ORDINANCE NO. 19-01

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 5 "BUSINESS LICENSES AND REGULATIONS", SECTION: 5.04.060 "APPLICATION FOR A LICENSE"; TITLE 16 "SUBDIVISION REGULATIONS", SECTIONS: 16.07.030 "PRELIMINARY PLAT"; 16.07.040 "FINAL PLAT"; 16.22.020 "WARRANTY PERIOD AND WARRANTY DEPOSIT"; AND TITLE 17 "ZONING REGULATIONS"; SECTIONS 17.04.070 "DEFINITIONS"; 17.89.110 "SCREENING"

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following sections shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted in yellow shall be added.

5.04.060 APPLICATION FOR A LICENSE

A. Only the business owner or authorized agent may apply for a license in writing on a form approved by Smithfield City. The application shall show the following with respect to all business owners and persons (excluding shareholders or their equivalent) having a legal or equitable ownership interest in the subject business, trade, profession or other activity:

1. Name, address, date of birth, ~~social security number~~ driver's license number, and both home and business telephone numbers.
2. Name, address, date of birth, ~~social security number~~ driver's license number, and both home and business telephone numbers of the registered agent, if any.
3. If the primary management is going to be performed by someone other than a person listed in SMC A1 of this section, the name, address, date of birth, ~~social security number~~ driver's license number , and both home and business telephone numbers of the primary person in charge of the overall day to day management of the business, trade, profession, occupation or activity.
4. When applicable, a copy of the license to collect and remit sales tax issued by the state of Utah or an application for said license to be mailed to the state tax commission by the city.

5. A statement of all facts deemed necessary by Smithfield City to calculate applicable fees.
6. In the event the license application relates to a coin operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.

16.07.030 PRELIMINARY PLAT

After receiving approval of the concept plan from the planning commission, the subdivider shall file an application for preliminary plat approval on a form prescribed by the city, together with one (1) electronic version and ~~three (3) copies~~ one (1) 24" x 36" hard copy of the preliminary plat and ~~two (2)~~ one (1) reduced eleven by seventeen inch (11 x 17") ~~copies~~ hard copy to the Smithfield planning department for approval by the planning commission. Submittals shall be made with the appropriate filing fee and must be made a minimum of ~~fifteen (15)~~ twenty (20) days prior to the next regularly scheduled meeting of the planning commission. The preliminary plat must be prepared in accordance with the provisions of such plats as outlined in SMC 16.09 of this title.

16.07.040 FINAL PLAT

Within one year of the approval of the preliminary plat by the planning commission, the subdivider shall prepare a final plat in accordance with the provisions of chapters 16.12 and 16.16 of this title. One (1) electronic version and one (1) 24" x 36" hard copy ~~Two (2) copies~~ of the final plat together with one (1) ~~two (2)~~ reduced eleven by seventeen inch (11 x 17") ~~copies~~ hard copy shall be submitted to the planning department, together with the appropriate filing fee, at least ~~fifteen (15)~~ twenty (20) days prior to a regularly scheduled meeting of the planning commission. The planning commission shall recommend to the city council to approve, approve with conditions, or disapprove the final plat. In cases where the planning commission recommends disapproval of the final plat, the subdivider may make corrections to the plat and resubmit it to the planning commission for reconsideration. Following final action by the planning commission, the subdivider shall submit the final plat to the city recorder, with the recommendations from the planning commission, for consideration and approval by the city council.

16.22.020 WARRANTY PERIOD AND WARRANTY DEPOSIT

A. In addition to the security for performance agreement described in SMC 16.22.010 of this chapter, the subdivider shall present a warranty deposit to the city equal to the percentage allowed by state law, UC 10.9a-604.5(3)(b) ~~fifteen percent (15%)~~ of the total cost for all improvements.

17.04.070 DEFINITIONS

BED AND BREAKFAST INN: A bed and breakfast (typically shortened to B&B or BnB) is a small lodging establishment that offers overnight accommodation and breakfast. Bed

and breakfasts are often private family homes and typically have between four and eleven rooms, with six being the average.

~~**BOARDING HOUSE: A building with not more than five (5) guestrooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons. Persons residing as clientele in a Bed and Breakfast Inn must be at least eighteen (18) years of age and not under the supervision of the state or any other institution.**~~

17.89.110 SCREENING

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with a gate that obscures the view of refuse containers from the surrounding area, ~~**or**~~ **and** shall be ~~**enclosed within a building. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential or agricultural zone boundary or property containing a residential or agricultural use**~~ located as per letter of approval from the Logan Environmental Department.

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.

3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.

4. This ordinance shall become effective after the required public hearings and upon its posting as required by law.
THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this day of , 2019

SMITHFIELD CITY CORPORATION

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Jeffrey H. Barnes, Mayor

ATTEST:

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Justin B. Lewis, City Recorder