

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING

Thursday, September 5, 2019

7:00 p.m.

Huntsville Town Hall, 7309 East 200 South, Huntsville, UT

Name	Title	Status
James A. Truett	Mayor	Present
Bill Wangsgard	Council Member	Present
Max Ferre'	Council Member	Present
Blake Bingham	Council Member	Present
Wendy McKay	Council Member	Present
Beckki Endicott	Recorder	Present
Kay Larrison	Treasurer	Present
William Morris	Legal Counsel	Excused

Citizens: Michelle Lyman, Liz Poulter, Lt. Jeff Pledger, Sgt Lavelly, Glenda Lee, Tim Lee, Jeff Hyde, Jennifer Sorensen, Julie Powell, Artie Powell, Dakota Hyde, Amber Pierce, Kerry Wangsgard, Santos Arroyo, Bruce Ahlstrom, Rex Harris and Suzanne Ferre'

1. Mayor Truett called the meeting to order. There is a full quorum present. Mayor Truett recognized that Bill Morris' mother passed away unexpectedly. The Town Council offered a moment of silence the Morris Family.

2. The Pledge of Allegiance was led by Bruce Ahlstrom.

3. Opening Ceremony was led by CM Bill Wangsgard.

4. Public Comment:

Jeff Hyde wanted to let the Town Council know that the hotel is under contract to provide the place for filming a feature film. This will take place Monday through Friday, September 9-13th. They are under contract not to give all the details. The film company will be parking trucks on the west side of the park. The film company wants to make arrangements to use the fire hydrant. They also have a request to move the tree cutting trucks from the Town lot. They are doing all kinds of shots, inside and outside. Jeff stated they were contractual bound not to say what company and what the film would be, but reassured Mayor Truett that this was a good wholesome endeavor.

Michelle Lyman wanted to report that there was an event here in Huntsville on July 20th. (See Attachment #1) They tried to leave as small a footprint as they could on Huntsville Town. She was able to speak with a lot of the surrounding neighbors. The Iron Lung was held here and there were just under 150 people. The participants loved the event. They ride to Big Mountain and back. She stated the riders rode the hardest part of their ride earlier in the day instead of at 2 p.m. She understands they are under a one-year trial basis. She was wondering if the Town Council had any other questions. Mayor Truett stated he hadn't heard anything negative and felt that was a good thing. He did see the street was blocked off the night prior to the event and asked them to remove the barrier until the morning. Michelle passed out a thank you to the Town Council.

5. Approval of Town Council Meeting Minutes for August 15, 2019. **CM Wendy McKay made the motion to approve the minutes from the August 15, 2019.** CM Bill Wangsgard seconded the motion. All votes aye. Minutes are approved.

6. Approval of Town Council Work Session on August 29, 2019. **CM Wendy McKay made the motion to approve the minutes from the August 29th, 2019 Work Session.** CM Max Ferre' seconded the motion. All votes aye. Minutes are approved.

7. Sheriff's Report by Lt. Pledger.

There was one significant incident this last month. A deputy realizing things weren't quite right, was able to identify a stolen vehicle and the occupant high on drugs in the Chevron parking lot. The vehicle contained crowbars and other tools to perform burglaries in the area. They arrested the person after a fight and a tazing. Lt. Pledger wanted to make sure that our residents understand that although we live in a "very quiet community" where you know your neighbors, etc, he wanted to remind Huntsville citizens that many people come here to the valley. There is a need to be watchful. He advised residents to keep your property locked up and make sure you know who is coming and going.

The Weber County Sheriff has been collecting school supplies for the Weber School District. A box was here at Town Hall and Lt. Pledger came and picked it up. He stated the donations have been given to the school district.

CM Wangsgard and Lt. Pledger just came from the Huntsville Library where they have a deputy doing a presentation what to do in the event of an active shooter. There were about 30 people at that event, and it was sponsored by the CERT organizations. There was such a large response to the training that they are thinking about doing it again.

The Wakesurf Championship has been going on during this week at Cemetery Point. This Saturday morning Xterra Panam Championship is having their race. That will impact commutes.

8. Presentation of VIPS truck by Sgt. Lavelly. Sgt. Lavelly stated the Weber Sheriff's Department has been working on the VIPS program for several months now. He now has 25 volunteers in the program. They have donated 230 hours since August 1st. He brought with him a couple from West Haven and also Santos Arroyo from Huntsville. He stated that Huntsville jumped on the bandwagon early and has the surplus truck now parked at the Huntsville Town Hall for use. Sgt. Lavelly stated that these volunteers have been involved in every major event as well as patrolling since the started in the program.

He gave the example of Glenda, who was here from West Haven. She and her daughter volunteered during an active shooter event. The VIPS volunteers were able to spend their time shutting down roads and in turn that freed up an officer to work the active shooter event and law enforcement. He stated that since the citizens have been patrolling, there have been eight additional volunteers that have sign up.

Mayor Truett thanked the volunteers. He asked Sgt. Lavelly what supplies were in the truck to help the volunteers. Sgt. Lavelly gave the list of items and presented the keys to Mayor Truett.

Mayor Truett. All in attendance were able to walk out to the parking lot and inspect the new VIPS truck.

9. Presentation on hitch rail availability in Huntsville Town – Amber Pierce.

Amber introduced herself as an organizer for a charity ride from Eden to Huntsville. She is a resident of unincorporated Huntsville. She stated there are many trails in the valley. People come from all over to ride the trails here. She stated just last week she took her kids on the Pathways Trail to Eden, tied up and then bought ice cream. The trail riding event is a charity ride, raising money for horse equipment in the Valley. She stated one of the logistical problems they have in the Valley right now is that there aren't hitching rails to tie up the horses. She would like to see hitch rails in Huntsville so that there can be a place to tie up horses and go to dinner, play in the park or even go to the library. The charity ride will raise funds, but they are asking permission to install permanent hitch rails in Huntsville Town. The website for the charity event is www.ovcowboycrawl.com.

CM Wendy McKay suggested the north side of the park. Amber stated they would like to be able to tie up about 15 horses. She is looking at about 50 feet of post. Mayor Truett would like to see the rails and approved at the Town Council before they are installed. Mayor Truett stated that he and Rex took out the hitch rails twelve years ago. Mayor Truett stated he had some concerns. He wanted to make sure the location of the rails is good. He wanted to be mindful of the businesses, and he is wondering about the clean-up of the horses. Mayor Truett wanted to make sure that the rails looked good. There was a suggested location of the Town field.

10. Public Comment by **Kerry Wangsgard**. Mayor Truett invited Kerry Wangsgard to come forward to use the public comment period. Mayor Truett recognized there was a long agenda and Kerry had missed the previous period for public comment.

Kerry explained earlier this summer he approached the Town about trimming some trees that were in the Town right of way on 600 South. The reason that he wanted to do this was to replace his trailer. He was told that he couldn't do that because his trailer was non-conforming use. He was told that once he removed the trailer the use would not be grandfathered any more. Kerry stated there has been several trailers there on the property for years, since 1960 and prior to any enactment prohibiting mobile homes inside Huntsville Town limits. He passed out a picture and documents to the Town Council. The first two were pictures of the trees that would prevent him from pulling a new mobile home down the ally. The second is a summary of nonconforming uses or grandfathering taken from legal article on nonconforming uses (**Attachment #2**). Kerry stated the trailer has been there for 25 years. The trees in the right of way would prevent him from pulling a new trailer down the ally way. He stated he believed he had a right to a be able to replace the trailer and that it was grandfathered. Kerry stated he is here to ask the Town Council to approve the removal of the old trailer and bring on the new trailer. He stated the non-conforming use is on the mobile home site. The actual mobile home is on wheels and can be pulled on and off the site. It is the non-conforming land that should be viewed as grandfathered.

Mayor Truett thanked Kerry for him comments. He stated there are two issues here. The first is the trees. The second issue is the trailer. He explained that the proper procedure would be for Kerry to approach the Planning Commission. The Planning Commission will then make a

recommendation to the Town Council. The Town Council can either agree or disagree, but Kerry must first go to the Planning Commission. Mayor Truett also cited the example of set-backs from the Town Ordinances. He stated that if a home is non-conforming in the set-backs, if it is torn down, it must be brought into compliance with the ordinances and meet the set-backs. Kerry argued that the use was for the set structure, not for a mobile home which was on wheels. CM Bingham stated that he didn't believe whether the structure was on wheels or not would make a difference but believed that there shouldn't be a determination here at the Town Council before Kerry goes to the Planning Commission. CM Wendy McKay agreed.

Kerry Wangsgard stated he had talked to Doug Allen and Doug stated he would refer him to the Town Council. Kerry stated he had also talked to Rex Harris and Doug Allen together and they agreed that this would not be an issue for the Planning Commission. Kerry is coming to the Town Council based on the advice from Doug Allen and Rex Harris. Kerry also understands that the Planning Commission will not meet until October 25th. He would like to have his trailer replaced before then.

Mayor Truett asked Beckki if the Planning Commission was meeting in September. Beckki confirmed that they would not meet in September. The next Planning Commission Meeting would be on October 24th. CM Bingham wanted to clarify that he has been corresponding with Kerry Wangsgard by email as assigned by Mayor Truett. CM Bingham stated he wanted to make clear that the opinions expressed in his emails were not necessarily his own but that there was a process to go to the Planning Commission to obtain a Land Use Permit.

Kerry asked what a Land Use Permit was. CM Bingham responded that a Land Use Permit would be required for any alteration made to a non-conforming structure. It would not matter whether it was a house on wheels or not on wheels. If it is a structure on a residential lot in the Town of Huntsville that is being modified, it would require a Land Use Permit. Kerry asked the Town Council to present his case to the Town Attorney. CM Bingham stated they had spoken to the Town Attorney and his counsel is to go to the Planning Commission to get a Land Use Permit.

Mayor Truett asked Beckki why the Planning Commission was not meeting. Beckki responded that there was not a quorum. She stated they had tried several dates and could not find three members that were available at the same time. Beckki commented that the Planning Commission had met diligently every month this year. She stated that even when there hasn't been a quorum, that they have found other dates to meet the needs of the residents. Beckki stated she would be happy to email the Commission again. Mayor Truett stated he felt badly that Kerry would have to wait. Mayor Truett asked Beckki to reach out to the Planning Commission again.

Kerry Wangsgard asked if the quorum on the Planning Commission would have to include Sandy Hunter. He stated that she has a conflict of interest. CM Bingham believes that Sandy doesn't have a conflict of interest when it comes to the trailer. If it is the issue with the trees, then yes, she might have a conflict of interest. CM Bingham stated he did not want to assume an automatic conflict of interest of anyone of the Planning Commission. He stated that if Sandy could declare her conflict of interest, she could still vote if she disclosed the interest. CM Bingham stated Kerry could request that Sandy recuse herself from a vote.

Beckki advised Kerry to make sure he had a site plan for the trailer with regards to the property lines and a picture of what the trailer looks like. CM Bingham recommended this site plan drawn to scale. Kerry asked about the survey. CM Bingham advised to superimpose the trailer on the survey.

10. CONDISERATION FOR ADOPTION:

a) Discussion and/or action on Ordinance 2019-9-5: Title 4 Edits. **(See Attachment #3)**
Rex has been working on Title 4 to clean up this ordinance. Blake had two additional edits to make to the ordinance. In 4.2.3 the last sentence needs to be changed to Huntsville Building Official. Under section 4.8. the word “permit” needs to be deleted and just read as Huntsville Town Building Official.

Mayor Truett asked about the requirement in the ordinance for a Land Use Permit for buildings under 200 square feet. CM Bingham responded that this was a new requirement that was felt to be important because set-backs of 200 square feet or under structures would need to meet set-back requirements. Mayor Truett stated he thought this would be an education process with the residents. He suggested that if the ordinance is changed, we should make sure that it is communicated to the residents.

CM Bingham suggested that it might be a good thing to revise the new ordinance to say that if the structure is under 200 square feet, it will not require a permit if the set-backs and all other ordinances are within the code. CM Ferre’ agreed with this thought process.

Rex Harris entered the meeting at 8:15 p.m.

Blake motioned to send this back to the Planning Commission and engage in greater discussions with regards to structures less than 200 square feet, understanding that the Planning Commission has put a lot of time and effort into revising this ordinance. Mayor Truett stated as far as discussion goes, Huntsville hasn’t ever required structures under 200 square feet to have a Land Use Permit and that would be a big change. Rex Harris asked if the Council believes there are no Land Use issues for structures under 200 square feet. CM Bingham and CM McKay are questioning being overbearing with the law. Rex commented he would like them to consider how to make complying with the law the easiest thing for residents to do. How are you going to get people to do the right thing? CM Ferre’ seconded the motion. All votes aye. Title 4 goes back to the Planning Commission.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Bill Wangsgard	X			
CM Blake Bingham	X			
CM Ferre’	X			

b) Discussion and/or action Ordinance 2019-9-5-A: Appeals Authority Edits. Bruce Ahlstrom presented the changes to the Appeals Ordinances. (See Attachment #4) CM Bingham commented there were a few edits that he would like to see. He has discussed them with Bruce, and they agree. CM Bingham went through those edits. **CM Bingham motioned to adopt Ordinance 2019-9-5-A with the prescribed edits.** CM Ferre' seconded the motion. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Bill Wangsgard	X			
CM Blake Bingham	X			
CM Ferre'	X			

c) Discussion and/or action on adoption of Animal Services Interlocal Agreement. (See Attachment #5) Beckki reviewed the history of this contract/agreement. In June we didn't have a copy of the agreement to vote on. When it was emailed to us after the meeting, it was prepared but left off of an agenda. To date, it has not been voted on. Mayor Truett wanted a one-year agreement. CM McKay said she spoke to Ashley at Animal Services and they do not have one-year agreements. The agreement specifies five years.

CM Bingham stated he has a few questions regarding the contract. He would like to see the formula for the fees that it refers to in the contract. He would like to see paragraph 1.C not refer to "County" ordinances. Huntsville should just enforce the City and State animal ordinances. CM Bingham would also like to see the references to City changed to Town because that is the form of government that we have.

CM McKay read from an email received from Ashley regarding the fee and the term of five years. (See Attachment #6)

Mayor Truett motioned to change the term of City to Town and also to strike the reference to County Ordinances in paragraph 1.C so that it reads "Enforcement of all City, and State animal ordinances, laws and regulations" and then adopt the Interlocal Agreement for Animal Control. CM McKay seconded the motion. All votes aye. Motion passes and Interlocal Agreement is approved.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Bill Wangsgard	X			
CM Blake Bingham	X			
CM Ferre'	X			

d) Discussion and/or action on Resolution 2019-9-5: Approval of Animal Services Agreement. This item was inadvertently skipped on the agenda. No vote was taken.

11. REVIEW AND APPROVAL OF THE FOLLOWING ACTION ITEMS:

- a) Discussion and/or action on approval of preliminary plans for One Horse Subdivision for Jennifer Sorenson, parcel #240140042. Blake motioned to approve the preliminary plans for One Horse Subdivision for Jennifer Sorenson, parcel #240140042. **(See Attachment #7) CM Bingham motioned to approve the preliminary plans for One Horse Subdivision for Jennifer Sorenson, parcel #240140042.** CM McKay seconded the motion. All votes aye. Motion is passed.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Bill Wangsgard	X			
CM Blake Bingham	X			
CM Ferre'	X			

- b) Discussion and/or action on bid for paving 7400 East and 200 South. CM McKay wanted to know if there were bids from Huntsville Paving Companies. CM Ferre' stated he tried to get them to bid and the job was too big for those companies. **(See Attachment #8)**
- c) Discussion and/or action on developing plan for intersection at 7400 East and 200 South. Rex presented the information regarding the previously proposed round-about. The round-about is tight for the large vehicles. Mayor Truett proposed and alternate solution to the intersection at 7400 East and 200 South. Mayor Truett proposed a four way stop with some inlayed concrete that would beautify the intersection. Mayor Truett suggested that they could correct the drainage issues and even continue the improvements down the block east with bump outs.

Rex prepared a presentation with examples of what the intersection could look like. Blake recommended that a plan be put together and that the paving not be done separately from the other work. He would hate to see the paving done first and then repaired or ripped up after we spent the money to pave.

Mayor Truett made a motion to let Rex Harris come up with a concept design and budget for the four way stop at 7400 East 200 South. CM Ferre' seconded the motion. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Bill Wangsgard	X			
CM Blake Bingham	X			
CM Ferre'	X			

- d) Approval of the Bills, July 2019. **CM Ferre' motioned to approve the bills for July 2019.** CM Bingham seconded the motion. All votes aye. Bills are approved.
- e) Discussion on inappropriate use of Town Dumpsters. This issue was brought to the Town Council's attention through email from Doug Allen. Mayor Truett was unsure if there was a good solution from preventing the dumpsters. He asked Beckki to see if Huntsville pays for the dumpsters by weight. Beckki will check on this issue and report.

12. COUNCIL MEMBER PRESENTATIONS:

- a) Mayor Truett – Mayor Truett contacted an appraiser to appraise the Town Hall for commercial use. He is looking for the value of the building and property. Mayor Truett is looking to either expand the Town Hall or move to the Town property and build a new building.
- b) CM Blake Bingham – They have conditional approval for use of the Wishing Well for primary use. The surveyor is waiting for insurance and bonds to finalize before the contractor breaks ground. Mayor Truett asked if the Wishing Well is producing what they need. Blake stated the well has been consistent at 14 psi. The well is running more than enough water to meet Huntsville's needs.

CM McKay asked if there had been any other letters for connections. Blake did receive one letter. He sent the property owner information and hasn't heard from them.

CM Bingham stated the culinary water committee is recommending a rate increase. He states the committee is looking at the behavior of using culinary water for irrigation. They believe an increase in rates would encourage the proper use of culinary water. CM McKay asked if there would ever be a reduction in water rates. Mayor Truett stated he believed there wouldn't ever be a decrease in the rates because it costs money to support the infrastructure.

- c) CM Wendy McKay – She is working with Savannah Swift on the Touch-A-Truck event on September from

4th of July Celebration – CM McKay stated she would be out of town on the 4th of July 2020. Mayor Truett would like to schedule a work session the first part of November.

- d) CM Max Ferre' – CM Ferre' reported that Gary called him and the new pipe in front of the Scott Anderson lots had been replaced. Mayor Truett asked CM Ferre' to contact the paving company to finish the paving on 7200 East. Mayor Truett stated that the bid from the Aspen paving included the intersection at 7400 East and 200 South. He advised to hold off on that paving now and finish the paving on 7200 East. (See Attachment #7)
- e) CM Bill Wangsgard – A slide was damaged by skateboarders at Huntsville Park. The cost to replace the slide was \$1100.00. The TC stated that \$1100.00 seemed high. Mayor Truett asked CM Wangsgard to check with Ramona and see if we have insurance to cover it.
- f) Mayor Truett – Huntsville has now moved all of the bank accounts to Zion's Bank. He has talked with Scott Anderson about sponsoring the fireworks for the 4th of July Celebration.

Mayor Truett had a meeting last week with State lawmakers about making Pineview Reservoir a State Park. He stated it was only a meeting and an idea. They are doing research. Mayor Truett stated the Forest Service never has funds to make this a nice area. If Pineview was a State Park, it is possible that they could facilitate the funds to make this area really nice. The discussion was about the pros and cons about Pineview becoming a State Park.

- g) CM Wendy McKay – She stated she received an email from Gail regarding the GIS mapping grant safety training. All Town leadership that could attend should attend. The date of the training is September 12, 2019 at 9 a.m.

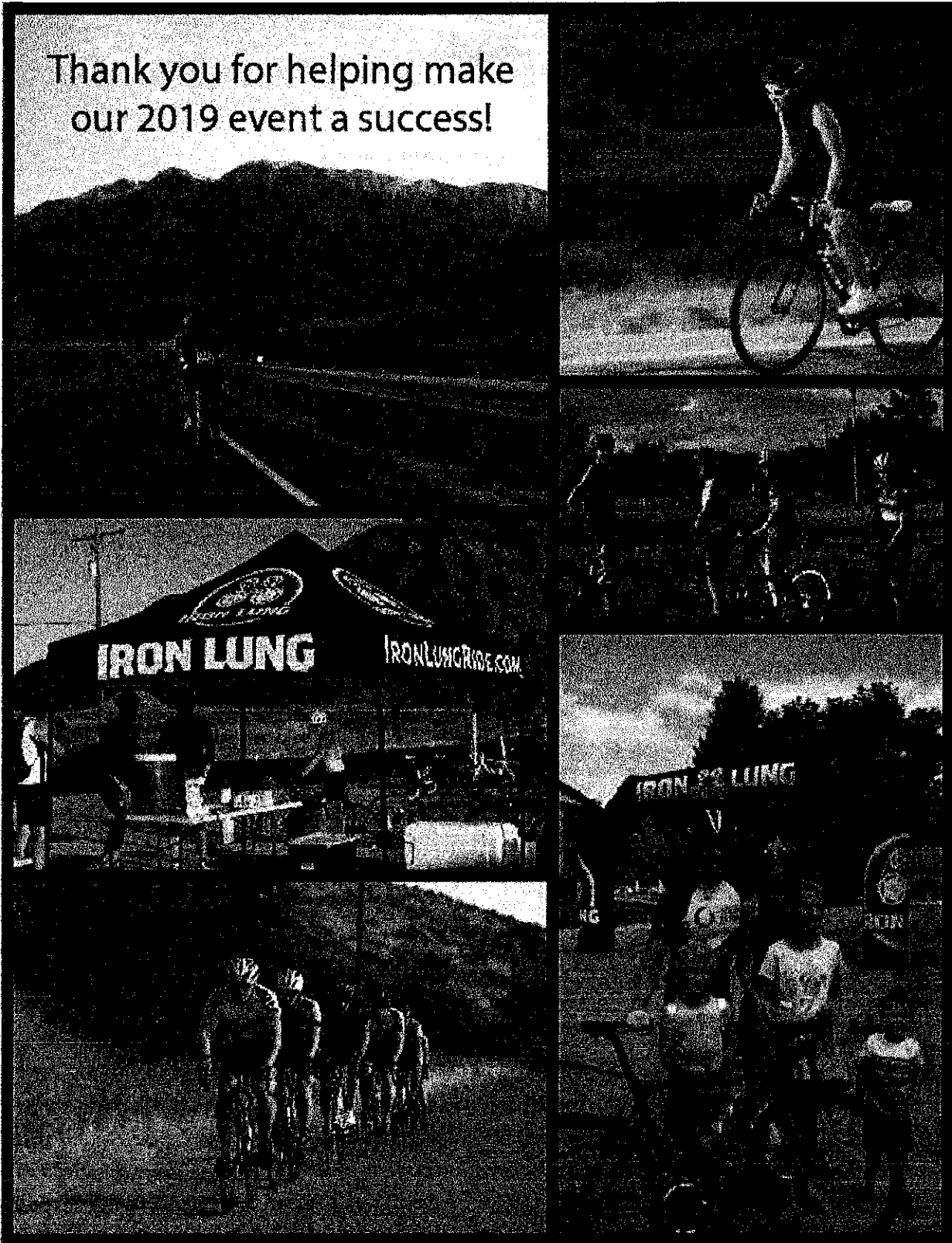
13. Citizen Comments: There were none.

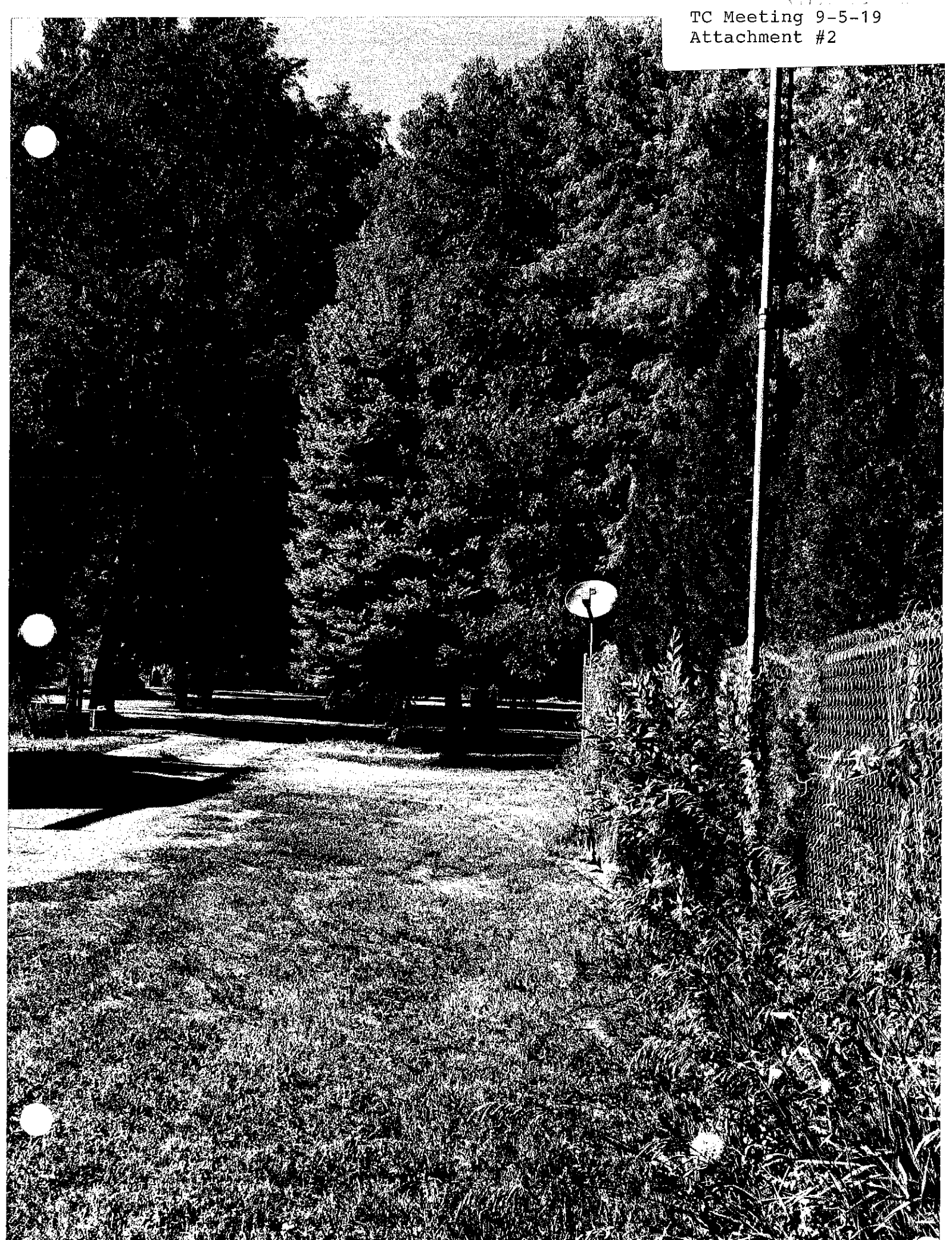
14. Adjournment of Meeting: **CM Wangsgard motioned to adjourn the meeting.** CM Ferre' seconded the motion. All votes aye. Motion passes.

Meeting adjourned at 8:50 p.m.


Beckki Endicott, Recorder

Thank you for helping make
our 2019 event a success!







NONCONFORMING USES OR GRANDFATHERING

(Taking from legal articles on nonconforming uses)

- Grandfathering is the legal concept of protecting lawfully pre-existing nonconforming uses of land from later-enacted land use.
- Grandfathering balances the private property rights of land owners, against the public need to regulate the land use.
- Land use laws protect property owners by prohibiting the government from unreasonably depriving them of a vested right to use their property.
- When the government does unreasonably deprive an owner of a vested right, we say that a “taking” has occurred, and the Constitution requires the government to adequately compensate the property owner for that loss.
- The law provides that a “zoning ordinance adopted shall not apply to existing structures, or to the existing uses.
- Zoning ordinances and land use regulation are not supposed to be retroactive.
- A use of land which, at the time a restriction on that use went into effect, was established or vested, and the use has not been discontinued or abandoned, that use can continue indefinitely, unless it includes activity which is a nuisance or harmful to the public health and welfare.
- To prevent nonconforming uses from becoming blighted properties, zoning codes allow for the repair and maintenance.

**HUNTSVILLE TOWN
ORDINANCE 2019-9-5**

HUNTSVILLE TITLE 4 EDITS – LAND USE PERMIT UPDATE

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 4 – LAND USE PERMIT
UPDATES**

RECITALS

- A. WHEREAS**, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on August 22, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on September 5, 2019;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on September 5, 2019 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The Huntsville Municipal Code is hereby amended to read as follows:

- 4.1 Purpose
- 4.2 Land Use and Building Permits Required
 - 4.2.1: Land Use Permit
 - 4.2.2: Building Permit
 - 4.2.2.1 New Structures Less than 200 square Feet
 - 4.2.2.2 New Structures 200 Square Feet or Greater
 - 4.2.3: Remodel Permits
 - 4.2.4: Self- Performed Remodel Permit--Residential
 - 4.2.5: Validity Period
 - 4.2.5.1 Land Use Permit Validity Period
 - 4.2.5.2 Building Permit Validity Period
- 4.3 Huntsville Town Building Official
- 4.4 Permits to Comply with Title
- 4.5 Powers and Duties of Huntsville Town Building Official
- 4.6 Building Inspector
- 4.7 Certificate of Occupancy Requireda
- 4.8 Zones Requiring a Land Use Permit
- 4.9 Zones Requiring Site Plan Approval
- 4.10 Building Permit Fees
- 4.11 Impact Fees

- 4.12 Plan Reviewer
- 4.13 Licensing
- 4.14 Penalties
- 4.15 Responsibility for Damage to Huntsville Town Streets
- 4.16 Appeal Authority

4.1 Purpose

Building/Land Use permits are essential for the management of building, construction and land use in Huntsville Town, provide an effective vehicle for complying with State laws and adopted building standards, and are necessary to effectively administrate building and construction procedures and to cover the costs of the administration thereof.

4.2 Land Use and Building Permits Required¹

4.2.1 Land Use Permit²

Any owner desiring to change (e.g. build a new residence) or add a use of their land shall not commence or proceed with, except after the issuance of a written Land Use Permit for the same by the Huntsville Town Planning commission. Any permanent structure being placed on land shall adhere to all land use regulations established for the zone in which that land resides. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the permit application to the Huntsville Town Council for their review and approval.

4.2.2 Building Permit

4.2.2.1 New Structures Less than 200 square Feet

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint less than 200 square feet shall only commence work after acquiring a Land Use Permit from the Huntsville Planning Commission. No building permit is required for a new structure less than 200 square feet unless electrical, gas, mechanical, or plumbing installation is required; then the owner or authorized agent must follow the requirements of 4.2.2.2 New Structures 200 Square Feet or Greater.

4.2.2.2 New Structures 200 Square Feet or Greater

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint 200 square feet or greater shall only commence work after first, having received a Land Use Permit from the Huntsville Planning Commission, and then, secondly, upon issuance of a Building Permit from the Huntsville Building Official or authorized delegate of the Huntsville Building Official. Exceptions to this rule can be found in 4.2.3 Remodel Permit or 4.2.4 Self Performed Remodel Permit – Residential.

4.2.3 Remodel Permit

For the sake of the safety of the public, any structure owner or authorized agent who intends to install, alter, remove, convert or replace any existing electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Huntsville Town Building Codes, or to cause any such work to be done, shall receive a Land Use Permit from the Huntsville Town Planning Commission and obtain the a building permit from the Weber County Building Official. Minor replacement or repair of such systems, especially to replace like kind (i.e., replace a water faucet, light switch, light fixture, toilet, etc.),

¹ Amended 9-3-2009: to add "engage in new construction of a building with a footprint greater than 200 square feet. And "The Building Official will not issue the Building Permit until it has been reviewed and approved by a quorum of the Huntsville Town Planning commission. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the building plans and site plan to the Huntsville Town Council for their review and approval.

² Title 4.2: Land Use and Building Permits Required was divided into five separate paragraphs for clarifications.

*Huntsville
Town*

replacement of roof shingles or siding does not require a permit. If the land use change involves excavating, an excavation permit may be required as specified in Title 17. Exception to these requirements can be found in 4.2.4 Self Performed Remodel Permit – Residential.

4.2.4 Self Performed Remodel Permit – Residential

A Self-Performed Remodel Permit can be granted by the Huntsville Town Building Official or their designee if all of the following stipulations are met:

- a. A Land Use Permit is obtained from the Huntsville Planning Commission.
- b. Work is for a remodel/repair of an existing home or for the construction/remodel/repair of an auxiliary building greater than 200 square feet (electrical and plumbing changes for any size building). If more than 25% of the square footage of the home or auxiliary building is over 200 square feet it will be considered as a new construction and will require a Remodel Permit.
- c. Work is self-performed by the owner or a close associate. This means that no compensation either monetarily or in kind for work performed on the project can be tendered.
- d. The homeowner declares on the Self-Performed Remodel Permit form all of the work that will be performed on the project receiving the Self-Performed Remodel Permit.
- e. The home owner certifies by signing the Self-Performed Remodel Permit that they will abide by all of the Utah State construction Code requirements in the construction of their project (including all applicable stamped plans by professionals licensed by the State of Utah).

4.2.5 Validity Period

4.2.5.1 Land Use Permit Validity Period

Land Use Permits shall be valid for a period of one year. If at any time the Land Use permit expires the owner or authorized agent must reapply for a Land Use Permit as outlined in 4.2.1. Land Use Permit to continue work on any unfinished items listed on the Land Use Permit. The owner will responsible to pay any fees associated with the issuance of this new Land Use Permit.

4.2.5.2 Building Permit Validity Period

Building Permits shall be valid only during the period that a valid land use permit is in effect. The owner may be subject to any penalties that may result from allowing the permit to expire before completion and final inspection of the work is completed.

4.3 Huntsville Town Building Official

The Huntsville Town Building Official, appointed by the Huntsville Town Council, is hereby designated and authorized as the officer charged with the enforcement of this and other applicable titles of the Huntsville Town Ordinances in regards to all building in Huntsville Town. The Huntsville Town Council, by resolution or ordinance, may from time to time entrust such administration and enforcement, in whole or in part, to any other officer or designee of Huntsville Town without amendment to this Title. The Huntsville Town Building Official is authorized to execute the duties required herein including the issuance of building permits.

4.4 Permits to Comply with Title

The Huntsville Town Building Official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of the Huntsville Town Land Use Title, nor

shall any Huntsville Town Officer grant any permit or license for the use of any building or land if such use would be in violation of this Title.

4.5 Powers and Duties of Huntsville Town Building Official

It shall be the duty of the Huntsville Town Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. They shall enforce all of the provisions of this Title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions. The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect.

4.6 Building Inspector

The Huntsville Town Building Inspector(s) shall be appointed by resolution of the Huntsville Town Council and be authorized to execute the duties of that office under the direction of the Huntsville Town Council. The appointed Building Inspector must possess a valid combination level State of Utah Building Inspector license including valid International Code Council (ICC, formerly ICBO) certificates for building, electrical, plumbing, and mechanical inspectors.

4.7 Certificate of Occupancy Required

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, in accordance with Utah State Law until a Certificate of Occupancy shall have been issued by the Huntsville Town Building Official stating that the building or the proposed use thereof, complies with the provisions of this Title. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for when the builder is ready. A temporary occupancy permit may be issued for a period of not more than one (1) year and shall be issued within seven (7) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed and inspected by the Huntsville Town Building Inspector to be in conformity with the provisions of this Title.

4.8 Zones Requiring a Land Use Permit

In order to verify the requirements of the Land Use Title in general, and setbacks for permitted or conditional uses in the A-3, CR-1, S, O, FP, and RC Zones, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted, until and unless a Building/Land Use Permit is approved and issued by the Huntsville Town Building ~~Permit~~ Official.

The site plan requirements for these zones are specified in the Land Use Title.

4.9 Zones Requiring Site Plan Approval

The location of main and accessory buildings on a site in relation to one another, the provision of off-street parking space, the provision for driveways for ingress and egress, and the provision of other open space on a requested site, and the display of signs, shall be in accordance with a site plan or plans or subsequent amendment thereof, reviewed by the Huntsville Town Planning Commission prior to the issuance of a Building/Land Use permit by the Huntsville Town Building Official.

In considering any site plan hereunder, the Huntsville Town Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods.

4.10 Building Permit Fees

Building/Land Use permit and renewal fee valuations and schedules shall be adopted by resolution of the Huntsville Town Council.

4.11 Impact Fees

An impact fee per building lot shall be assessed of each builder at the time of issuance of a building permit. Such impact fee amount, as described in the Impact Fees Title, shall be adopted by resolution of the Huntsville Town Council.

4.12 Plan Reviewer

The Huntsville Town Planning Commission shall direct the Huntsville Town Building Official, or Building Inspector, to review building and site plans, make a recommendation on plans that are non-compliant with applicable codes to the Huntsville Town Planning Commission and the Huntsville Town Council.

The Huntsville Town Engineer shall review site plans for engineering considerations such as storm drain facilities, structural calculations, and the design of improvements.

4.13 Licensing

All departments, officials and public employees of Huntsville Town, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of the Title, shall be null and void.

4.14 Penalties

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Title shall be guilty of a Class C misdemeanor and punishable as provided by law. Such person, firm or corporation who intentionally violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

4.15 Responsibility for Damage to Huntsville Town Streets

The real property owner is responsible to maintain an orderly construction site so as not to cause risk of injury to the public or to Huntsville Town streets. Any debris on or damage to Huntsville Town streets must be immediately remedied at the expense of the real property owner or their authorized agent.

4.16 Appeal Authority

In order to hear and decide appeals in orders, decisions or determinations made by the Huntsville Town Building Official and the Huntsville Town Planning Commission relative to the application and interpretation of this Title, there shall be a Huntsville Town Appeal Authority. The creation, office, and duties of the Huntsville Town Appeal Authority is described in the Appeal Authority Title. The Appeal Authority shall consist of members who are qualified to determine if the intent of the applicable adopted codes have been satisfied. They will not have authority to waive requirements of the code.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall take effect immediately upon mayoral approval and posting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett				
CM Max Ferre'				
CM Wendy McKay				
CM Bill Wangsgard				
CM Blake Bingham				

PASSED AND ADOPTED by the Town Council on this 15th day of September 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this 5th day of September, 2019



- 4.1 Purpose
- 4.2 Land Use and Building Permits Required
 - 4.2.1: Land Use Permits
 - 4.2.2: Building Permit
 - ~~4.2.2.1 New Structures Less than 200 square Feet~~
 - ~~4.2.2.2 New Structures 200 Square Feet or Greater~~
 - ~~4.2.2.3 New Structures Greater than 200 Square Feet~~
 - 4.2.3: Remodel Permits
 - 4.2.4: Self- Performed Remodel Permit--Residential
 - 4.2.5: Validity Period
 - ~~4.2.5.1 Land Use Permit Validity Period~~
 - ~~4.2.5.2 Building Permit Validity Period~~
- 4.3 Huntsville Town Building Official
- 4.4 Permits to Comply with Title
- 4.5 Powers and Duties of Huntsville Town Building Official
- 4.6 Building Inspector
- 4.7 Certificate of Occupancy Required
- 4.8 Zones Requiring a Land Use Permit
- 4.9 Zones Requiring Site Plan Approval
- 4.10 Building Permit Fees
- 4.11 Impact Fees
- 4.12 Plan Reviewer
- 4.13 Licensing
- 4.14 Penalties
- 4.15 Responsibility for Damage to Huntsville Town Streets
- 4.16 Appeal Authority

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4.1 Purpose

Building/Land Use permits are essential for the management of building, construction and land use in Huntsville Town, provide an effective vehicle for complying with State laws and adopted building standards, and are necessary to effectively administrate building and construction procedures and to cover the costs of the administration thereof.

4.2 Land Use and Building Permits Required¹

¹ Amended 9-3-2009; to add "engage in new construction of a building with a footprint greater than 200 square feet. And "The Building Official will not issue the Building Permit until it has been reviewed and approved by a quorum of the Huntsville Town Planning commission. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the building plans and site plan to the Huntsville Town Council for their review and approval.



4.2.1 Land Use Permits²

Any owner desiring to change (i.e., build a new residence) or add a use of their land shall not commence or proceed with, except after the issuance of a written Land Use Permit for the same by the Huntsville Town Planning commission. Any permanent structure being placed on land shall adhere to all land use regulations the setbacks established for the zone in which that land resides. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the permit application to the Huntsville Town Council for their review and approval.

4.2.2 Building Permit—New Structures Greater than 200 Square Feet

4.2.2.1 New Structures Less than 200 square Feet

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint less than 200 square feet shall only commence work after acquiring a Land Use Permit from the Huntsville Planning Commission. No building permit is required for a new structure less than 200 square feet unless electrical, gas, mechanical, or plumbing installation is required; then the owner or authorized agent must follow the requirements of 4.2.2.2 New Structures 200 Square Feet or Greater.

4.2.2.2 New Structures 200 Square Feet or Greater

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint greater than 200 square feet or greater shall not only commence work after first having received commence or proceed with, except after receiving a Land Use Permit from the Huntsville Planning Commission, and then, secondly, upon issuance of a Building Permit from the Huntsville Building Official or authorized delegate of the Huntsville Building Official. Weber County Building Official. Exceptions to this rule can be found in 4.2.3 Remodel Permit or 4.2.4 Self Performed Remodel Permit – Residential.

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4.2.3 Remodel Permits

For the sake of the safety of the public, any structure owner or authorized agent who intends to install, alter, remove, convert or replace any existing electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Huntsville Town Building Codes, or to cause any such work to be done, shall first make application receive a Land Use Permit from the Huntsville Town Building Official Planning Commission and obtain the required a building Remodel Permit from the Weber County Building Official. Minor replacement or repair of such systems, especially to replace like kind (i.e., replace a water faucet, light switch, light fixture, toilet, etc.), replacement of roof shingles or siding does not require a permit. If the land use change involves excavating, an excavation permit may be required as specified in Title 17. Exception to these requirements can be found in 4.2.4 Self Performed Remodel Permit – Residential.

4.2.4 Self Performed Remodel Permit – Residential

A Self-Performed Remodel Permit can be granted by the Huntsville Town Building Official or their designee if all of the following stipulations are met:

a. A Land Use Permit is obtained from the Huntsville Planning Commission.

a.b. Work is for a remodel/repair of an existing home or for the construction/remodel/repair of an auxiliary building greater than 200 square feet (electrical and plumbing changes for any size building). If more than 25% of the square footage of the home or auxiliary building is over 200 square feet it will be considered as a new construction and will require a Remodel Permit.

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² Title 4.2: Land Use and Building Permits Required was divided into five separate paragraphs for clarifications.



- b.c. Work is self-performed by the owner or a close associate. This means that no compensation either monetarily or in kind for work performed on the project can be tendered.
- e.d. The homeowner declares on this Self-Performed Remodel Permit form all of the work that will be performed on the project receiving the Self-Performed Remodel Permit.
- d.e. The home owner certifies by signing the Self-Performed Remodel Permit that they will abide by all of the Utah State construction Code requirements in the construction of their project (including all applicable stamped plans by professionals licensed by the State of Utah).

4.2.5 Validity Period

4.2.5.1 Land Use Permit Validity Period

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Land Use/Building Permits shall be valid for a period of six months one year and . If at any time the Land Use permit expires the owner or authorized agent must reapply for a Land Use Permit as outlined in 4.2.1. Land Use Permit to continue work on any unfinished items listed on the Land Use Permit. The owner will responsible to pay any fees associated with the issuance of this new Land Use Permit automatically renews with each inspection. If the permit expires, another may be purchased and the same issue of the codes will apply until the work is completed, unless the new code contains a section that is application to the work in progress.

4.2.5.2 Building Permit Validity Period

Building Permits shall be valid only during the period that a valid land use permit is in effect. The owner may be subject to any penalties that may result from allowing the permit to expire before completion and final inspection of the work is completed.

4.3 Huntsville Town Building Official

The Huntsville Town Building Official, appointed by the Huntsville Town Council, is hereby designated and authorized as the officer charged with the enforcement of this and other applicable titles of the Huntsville Town Ordinances in regards to all building in Huntsville Town. The Huntsville Town Council, by resolution or ordinance, may from time to time entrust such administration and enforcement, in whole or in part, to any other officer or designee of Huntsville Town without amendment to this Title. The Huntsville Town Building Official is authorized to execute the duties required herein including the issuance of building permits.

4.4 Permits to Comply with Title

The Huntsville Town Building Official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of the Huntsville Town Land Use Title, nor shall any Huntsville Town Officer grant any permit or license for the use of any building or land if such use would be in violation of this Title.

4.5 Powers and Duties of Huntsville Town Building Official

It shall be the duty of the Huntsville Town Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. They shall enforce all of the provisions of this Title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions. The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect.

**4.6 Building Inspector**

The Huntsville Town Building Inspector(s) shall be appointed by resolution of the Huntsville Town Council and be authorized to execute the duties of that office under the direction of the Huntsville Town Council. The appointed Building Inspector must possess a valid combination level State of Utah Building Inspector license including valid International Code Council (ICC, formerly ICBO) certificates for building, electrical, plumbing, and mechanical inspectors.

4.7 Certificate of Occupancy Required

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, in accordance with Utah State Law until a Certificate of Occupancy shall have been issued by the Huntsville Town Building Official stating that the building or the proposed use thereof, complies with the provisions of this Title. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for when the builder is ready. A temporary occupancy permit may be issued for a period of not more than one (1) year and shall be issued within seven (7) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed and inspected by the Huntsville Town Building Inspector to be in conformity with the provisions of this Title.

4.8 Zones Requiring a Land Use Permit

In order to verify the requirements of the Land Use Title in general, and setbacks for permitted or conditional uses in the A-3, CR-1, S, O, FP, and RC Zones, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted, until and unless a Building/Land Use Permit is approved and issued by the Huntsville Town Building Permit Official.

The site plan requirements for these zones are specified in the Land Use Title.

4.9 Zones Requiring Site Plan Approval

The location of main and accessory buildings on a site in relation to one another, the provision of off-street parking space, the provision for driveways for ingress and egress, and the provision of other open space on a requested site, and the display of signs, shall be in accordance with a site plan or plans or subsequent amendment thereof, reviewed by the Huntsville Town Planning Commission prior to the issuance of a Building/Land Use permit by the Huntsville Town Building Official.

In considering any site plan hereunder, the Huntsville Town Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods.

4.10 Building Permit Fees

Building/Land Use permit and renewal fee valuations and schedules shall be adopted by resolution of the Huntsville Town Council.

4.11 Impact Fees

An impact fee per building lot shall be assessed of each builder at the time of issuance of a building permit. Such impact fee amount, as described in the Impact Fees Title, shall be adopted by resolution of the Huntsville Town Council.

**4.12 Plan Reviewer**

The Huntsville Town Planning Commission shall direct the Huntsville Town Building Official, or Building Inspector, to review building and site plans, make a recommendation on plans that are non-compliant with applicable codes to the Huntsville Town Planning Commission and the Huntsville Town Council.

The Huntsville Town Engineer shall review site plans for engineering considerations such as storm drain facilities, structural calculations, and the design of improvements.

4.13 Licensing

All departments, officials and public employees of Huntsville Town, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of the Title, shall be null and void.

4.14 Penalties

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Title shall be guilty of a Class C misdemeanor and punishable as provided by law. Such person, firm or corporation who intentionally violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

4.15 Responsibility for Damage to Huntsville Town Streets

The real property owner is responsible to maintain an orderly construction site so as not to cause risk of injury to the public or to Huntsville Town streets. Any debris on or damage to Huntsville Town streets must be immediately remedied at the expense of the real property owner or their authorized agent.

4.16 Appeal Authority

In order to hear and decide appeals in orders, decisions or determinations made by the Huntsville Town Building Official and the Huntsville Town Planning Commission relative to the application and interpretation of this Title, there shall be a Huntsville Town Appeal Authority. The creation, office, and duties of the Huntsville Town Appeal Authority is described in the Appeal Authority Title. The Appeal Authority shall consist of members who are qualified to determine if the intent of the applicable adopted codes have been satisfied. They will not have authority to waive requirements of the code.



This Building/Land Use Permits Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 5th day of June 2007.

Mayor, James C. McKay

ATTEST:

Dated this 5th day of June 2007.

Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Gault	___	___
Council Member Sorenson	___	___
Council Member Stevenson	___	___
Council Member Truett	___	___
Mayor McKay	___	___

**HUNTSVILLE TOWN
ORDINANCE 2019-9-5-A**

HUNTSVILLE TOWN TITLE 15 UPDATES – APPEALS AUTHORITY

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15 – APPEALS AUTHORITY

RECITALS

- A. WHEREAS**, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on August 22, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on September 5, 2019;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on September 5, 2019 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: ~~**Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.~~

Section 2: **Amendment.** The Huntsville Municipal Code 15.5.2, 15.5.3, and 15.5.5 is hereby amended to read as follows:

15.5.2 Appointment – Membership, Term, and Vacancy

A. Membership:

1. The Huntsville Town Appeal Authority shall consist of five (5) Members and (2) alternate members if the Town Board so chooses.
2. The Huntsville Town Council shall appoint the Members and alternate Members for a term of five (5) years.
3. The Huntsville Town Council shall appoint Members of the first Huntsville Town Appeal Authority to terms so that the term of one Member expires each year.

B. Alternate Members:

1. The Huntsville Town Appeal Authority shall make rules establishing a procedure for alternate Members to serve in the absence of appointed Members of the Huntsville Town Appeal Authority.

C. Member Removal:

1. At the discretion of the Huntsville Town Council, any Member of the Huntsville Town Appeal

Authority may be removed upon the receipt of written charges filed against the Member with the Huntsville Town Council.

2. The Huntsville Town Council shall provide the Member being considered for removal with a public hearing at a meeting of the Huntsville Town Council if that Member requests one.

D. Vacancy:

1. The Huntsville Town Council shall fill any vacancy at the next regularly scheduled Huntsville Town Council meeting.

2. The Member appointed shall serve for the unexpired term of the Member or alternate Member whose office is vacant.

E. No Member of the Huntsville Town Appeal Authority shall be a Member of either the Huntsville Town Council or the Huntsville Town Planning Commission. However, a Member of the Huntsville Town Council should be present at hearings to explain the decision under appeal.

15.5.3 Organization - Procedures

A. The Huntsville Town Appeal Authority shall:

1. Organize and elect a Chairperson;

2. Adopt rules that comply with any Ordinance adopted by the Huntsville Town Council;

3. Notify each of its Members of any meeting or hearing of the Appeal Authority;

4. Provide each of its Members with the same information and access to municipal resources as any other Member;

5. Convene only if a quorum of its Members is present; and

6. Act only upon the vote of a majority of its convened Members.

B. The Huntsville Town Appeal Authority shall meet at the call of the Chairperson and at any other times that the Huntsville Town Appeal Authority determines it necessary to meet.

C. The Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

D. Meetings:

1. All meetings of the Huntsville Town Appeal Authority shall comply with the legal requirements of open and public meetings.

2. The Huntsville Town Appeal Authority shall: a. Keep minutes of its proceedings, showing the vote of each Member upon each question, or if absent or failing to vote, indicating that fact; and

b. Keep records of its examinations and other official actions.

3. The Huntsville Town Appeal Authority may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.

4. The Huntsville Town Appeal Authority shall file its records in the office of the Huntsville Town Clerk.

5. All records of the Huntsville Town Appeal Authority are public records.

E. A majority vote of three Members of the Huntsville Town Appeal Authority is necessary to reverse any order, requirement, decision, or termination of any administrative official or agency or to decide in

favor of the appellant.

F. Decisions of the Huntsville Town Appeal Authority become effective at the meeting in which the decision is made, ~~and a written decision will be delivered.~~

G. Following the meeting which the decision is made a written decision will be delivered by regular mail or hand delivered to the appellants address of record

15.5.4 Powers and Duties

A. An Appeal Authority shall:

1. Act in a quasi-judicial manner; and
2. Serve as the final arbiter of issues involving the interpretation or application of Land Use Titles.

B. The Huntsville Town Appeal Authority shall hear and decide:

1. Appeals from Land Use decisions applying the Land Use Titles;
 2. Special exceptions to the terms of the Land Use Titles; and Title 15 -- Land Use Regulations
- Page 9 of 108 As approved by the Huntsville Town Council 15-9 3. Variances from the terms of the Land Use Titles.

C. The Huntsville Town Appeal Authority may make determinations regarding the existence, expansion, or modification of nonconforming uses under the Huntsville Town Land Use Titles.

15.5.5 Appeals

A. The applicant, a board or officer of the municipality, or any person adversely affected by the Huntsville Town Council's decision administering or interpreting a Land Use Title may, within the time period provided, appeal that decision to the Huntsville Town Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the Huntsville Town Council in the administration or interpretation of the Land Use Titles.

B. The Huntsville Town Appeal Authority shall determine the correctness of a decision of the Land Use authority in its interpretation and application of a Land Use Ordinance. Only those decisions in which the Huntsville Town Council has applied the Land Use Titles to a particular application, person, or parcel may be appealed to an Appeal Authority.

C. A person may not appeal, and the Huntsville Town Appeal Authority may not consider, any Land Use Titles amendments.

D. The appellant has the burden of proving that the Huntsville Town Council erred in the administration or interpretation of the Land Use Titles.

E. Appeals may not be used to waive or modify the terms or requirements of the Land Use Titles.

F. Any appeal to the Huntsville Town Appeal Authority must be filed within ninety (90) days of the receipt in writing of the adverse decision being appealed from.

G. Any officer, department or board of town affected by the grant or refusal of a building permit or by any other decision of the administrative officer in the administration or interpretation of the Land Use

Titles may appeal any decision of the Huntsville Town Appeal Authority.

H. The Huntsville Town Appeal Authority shall hear and decide appeals from Huntsville Town Planning Commission decisions regarding conditional use permits.

I. The Huntsville Town Appeal Authority shall respect the due process rights of each of the participants in the appeal process.

J. The adversely affected party must present to the Huntsville Town Appeal Authority every theory of relief that it may also raise in district court.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall take effect immediately upon mayoral approval and posting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett				
CM Max Ferrell				
CM Wendy McKay				
CM Bill Wangsgard				
CM Blake Bingham				

PASSED AND ADOPTED by the Town Council on this 15th day of September 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this 5th day of September, 2019

Proposed changes to the Appeals Authority Ordinance

Proposed additions underlined and in blue; Deletions in red, reasons in green.

15.5.2 Appointment –Membership, Term, and Vacancy

A. Membership:

1. The Huntsville Town Appeal Authority shall consist of five (5) Members and (2) alternate members if the town board so chooses. More than 2 alternates would be excessive. A third or fourth alternate would almost never be used resulting in that alternate board member being unfamiliar with the responsibilities and procedures of the Appeal Board.

B. Alternate Members:

1. The Huntsville Town Council shall appoint however many alternate Members that the Huntsville Town Council considers appropriate. (delete #1 and #2. #3 becomes #1) The above makes #1 and #2 unnecessary.

15.5.3 Organization -Procedures

E. The A majority concurring vote of three Members of the Huntsville Town Appeal Authority is necessary to reverse any order, requirement, decision, or termination of any administrative official or agency or to decide in favor of the appellant. 3 members could make up a quorum and with only 3 members present it would take a unanimous decision to approve an appeal or a variance. We feel an individual's property rights should not be denied by only one person.

→ F. Decisions of the Huntsville Town Appeal Authority become effective at the meeting in which the decision is made, ~~and a written decision will be delivered.~~ This clears up any question about when a decision becomes effective.

* G. *Following the meeting where...*
15.5.5 Appeals ~~hand~~

* F. Any appeal to the Huntsville Town Appeal Authority must be filed within ten (10) ninety (90) days of ~~receipt in writing of~~ the adverse decision being appealed from. We feel 10 days is not enough time for a property owner to appeal such an

important decision. We feel that 90 days is better and that 90 days should not start until a written decision is delivered. This provides the property owner more time to properly prepare an appeal. This more fully protects property rights.

(Delete paragraph J) Paragraph J is no longer needed with the above changes.

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN WEBER COUNTY AND HUNTSVILLE TOWN
FOR ANIMAL CONTROL SERVICES**

*→ City reflects
Town*

This Agreement is made pursuant to the provisions of the Interlocal Cooperation Act § 11-13-101, Utah Code Annotated, 1953, as amended, by and between Weber County, a body politic of the State of Utah, hereinafter referred to as "County", and Huntsville Town, a municipal corporation of the State of Utah, hereinafter referred to as "City" and jointly referred to as "Participants" or "Parties".

RECITALS

WHEREAS, the City has adopted a comprehensive ordinance for the control of animals within the City, and

WHEREAS, the County has employed full-time animal control officers for the purpose of implementing and enforcing animal control ordinances; and

WHEREAS, the County is willing to make available the county animal services to enforce the Animal Control Ordinance of the City and to collect dog licensing fees and issue dog licenses within the City; and

WHEREAS, the City desires to contract with the County for animal control services upon the terms and conditions set forth hereafter;

NOW THEREFORE, in consideration of the mutual covenants and promises contained hereafter, the parties hereto agree as follows:

**SECTION ONE
TERM OF AGREEMENT AND FEES**

This Agreement shall commence on the 1st day of July 2019, and continue through and including the 1st day of July 2024. The agreement may be extended on a year to year basis for periods after July 1, 2024. The fee amounts will be adjusted each year based upon the County's cost of operation allocated to the City through a formula utilizing population served and utilization of animal control service as factors in the formula. Notwithstanding the provisions of this Agreement, either party may terminate this Agreement at any time by giving 180 days written notice to the other party.

**SECTION TWO
SCOPE OF SERVICES**

The County shall make available to City the animal control officers of the County for the purposes of:

1. Enforcing the City's Animal Control Ordinance and providing the following animal control enforcement activities:
 - A. Routine City patrol coverage, which patrol will occur between 8 a.m. and 5 p.m. Monday through Friday, excluding holidays.
 - B. Complaint response as requested by the citizens of the City between 8 a.m. and 5 p.m., Monday through Friday, excluding holidays.
 - C. Enforcement of all City, ~~County~~, and State animal ordinances, laws, and regulations.
 - D. Twenty-four hours per day, seven days per week, emergency response (target response will be less than 30 minutes) to all incidents within the County's established emergency call out criteria, to include:
 - a. Impound of animals of persons jailed for criminal violations;
 - b. Dog bites (if no law enforcement officer is available);
 - c. Injured animals;
 - d. Vicious animals posing a threat to the public;
 - e. Animals attacking livestock;
 - f. Loose livestock
 - E. Pick up and disposal of dead domestic small animals killed on public roads, not to include large livestock or wildlife;
 - F. Investigation of all animal bites and coordination of rabies service in compliance with State health regulations;
 - G. Transporting strays and unwanted animals to the Weber County Animal Shelter.
2. Licensing Program
The sale of dog licenses and the management of the dog licensing program;
3. Inspections and Reports
 - A. Inspect all public animal-related businesses on a bi-yearly basis;
 - B. Provide quarterly reports to the City of all city animal-related activities as conducted by the County Animal Control department.

SECTION THREE

COST TO CITY – METHOD OF PAYMENTS

1. City agrees to pay the County for services outlined in this Agreement. Payments will be determined as outlined in Section One.
2. City will pay the annual fee to the County in four payments, as billed by the County, for each calendar quarter. Each payment will be one-fourth of the annual fee, as outlined above, and will be due within 30 days of billing.
3. City agrees to pay any fees for animals kept at the Animal Shelter, as established by the Animal Shelter agreements.

4. Animal Control fees will be reviewed and adjusted each year based on the County's cost of operation, population served, and services provided to the City.

SECTION FOUR AUTHORIZATION FOR ENFORCEMENT

The City hereby authorizes the County to enforce the City's Animal Control Ordinance by issuing licenses, picking up stray animals, issuing citations, and collecting fees.

SECTION FIVE RECORDS

All records created or received by the County in accordance with this Agreement shall be County records. The County agrees to keep all records in a manner approved by the County Auditor and agrees that said records shall be open for examination by the City at any reasonable time.

SECTION SIX FINES AND FEES DISBURSEMENT

The City agrees that all funds collected for dog licenses, pick-up charges, and other charges collected from animal owners under the City Animal Control Ordinance, except fines levied or imposed by any Court where the action is commenced by the City, will be paid to and retained by the County.

SECTION SEVEN EMPLOYEES

It is the intent of this Agreement that any animal control officer made available by the County to the City shall be deemed to be employees of the County for all purposes, including, but not limited to, workers compensation, social security, employment insurance, and other benefits provided to County employees.

SECTION EIGHT INDEMNIFICATION

The County agrees to indemnify and hold the City harmless for any and all claims, damages, and lawsuits arising out of the Animal Control activities of the County, pursuant to the terms of this Agreement. In the event a lawsuit is filed against the City as a result of any actions, omissions,

or other alleged wrongdoing of the County Animal Control department, the County shall assume the defense of such action and hold the City harmless from any costs connected therewith.

The City shall be responsible for all damages to persons or property that occur as a result of the negligence or fault of the City in connection with the performance of this Agreement. The City agrees to indemnify and hold the County harmless for all claims, damages, and lawsuits arising out of any challenge to the legality or constitutionality of the City's animal control ordinances. In the event of any lawsuits being filed against the County as a result of any actual or alleged defects in the City's ordinances, the City shall assume the defense of such action and hold the County harmless for any costs connected therewith. In addition, the City shall name the County as an additional insured with its insurance company and provide the County with a certificate of insurance at the time this Agreement is signed.

SECTION NINE ADMINISTRATION

This Agreement does not contemplate any separate legal entity to provide for its administration and none shall be required. The Agreement shall be administered by the governing bodies of both parties hereto. The services as provided for herein shall be financed from the County and by fees collected by the County pursuant to the City ordinance and from the funds paid to the County by the City.

SECTION TEN ADMINISTRATION PROCESS

The following procedures shall be followed in administration and enforcement of the City Animal Control Ordinance:

- A. The County agrees to furnish receipting system and dog tags for the City.
- B. Receipts for dog licenses shall be issued by the County and shall identify the name of the City and the dog tag number issued.
- C. Any funds collected for dog licenses by the County shall be deposited with the County Treasurer.
- D. Any citations or complaints for violation of the Animal Control Ordinance of the City shall be filed with the appropriate court and prosecuted in the same manner as other City violations. Fines will be imposed, collected, and retained in the same manner as other City violations.

SECTION ELEVEN AMENDMENT AND MODIFICATION

This Agreement shall not be modified or amended except in writing, which shall be signed by the duly authorized representative of the County and the City after the adoption of a resolution of each entity approving the modification or amendment.

SECTION TWELVE REQUIRED FORMALITIES

This Agreement shall not be effective until approved by a resolution of the governing bodies of the County and City. The County and City agree that a signed copy of this Agreement will be filed with the keeper of the public records of each entity. As required by Utah Code Annotated 11-13-202.5 and as a condition precedent to this Agreement entering into force, it shall be submitted to an authorized attorney for each entity who shall approve the Agreement as being in proper form and compatible with the laws of the State of Utah.

SECTION THIRTEEN COMPLIANCE WITH LAWS

This Agreement is made and entered into subject to the provisions of the laws of the State of Utah, which laws shall control the enforcement of this Agreement. The parties also recognize that certain federal laws may be applicable. In the event of any conflict between the terms of this Agreement and any applicable state or federal law, the state or federal law shall control.

SECTION FOURTEEN PARAGRAPH HEADINGS

The section headings of this Agreement are for the purposes of reference only and shall not limit or define the meaning thereof. The singular tense herein shall include the plural and any gender shall include all other genders. This Agreement shall be construed only by the contents hereof and there shall be no presumption or construction in favor of or against any party.

SECTION FIFTEEN COUNTERPARTS

This Agreement may be executed in any number of counterparts, all of which together shall serve as one Agreement.

SECTION SIXTEEN ENTIRE AGREEMENT

The parties agree that this document contains the entire agreement and understanding between them and constitutes the entire agreement with respect to the specific issues contained herein and supersedes any and all prior written or oral representations and agreements.

IN WITNESS WHEREOF, the parties hereto have signed the foregoing Agreement by authority of

appropriate resolutions of the Board of Commissioners of Weber County and the City Council of the City.

DATED this ____ day of _____, 2019.

HUNTSVILLE TOWN

By _____
Mayor

Date _____

ATTEST:

Approved as to form and for compliance
with state law:

City Recorder
**BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY**

City Attorney

By _____
James H. Harvey, Chair

Date _____

ATTEST:

Approved as to form and for
compliance with state law:

Weber County Clerk/Auditor

Weber County Attorney's Office

Beckki Endicott

From: Chad & Wendy McKay [REDACTED]
Sent: Tuesday, October 15, 2019 7:44 PM
To: Beckki Endicott
Subject: Re: [EXTERNAL]Re: Animal Control Contracts

On Thu, Jul 11, 2019 at 12:05 PM Haslam, Ashley <ahaslam@co.weber.ut.us> wrote:

The annual fee is based off of this formula: Our accountant takes the Animal Control Budget and then deduct revenue from licenses, which that balance is then spread by the population percentage and calls (calls of service are based off of a 18month overlap) by each city. In addition, a portion of the director's salary and wages go into the annual fee which changes depending on cost of living, etc.

The formula has stayed the same over the years, thus previous contracts did not have it spelled out.

In addition, this is from our attorney as to why it is a 5 year contract:

"The five year contract is what we have had in the past. It avoids both the cities and the Sheriff's Office having to go back to their legislative bodies every year with a new contract. If there is an cancellation provision that lets them get out of the contract with 180 days' notice."

We recently did a 1 year contract because some of the cities wanted to review the contract and services in more depth and were not ready to renew again another 5 years, so we made that exception. However, at this time we are back to our renewal of a 5 year contract.

Here are your total animal control calls for Huntsville Town:

2018: 17

2019 Jan-May: 8

Also, Lt. Pledger regularly watches the geo-tabs on our ACO trucks to ensure Huntsville is patrolled regularly and frequently. He lets me know if there ever becomes an issue with not enough patrol time from my officers in your jurisdiction.

Let me know if you have any other questions!

Also I attached some stats for this year for shelter records. ☺

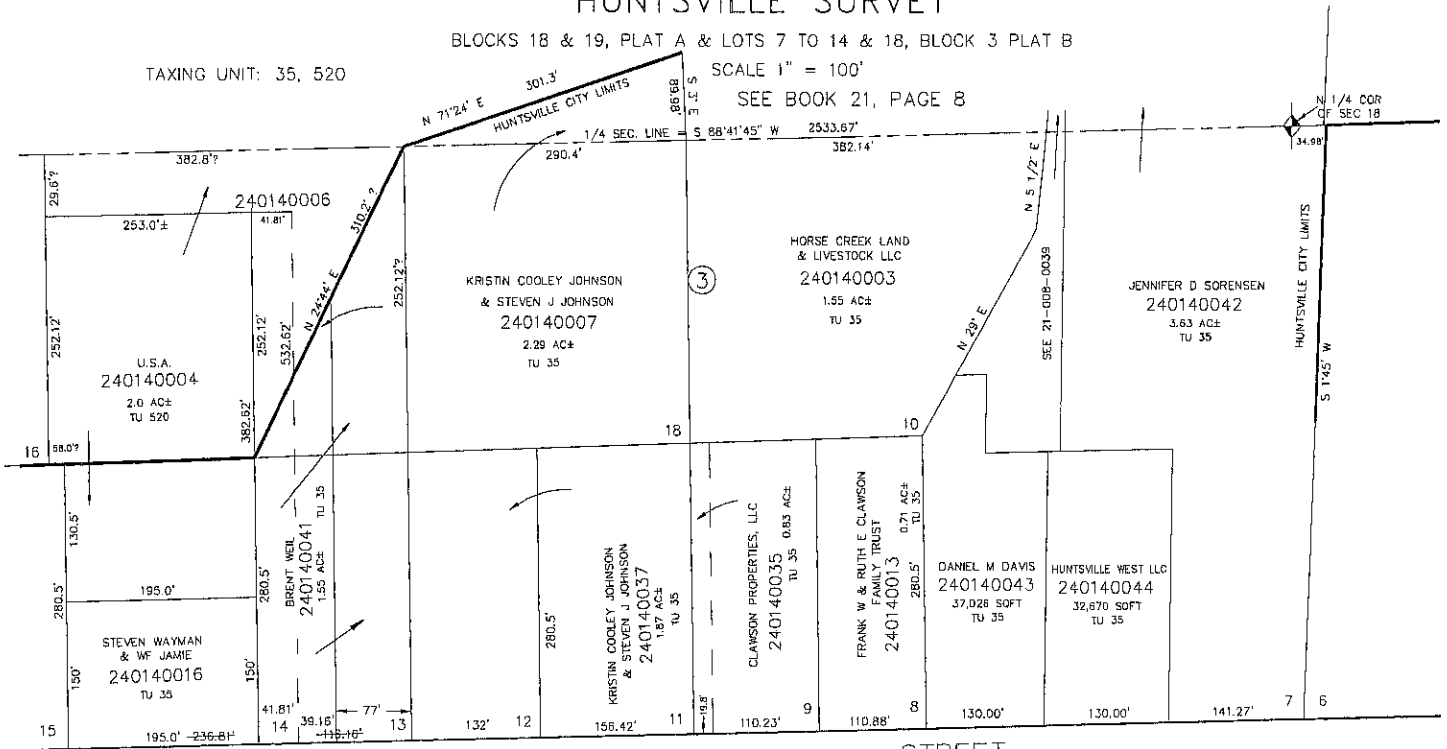
PART OF N. 1/2 OF SEC. 18, T.6N., R.2E., S.L.B. & M.
HUNTSVILLE SURVEY

BLOCKS 18 & 19, PLAT A & LOTS 7 TO 14 & 18, BLOCK 3 PLAT B

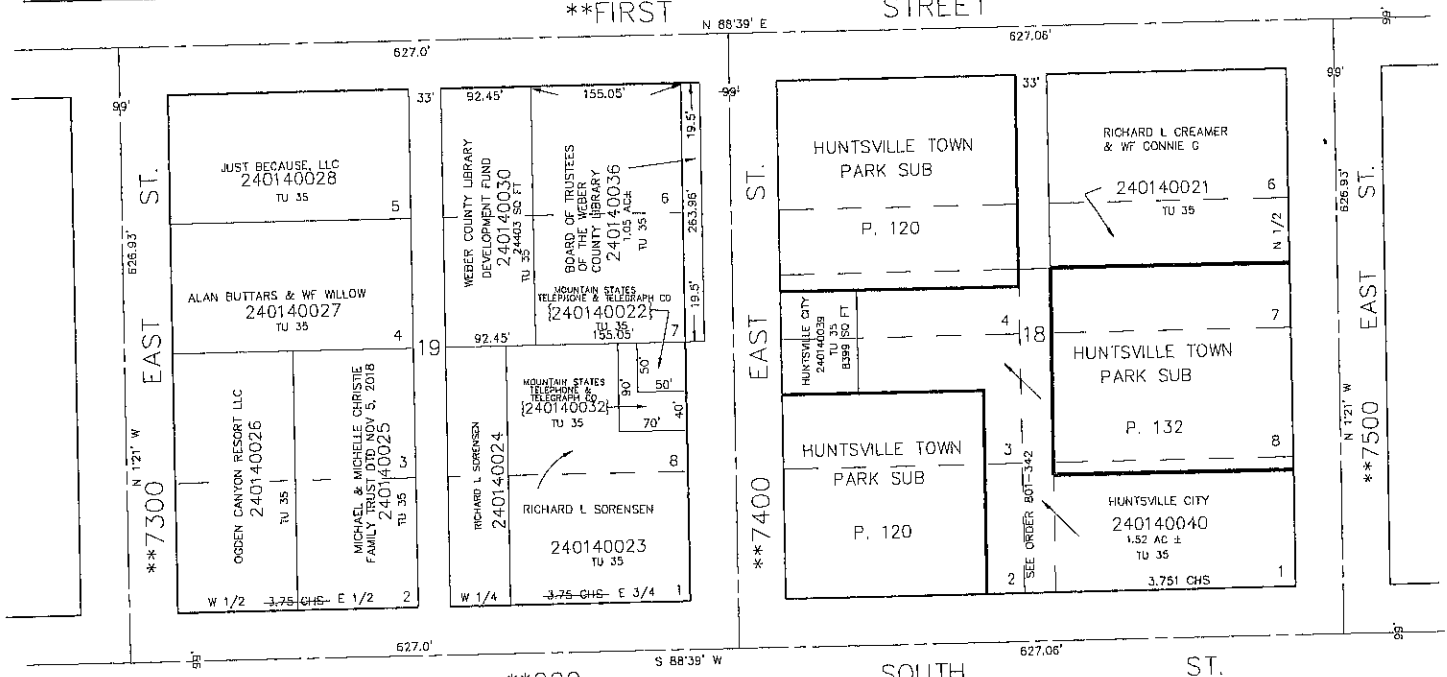
TAXING UNIT: 35, 520

SCALE 1" = 100'

SEE BOOK 21, PAGE 8



****FIRST STREET**



****200**

SOUTH

ST.

**SEE STREET NAME CHANGE
E#2195484

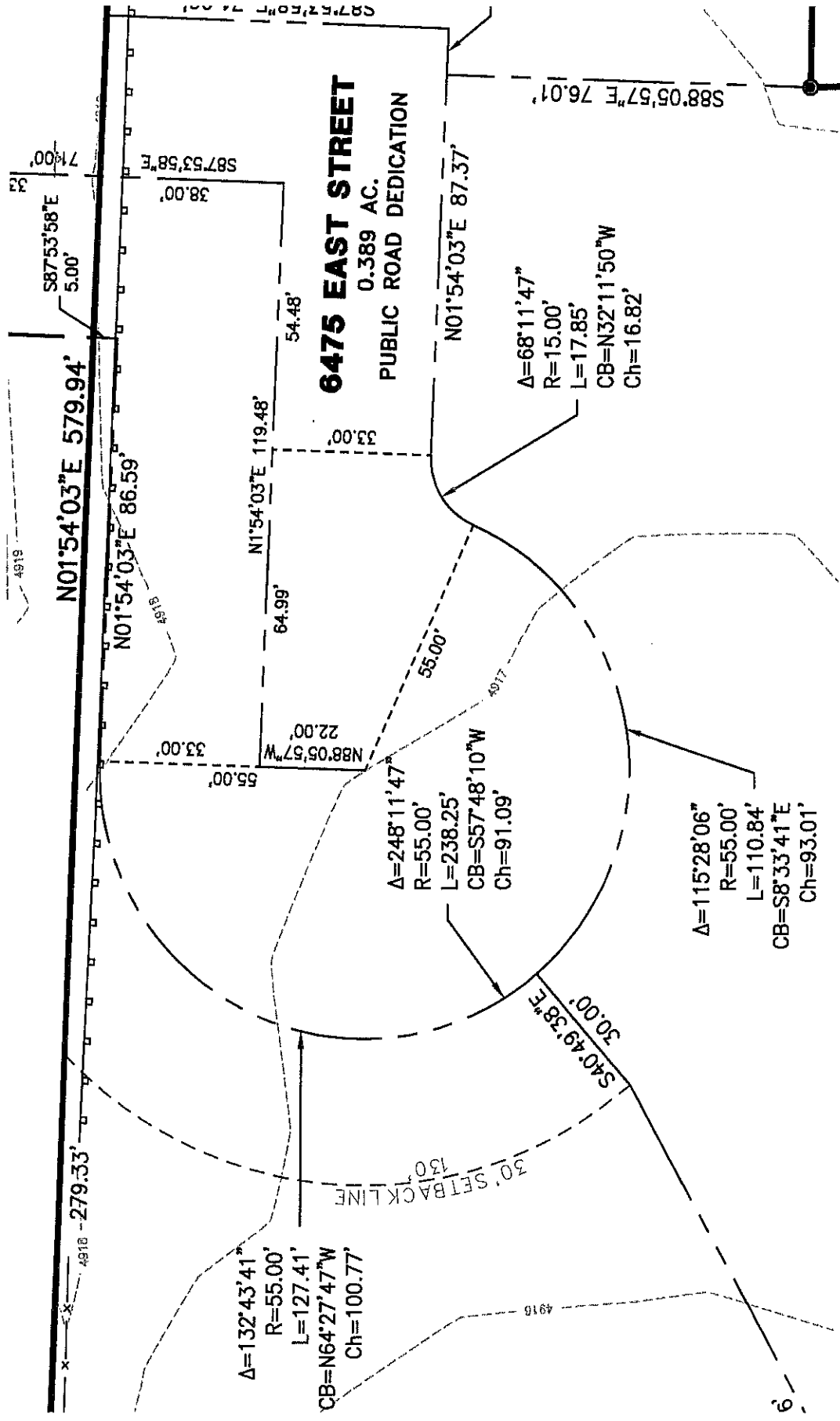
*NOTE
STREET NUMBERS ACCORDING
TO COUNTY SURVEYOR

SEE PAGE 11

L.D.F. 5-92

SEE PAGE

SEE PAGE 13



ASPEN PAVING, INC.

P.O. Box 9076 • Ogden, Utah 84409
801-399-0600

PROPOSAL

PAGE NO. 1

OF 1 PAGES

SPECIALISTS IN: ASPHALT PAVING • SEAL COAT • CRACK SEAL

PROPOSAL SUBMITTED TO:		PHONE: 801-745-3420	DATE: 8/27/2019
NAME: Huntsville City Corporation		JOB NAME: Asphalt Intersection Overlay	
STREET: 7309 East 200 South		STREET:	
CITY: Huntsville	STATE: UT 84317	CITY: Huntsville	STATE: UT

WORK TO INCLUDE:

Asphalt Overlay-

- Clean entire area free of all dirt and debris.
- Tack coat entire area.
- Tack coat entire area, furnish, place, and compact asphalt leveling course.
- Furnish place and compact 1.5" asphalt overlay, 14,274/SF \$15,215.00
- Raise existing monument to grade, 1/EA

*Traffic control included.

*Notice to residents given by owner-sprinklers to be off 24HRS before and after work.

*Any changes from above specifications to be billed accordingly.

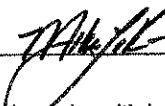
We hereby propose to furnish labor and material - complete with the above specifications for the sum of _____

_____ dollars (\$ _____) with payment to be made as follows:

Net due in 30 days following date of invoice, including monthly payments equal to the evaluation of work performed in any preceding month, interest at the rate of 1 1/2% per month charged on all past due accounts. This is an annual percentage rate of 18%. Purchaser agrees to pay reasonable legal fees, if it becomes necessary to place account for collection.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders and will become an extra charge over and above the estimated. Contractor shall not be responsible for breakage of curb, gutter and sidewalk when existing conditions require crossing concrete. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Aspen Paving, Inc. is not responsible for any work performed between October 15th and April 1st.

**IF THIS BID IS ACCEPTED, PLEASE
SIGN AND RETURN WHITE COPY**

Authorized Signature 

NOTE: This proposal may be withdrawn by us if not accepted within 14 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.
Payment will be made as outlined above.

ACCEPTED:

Signature _____

Date _____

Signature _____