regular maintenance is needed in order to avoid the higher cost of a total reconstruct of roads. She explained that road funding currently comes from B&C road funds of which the City receives approximately \$180,000 and is planning to start saving a portion of these funds for the addition of a pedestrian path on 1200 west to address the safety concerns here due to the road being so narrow. She advised that the City also plans to save money to expand 1200 West on the South end connecting to Willard creating a secondary arterial road that eventually will allow travel from the Willard Freeway off ramp to Brigham City. Mayor Cronin explained that the City has been awarded a grant in the amount of \$2.3 Million to go toward the cost of this project leaving \$250,000 to be covered by the City. Mayor Cronin stated the City plans to save \$50,000 a year for the grant match. She said this leaves approximately \$130,000 for maintenance and turned the time over to City Engineer, Brett Jones, to address whether or not this is enough.

Brett gave a presentation on Street Projects, Funding and Transportation Utility Fees (see attached presentation).

He stated in order for the City to accomplish maintaining roads more funding will be needed and this can be done via a Transportation Utility Fee. He advised that many cities are implementing these fees, which creates a very transparent revenue source of which is restricted to the use of maintaining streets within the community.

Mayor Cronin asked the Council if they want to take the proactive approach of researching this fee option, which will encumber costs to put together a detailed analysis specific to Perry City.

Council Member Tueller said he likes the transparency of the Transportation Utility Fee, but also helps in the development of our City. He said that he likes the example of the City provided in the presentation and the fact that they have dedicated sales tax and other funds toward the roads. He does understand that Perry City is tight in terms of available revenue and suggested the City allocate some fund balance toward streets while still aiming to meet the State fund balance requirement of 5%. He also suggested looking at a possible impact fee.

Mayor Cronin said that the City Attorney, Craig Hall, also suggested that maybe the City put in a review period of 8 years, so that this fee can be analyzed and adjusted if no longer needed. Council Member Tueller agreed and said his interest is in keeping fees as low as possible.

Brett advised that as the City grows the burden goes to the tax payers to maintain the roads. One thing that the City has done to help with this is requiring developers to put money in City funds for the first street seal which is needed 1 year after the construction of the road.

Council Member Montgomery said that she agrees we definitely need to do something to increase revenues for street maintenance. She was in support of moving forward on getting a more in depth analysis of projects and funds needed to help the Council decide if a fee is needed. Mayor Cronin said this will take some time to put together.

1
2 Greg said that this project and cost analysis will be helpful to the City even if a transportation fee is
3 not adopted. Council Member Tueller agreed and said he would be in support of further analysis.

4
5 Council Member Wright agreed with Council Member Tueller in terms of using fund balance as
6 available while maintaining the 5% required by the State. He stated the funds are there and
7 available and maybe able to be used for a chip and seal or other maintenance. Mayor Cronin
8 summarized stating what she is hearing is that he would like to not only research a possible
9 transportation fee, but also look at what can be drawn from the general fund to help with street
10 maintenance. Council Member Wright agreed with this approach.

11
12 Council Member Montgomery expressed that using fund balance is not a long term solution which
13 may help in the short term but is not sustainable. Council Member Tueller agreed that it is a timing
14 issue but we need to look at all fees available.

15
16 Council Member Taylor said that he believes that water, snow removal, and streets are the three
17 biggest concerns the citizens have and he was not aware of the amount of maintenance required
18 and the cost of repairs on our streets. He said he believes we at least need to continue to pursue
19 this and gain public input.

20
21 **B. CITY LAND**

22 Mayor Cronin said we have a development east of the Three Mile Creek Elementary School in which
23 we have a landowner that the City is working with to exchange some land. She said that we have
24 been working on a contract with him and will be bringing this to the Council at the next meeting.
25 She said after this trade we will have 5 saleable lots of which the City will need to work to get
26 infrastructure as the road in front of Three Mile Creek Elementary is one of the roads we would like
27 to improve in the coming year. Council Member Tueller asked if the land exchange is all the City is
28 waiting on. Greg stated that there are also some noticing requirements that the City must meet.
29 Mayor Cronin said we would like to start improvements to the lots in July in hopes of improving the
30 road in August.

31
32 **C. FOURTH OF JULY & COMMUNITY AWARDS**

33 Mayor Cronin stated that the 4th of July is coming quickly. She passed out nomination forms for the
34 Community Awards to the Council. She stated she wanted to get input from the Council and Staff
35 prior to the selections being made. Mayor Cronin reviewed the events scheduled for the Fourth of
36 July Celebration, which she noted would be in the City newsletter.

37
38 **D. SMITH & EDWARDS RANGE DAY**

39 Mayor Cronin said that we will have a lot of people coming to the Smith and Edwards Range Day
40 Event including a possible appearance from Senator Hatch. She encouraged the Council to attend if
41 available.

42
43 Mayor reported that the City has been contacted by a site selector group, which is a group of people
44 coming to Box Elder County that represent large corporations looking for possible locations for
45 their businesses. She said that the site selector group has requested from the County a day at the
46 Range.

47
48 **ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

49
50 **A. APPROVAL OF CONSENT ITEMS**

- 51
52
- **April 28, 2016 City Council Meeting Minutes**
 - **May 12, 2016 City Council Work Session Minutes** – Tabled not ready for approval

- **May 12, 2016 City Council Meeting Minutes** – Tabled not ready for approval

MOTION: Council Member Montgomery made a motion to approve the April 28, 2016 City Council Meeting Minutes. Council Member Wright seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Wright, Yes
 Council Member Montgomery, Yes Council Member Tueller, Yes

Motion Approved. 4 Yes, 0 No.

B. MAYOR'S REPORT: reported that she was contacted today by the Fire Chief in Brigham City regarding firework restrictions. She said with a lot of rain in May we get a lot of grass and weed growth, especially on the benches on the east side. She said that this is easily ignited causing fires. She said fire suppression along the east bench is a cost to the City. She stated that last year a firework restriction was put in place for all areas east of Highway 89. She relayed that the Fire Chief needs to know if Perry City will be placing this restriction in place again by our next meeting so that the proper noticing can take place prior to the 4th of July. She advised that 2 years ago there were 6 fires that ignited in this area during the week of the 4th of July. Greg Westfall noted that in the past it has been indicated by law enforcement that restricting all areas east of Highway 89 is easier to enforce than a street by street restriction. Mayor Cronin stated in the past when restrictions have been put in place residents who live on the east side have been invited to light fireworks at Perry Park. Council Member Taylor asked if the Fire Marshall gave any recommendations. Mayor Cronin said that last year they gave a line that indicated areas with higher risk for brush fires. She said although this could have been broken down street by street it has been the recommended by the Council to restrict all areas east of the highway. She said last year she got more calls from residents on the west side of town wanting restrictions in their areas. Council Member Taylor asked if we restrict fireworks is this all fireworks. Craig Hall confirmed that this would restrict all fireworks. Mayor Cronin said that is why we open up the Perry Park for use. She said it is the recommendation of staff that we restrict fireworks. All Council Members present were supportive.

C. COUNCIL REPORTS: Council Member Tueller stated he appreciated the budget data that was listed in the newsletter. Mayor Cronin said that this was an effort to be as transparent as possible in regards to the budget. Council Member Montgomery questioned city council representation at the planning commission meetings. Mayor Cronin stated that Greg Westfall attends and represents data to both the City Council and Planning Commission.

Mayor Cronin asked if there were any reports from Planning Commission. Commissioner Vicki Call advised that the Planning Commission has talked about taking on an initiative for the year. She said that during the last year they worked on the Large Animal Ordinance. She thanked the Council for their support during this process. She said that this year they plan to look at all Ordinances that deal with special or conditional use permits and eliminating these out of the Ordinances. Secondary to this they will be looking at the General Plan and updating this.

Mayor Cronin said that at the ULCT Conference it was stated that last Legislative Season the large developers would like the State to do the land use regulations so that there is just one land use code within the State. The cities fought this because there are different needs in different cities. She said that the ULCT encouraged each city to review their land use code to ensure that the Ordinances are clean, reasonable and enforceable. She said that she has given this assignment to Greg Westfall who will be working with the Planning Commission to review and update the City's Land Use Codes. Mayor Cronin said that she has talked with the Planning Commission Chairman to hold off on the General Plan until the ordinances are sound. She said that the State mentioned that developers are not in favor of conditional uses and it has been

1 suggested that these be removed from land use codes. Mayor Cronin said it is not that we need
2 to say yes to everything but we need to be clear as to what is and what is not allowed and be
3 very objective in our land use efforts.
4

5 **D. STAFF COMMENTS:**

6 Shanna announced that the Baby Contest, Uncle Sam / Miss Liberty Contest and Perry’s Got
7 Talent will be held on Wednesday, June 29th.
8

9 **E. ITEMS FOR NEXT NEWSLETTER**

- 10 • Fourth of July
- 11 • Water Overage Increase
- 12 • Fireworks Restrictions

13
14 **ITEM 8: EXECUTIVE SESSION**

15 **MOTION:** Council Member Montgomery moved to close the Public Meeting and open an Executive
16 Session to discuss strategy regarding possible or imminent litigation. Council Member Taylor
17 seconded the motion.

18 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
 19 Council Member Montgomery, Yes Council Member Tueller, Yes
 20 **Motion Approved.** 4 Yes, 0 No.
 21

22 The regular meeting closed at 9:00pm
23

24 **MOTION:** Council Member Wright made a motion to close the Executive Session and reopen the
25 Regular Meeting. Council Member Montgomery seconded the motion.

26 **ROLL CALL:** Council Member Taylor, Yes Council Member Wright, Yes
 27 Council Member Montgomery, Yes Council Member Tueller, Yes
 28 **Motion Approved.** 4 Yes, 0 No.
 29

30 The regular meeting reopened at 9:58pm
31

32 **ITEM 9: ADJOURNMENT**

33
34 **MOTION:** Council Member Montgomery made a motion to adjourn the council meeting.

35 **Motion Approved.** All Council Members were in favor.
36

37 The meeting adjourned at 9:58pm.
38
39
40
41

42 _____
Susan Obray, City Recorder

Karen Cronin, Mayor

43
44
45
46 _____
Shanna Johnson, Chief Deputy Recorder
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