

**REGULAR MEETING AGENDA OF THE  
CITY COUNCIL OF LAYTON, UTAH**

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a regular public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 p.m. on June 20, 2013.**

**AGENDA ITEMS:**

**Page**

**1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION, APPROVAL OF MINUTES:**

Minutes of Layton City Council Work Meeting – May 2, 2013.....	1
Minutes of Layton City Council Meeting – May 2, 2013.....	10

**2. MUNICIPAL EVENT ANNOUNCEMENTS:**

**3. VERBAL PETITIONS AND PRESENTATIONS:**

A. Recognition of Layton Citizen Corps Council Volunteers Earning the 2012 President’s ..... Volunteer Service Award	17
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**4. CONSENT ITEMS:** (These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

A. Interlocal Agreement between Brigham City and Layton City to Jointly Use Each Other’s Data ..... Facility to Provide for Continuity of Operations in the Event of a Manmade or Natural Disaster that Damages One of the Facilities – Resolution 13-33	18
B. Amendment to Title 9 of the Layton Municipal Code – Ordinance 13-21 .....	26
C. On-Premise Beer Retailer License – Swan Lakes Golf Course – 850 North 2200 West .....	55
D. Final Plat Approval – Evergreen Farms Phase 1 – Northeast Corner of 2200 West and Layton Parkway .....	57
E. Amend the Consolidated Fee Schedule – Ordinance 13-20 .....	70

**5. PUBLIC HEARINGS:**

A. Amend Budget for Fiscal Year 2012-2013 – Resolution 13-32 .....	74
B. Adopt Budget and Certified Tax Rate for Fiscal Year 2013-2014 – Ordinance 13-19 .....	76

**6. PLANNING COMMISSION RECOMMENDATIONS:**

**7. NEW BUSINESS:**

**8. UNFINISHED BUSINESS:**

**9. SPECIAL REPORTS:**

**10. CITIZEN COMMENTS:**

**ADJOURN:**

Notice is hereby given that:

- A Redevelopment Agency Meeting will be held at 5:30 p.m. and a Work Meeting will be held at 5:30 p.m. to discuss miscellaneous matters.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

# ***D R A F T***

## **MINUTES OF LAYTON CITY COUNCIL WORK MEETING**

**MAY 2, 2013; 5:37 P.M.**

### **MAYOR AND COUNCILMEMBERS**

#### **PRESENT:**

**MAYOR J. STEPHEN CURTIS, JOYCE BROWN,  
BARRY FLITTON, JORY FRANCIS AND SCOTT  
FREITAG**

#### **ABSENT:**

**MICHAEL BOUWHUIS**

#### **STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
PETER MATSON, TRACY PROBERT AND  
THIEDA WELLMAN**

**The meeting was held in the Council Conference Room of the Layton City Center.**

Mayor Curtis opened the meeting and excused Councilmember Bouwhuis and indicated that Councilmember Freitag would be late. He turned the time over to Alex Jensen, City Manager.

#### **AGENDA:**

### **PRESENTATION – DAVIS AND WEBER COUNTIES CANAL COMPANY**

Alex introduced Mr. Ivan Ray with Davis and Weber Counties Canal Company, and Rick Smith with JUB Engineering.

Mr. Ivan Ray said he had been meeting with city representatives, ditch masters and canal managers about anticipated water shortages this year. He indicated that a lot less water was available with reservoirs at 75% of capacity and an anticipated 25% to 40% less water availability this year based on snow pack. Mr. Ray said it was looking pretty bleak. He indicated that the drought last year had carried over into this year.

Mr. Ray indicated that the Canal Company would be advertising the water shortage and asking residents to water only 2 days a week, 20 to 30 minutes per station. He said the Canal Company would be more vigilant in policing abuse, particularly when water was running down the gutter. Mr. Ray said they would be locking meters of abusers. He said watering would be allowed from 6:00 p.m. to 10:00 a.m. He explained that houses ending in 0, 1, 2 and 3 should water on Monday and Thursday; houses ending in 4,

# *D R A F T*

5 and 6 should water Tuesday and Friday; and houses ending in 7, 8 and 9 should water on Wednesday and Saturday; Sunday would be set aside to allow reservoirs to recoup. Mr. Ray said the Canal Company had a portable metering system that could monitor what someone was taking out of the system.

Mr. Ray displayed a banner they would be using to encourage watering only 2 days a week. He said the Canal Company would like to put banners throughout the City. Mr. Ray said they would provide a flyer they would like the City to include in any newsletter or publication. He indicated that the Canal Company provided secondary water to approximately 1,000 citizens in Layton.

Discussion suggested that the banners should be displayed in the City.

Councilmember Brown said this was only for Davis and Weber Counties Canal customers and not Kays Creek, Weber Basin or City water customers.

Mr. Ray said he thought the other water supply companies would come out with something similar.

Councilmember Flitton said the flyer indicated that special allowances would be made for new sod; would that be on an individual basis.

Mr. Ray said yes.

Alex said the City could push this information out on the website as well.

## **DEVELOPMENT AGREEMENT AND REZONE REQUEST – BARLOW/FROST – A (AGRICULTURE) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) – NORTHEAST CORNER OF CHURCH STREET AND FAIRFIELD ROAD – RESOLUTION 13-21 AND ORDINANCE 13-10**

Bill Wright, Community and Economic Development Director, said this development agreement and rezone request was for property located on the northeast corner of Church Street and Fairfield Road and contained approximately 10 acres. He said the proposal was to develop 32 single family lots in an R-1-6 zone.

Bill said the Developer, Ovation Homes, had also developed the Cottages at Chapel Park. He said this development would be very similar to the Cottages development; the developer had found a very popular niche in the market. Bill said the developer would partner with the property owner, Mr. Barlow and his

# ***D R A F T***

company.

Bill said the General Plan recommended low density residential for this area; the R-1-6 PRUD zone would be consistent with the General Plan. He said there was a development agreement that accompanied the rezone request, which was similar to the development agreement for the Cottages at Chapel Park. Bill said the City would have a controlling interest in the Homeowners Association (HOA) relative to dissolving the HOA.

Bill said there was discussion at the Planning Commission meeting about a minimum square footage; discussion suggested that 80% of the homes would need a minimum of 1,600 square feet and the remaining 20% could not be less than 1,400 square feet. He said many of the homes were in the 2,100 square feet range.

Bill said there were provisions in the development agreement that addressed a future traffic signal at the intersection of Church Street and Fairfield Road, and a contribution from the developer for that construction. He said the development would provide their proportionate share of those costs.

Bill said the APZ (accident potential zone) map indicated that a small corner of this property aligned in the APZ zone. He said that corner of the property would not have a house on it. It would be preserved as open space.

## **Councilmember Freitag arrived at 6:00 p.m.**

Bill explained the public road layout included in the conceptual plan and how that might change.

Brad Frost, Developer, explained that both accesses would probably come out on Church Street because of sewer lines in the area.

Councilmember Brown asked if three car garages would be more available in this development.

Mr. Frost said yes. He said they had added several to the neighborhood on Chapel Street.

Councilmember Freitag asked if there were comments about the proposal at the Planning Commission meeting.

# ***D R A F T***

Bill said yes; one gentleman indicated that there was an irrigation canal across the property that would need to be dealt with. He said that could be addressed in the subdivision process.

Mr. Frost said they would work that out.

Councilmember Brown said someone commented about the public notice signs. She asked if the website address could permanently be displayed on the signs.

Bill said Staff was in the process of making new signs and would add the website to the sign.

Councilmember Freitag said someone commented about the difficulty of finding public notices on the website. He suggested that there should be a link on the front page to the public notices.

Bill said he would see if a link could be put on the front page of the website.

## **FINANCIAL UPDATE**

Tracy Probert, Finance Director, said for the 8 months collected so far this year, sales tax revenue was up \$356,000 over last year, which was almost 5%. He said sales tax revenue was 3.5% ahead of what was budgeted for the year. Tracy indicated that other major revenues were up as well. Property tax was ahead about \$300,000 and the energy tax was up about \$250,000. He said overall, the revenue picture was good. Tracy said the City might not have to use the budgeted \$1,000,000 in fund balance this year.

Tracy said general fund expenditures were in line with what was budgeted. The Streets Department was over budget with fuel cost and salt and sand costs. He said the general fund was in good shape, and enterprise funds revenues were in line with what was budgeted.

Councilmember Freitag asked if any additional budget amendments were anticipated.

Tracy said there would be a few at year end. He said Council had approved a few amendments at midyear.

Councilmember Freitag said in planning for or recruiting new businesses, could Tracy give the Council an idea of what sales tax revenue would be generated from different types of businesses, such as car dealers, big box, restaurants, etc.

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Tracy said he could do that. He said the City tracked sales tax revenue by category. Tracy said he could bring some information about that next month.

Alex said there could be different nuances, particularly in restaurants. He said there would be a big difference from a sit down restaurant and a fast food restaurant.

## **ADOPT TENTATIVE BUDGET FOR FISCAL YEAR 2013-2014 – RESOLUTION 13-20**

Tracy Probert said this was the tentative budget for 2013-2014. He indicated that a copy of the tentative budget had been put in the Council's Dropbox. Tracy said there was no property tax increase included in the budget. He said the budget included funding for a 2.5% merit increase for employees, and increases in retirement costs were included. Tracy said there was a new street lighting fund established with the budget and a street lighting fee was established. He said there was a \$1.50 fee increase from North Davis Sewer District that would be passed through to utility customers.

Tracy reviewed capital projects that were included in the budget.

Councilmember Freitag said this budget would be available to the public tonight; if changes occurred between now and final adoption, what level did it have to be in order to be a major change.

Tracy said any change to the tentative budget would be addressed in the public hearing at final adoption. He said Resolution 13-20 would adopt the tentative budget and set the public hearing for June 20th to adopt the final budget.

Councilmember Freitag asked if there would be more discussion about the street lighting fund. He asked if more detailed information about the street lighting proposal could be put on the website.

Tracy asked if it would be good to write an article for the website.

Alex said if Council was comfortable with that, Staff would work on getting information on the website.

Discussion suggested that it would be good to have information available.

Tracy said the letter included in the tentative budget explained that the purpose of the street lighting fund

# ***D R A F T***

and the fee was to purchase the system from Rocky Mountain Power and then be able to maintain, operate, expand and improve the street lighting system. He said a lot of the discussion in budget meetings was about expanding and improving the quality of service being provided, and expanding in areas that were not being serviced well.

Councilmember Freitag said Tracy had provided some long-term numbers and benefits at a previous budget meeting. He said having that information would be helpful.

Councilmember Francis said in his mind the biggest benefit was the power savings.

Alex asked if the Council would be interested in being a part of an article, or did they just want Staff to push it out.

Consensus was that they would be interested in participating in the article.

Discussion suggested that Lynn Arave could produce an article with quotes from the Council.

Alex said he would have Lynn contact each one of the Council for a comment. He asked the Council to get any ideas for articles to Staff and Lynn would push those out as well.

Tracy said for the next work meeting, he would be bringing changes for the consolidated fee schedule, including new fees associated with the fire training facility, a credit card surcharge fee, fees for installation of street lights and a reduction in sanitary sewer rates for hotels.

Council and Staff discussed street lights in subdivisions. Some of the new subdivisions with the new lights look great; others didn't have any lights.

Alex explained that there were some subdivisions in the transition phase that were built after the new street lighting standards went into place, but that were approved under the old standards. Because of the new standards, Rocky Mountain Power was told to hold off in installing street lights. He said those would be retrofitted with the new lights. Alex said the new revenue stream would allow funding for that to happen.

Councilmember Francis asked if the decision had been made, relative to purchasing the system from Rocky Mountain Power, to purchase the system outright or bond for the purchase.

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Alex said he didn't think the Council had come to a conclusion. He said Tracy did an analysis and Staff recommended purchasing it outright with no bonding.

## **MISCELLANEOUS:**

Councilmember Freitag asked if there had been any communication about the announcement on Antelope Drive.

Alex said Staff had had discussion with UDOT and they indicated that the article was premature and there wasn't even a direct communication with the reporter. He said they clearly understood that those final decisions had not been made. Alex said Staff continued to emphasize what the City's priorities were and encouraged them to be more creative in obtaining resources and looking for places that could make that happen. He said they were more amenable and positive in a meeting today, in terms of looking, than in previous meetings. Alex said they were moving ahead and trying to refine the estimates.

Alex said on the other potential changes along Hill Field Road and Antelope Drive, UDOT was gearing up to engage a PR firm to help facilitate that. He said the City would not be involved in the decision of who would be hired, but would be heavily involved and have opportunity to give suggestions on strategy and approach. Alex said the Council and Staff knew the community better than UDOT and would be an important part of that effort.

Councilmember Flitton asked what the City could do to salve that over with the residents.

Councilmember Francis said UDOT might come up with funding to do all of it.

Councilmember Brown suggested that it might be better to wait and see if there was sufficient funding for all of the projects.

Councilmember Flitton said he would like to talk with Judy Hurst to help mitigate the expectation.

Councilmember Brown suggested indicating that the article was premature, the final decisions had not been made and UDOT was still looking at all of the options.

Councilmember Freitag suggested a town hall meeting in the near future about transportation issues in

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general.

Alex said the budget included funding for a Master Transportation Plan. He said Woody Woodruff, City Engineer, wanted to form a committee to provide information to the consultant that was completing the Plan. Alex said Woody indicated that he would like Councilmembers on the committee, as well as members of the community that could provide input to the consultant that would be hired.

Councilmember Flitton asked if there was a cost estimate on the Antelope Drive/Highway 89 connection.

Alex said the Transportation Commission approved about 15.5 million dollars, which included purchase of some land.

Councilmember Freitag asked if there was a proposed ribbon cutting date for the training tower.

Alex said not yet, but he would get that information to the Council. He said there would also be a ribbon cutting ceremony for the splash pad.

Councilmember Brown asked about the ribbon cutting ceremony for the home on Weaver Lane that was built by the school.

Bill said that was scheduled for the 23rd. He said there would be an open house on the 22nd.

Councilmember Flitton asked if a family had been selected.

Bill said not yet; they were still accepting applications and there would be a selection in a couple of weeks.

Councilmember Flitton asked how many applications were traditionally submitted.

Bill said the first year there was only one, but last year there were 6 or 8.

Bill mentioned a meeting he attended that involved an EDCUtah site visit for a company looking at a Layton site. He said selection would come down to a local incentive package being provided. Bill said Staff would work on an analysis to determine the value of providing an incentive. He said he felt that it should not be more than what was provided to Janicki.

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Bill said as of the end of April, 89 single family building permits had been issued. He said there were only 93 permits issued in all of 2008. Bill said there were 16 reviews of single family permits this past week. He indicated that the permit was recently issued for the Kays Crossing site; they were aggressively moving forward.

Councilmember Flitton asked Alex if Scott Quinney contacted him about funding for Communities That Care.

Alex aid yes; they would be coming to the next work meeting to make a proposal.

**The meeting adjourned at 6:59 p.m.**

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Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**MAY 2, 2013; 7:03 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR J. STEPHEN CURTIS, JOYCE BROWN,  
BARRY FLITTON, JORY FRANCIS AND SCOTT  
FREITAG**

**ABSENT:**

**MICHAEL BOUWHUIS**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, TRACY  
PROBERT, BILL WRIGHT, PETER MATSON AND  
THIEDA WELLMAN**

**The meeting was held in the Council Chambers of the Layton City Center.**

Mayor Curtis opened the meeting. Boy Scout Spencer Stringham with Troop 243 led the Pledge of Allegiance. Councilmember Francis gave the invocation. Scouts from Troops 243 were welcomed. Students from Syracuse High School were recognized.

## **MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Brown indicated that the Family Recreation activity for May would be a family golf night at Swan Lakes Golf Course on May 20th. She said there would be reduced rates for miniature golf, batting cages, 9-hole golf and food.

Councilmember Brown said the June activity would be a free fishing day at Andy Adams Pond on June 8th. She said the pond had recently been stocked.

Councilmember Brown said as part of the July 4th celebration, Hometown Heroes would be honoring Vietnam veterans. She said applications were available on the City's website or at the First National Bank.

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## **CONSENT AGENDA:**

### **OFF-PREMISE BEER RETAILER LICENSE – SUNSTORE LLC DBA CONOCO/BREAK PLACE #6614 – 1724 WEST ANTELOPE DRIVE**

Bill Wright, Community and Economic Development Director, said this was a request for an off-premise beer retailer license for the Conoco Break Convenience Store at 1724 West Antelope Drive, which was on the corner of Robinson Drive and Antelope Drive. Bill said the store had been at this location for a number of years, but there was new ownership, which required a new license.

Bill said the location met all of the buffer requirements, and background checks had been approved by the Police Department. He said Staff recommended approval.

Councilmember Flitton asked how this beer license differed from a restaurant alcohol license.

Bill said this license only allowed the sale of beer for off-premise consumption. He said the beer could not be consumed on the property.

Mayor Curtis asked if the A&W Restaurant would remain at this location.

Bill said he would assume that it would.

### **FINAL PLAT APPROVAL – CREEKSIDE OAKS DEDICATION PLAT – APPROXIMATELY 1350 EAST ROSEWOOD LANE**

Bill Wright said this was final plat approval for a dedication plat of Creekside Oaks, located at approximately 1350 East Rosewood Lane. Bill said this was a one lot subdivision; the dedication plat was to dedicate property to the City for the full right-of-way width of Rosewood Lane. He said the developer would be required to install sidewalk along the frontage of the single lot, and was being encouraged to meander the sidewalk so as not to remove some very large trees in the area.

Bill said there was a reinvestment occurring on the property. New roofs had been installed on the two existing buildings and they were remodeling the interiors. Bill said the developer would be constructing 24 additional units, which had been approved under the original development proposal. He said the Planning

# ***D R A F T***

Commission recommended approval and Staff supported that recommendation.

## **FINAL PLAT APPROVAL – KENNINGTON PARKWAY SUBDIVISION, PHASE 1 – APPROXIMATELY 725 SOUTH ANGEL STREET**

Bill Wright said this was final plat approval for the Kennington Parkway Subdivision, Phase 1, located at approximately 725 South Angel Street. Bill said the property was located to the west of Angel Street and north of Layton Parkway. He said this development would construct part of the Parkway. Bill said the property contained approximately 18 acres and the proposal was to develop 47 lots in the lot averaged R-S zone. He said all of the lots met the requirements of the zone. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

## **FINAL PLAT APPROVAL – KERSHAW ESTATES SUBDIVISION, PHASE 2 – APPROXIMATELY 200 SOUTH BLUFF RIDGE BOULEVARD**

Bill Wright said this was final plat approval of the Kershaw Estates Subdivision, Phase 2, located at approximately 200 South Bluff Ridge Boulevard. Bill said this was the second and final phase of the subdivision. He said the proposal was to develop 4 lots in this phase and all lots met the requirements of the lot averaged R-S zone. Bill said there would be fencing and landscaping required along Bluff Ridge Boulevard and fencing along the future West Davis Corridor right-of-way. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Brown asked if potential purchasers would be given notice that the West Davis Corridor was going in this area.

Bill said a notice could be recorded on the plat.

## **PARCEL SPLIT REQUEST – DAJA SPETH – 1940 WEST GORDON AVENUE**

Bill Wright said this was a parcel split request for property located at 1940 West Gordon Avenue. Bill said the parcel contained 2.25 acres and had a single family house on the western portion of the property. He said the request was to split the parcel allowing for a 1 acre parcel with the existing home and a 1 ¼ acre parcel for the development of a new single family development. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

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## **ADOPT TENTATIVE BUDGET FOR FISCAL YEAR 2013-2014 – RESOLUTION 13-20**

Tracy Probert, Finance Director, said Resolution 13-20 would adopt the tentative budget for the fiscal year beginning July 1, 2013, and ending June 20, 2014, and set a public hearing for Thursday, June 20, 2013. He said the budget did not propose a property tax increase. Tracy said the budget proposed funding an approximate 2.5% merit increase for employees and covering a 6% increase in retirement costs.

Tracy said the budget also included the addition of a new street lighting utility fund. There was an opportunity for the City to purchase the street lighting system from Rocky Mountain Power. He said there were a number of benefits for the City owning that system, including the cost to run the system, the City could be in control of enhancing the system, expanding the system and making improvements to the system where they were needed. Tracy said in order to do that, the budget proposed including a new street lighting utility fund and a street lighting utility fee of \$2 per residence per month and \$2 per equivalent residential unit on commercial properties.

Tracy said the North Davis Sewer District was increasing their fees by \$1.50, which would be passed through to sewer utility customers.

Tracy said Staff recommended adoption of Resolution 13-20, adopting the tentative budget and setting the public hearing for June 20, 2013.

Councilmember Brown said the lighting fee would be billed as part of the monthly utility bill.

Tracy said that was correct. He said residents would see an additional \$4 on their bill because they were billed every other month.

**MOTION:** Councilmember Freitag moved to approve the Consent Agenda as presented. Councilmember Flitton seconded the motion, which passed unanimously.

# ***D R A F T***

## **PUBLIC HEARINGS:**

### **DEVELOPMENT AGREEMENT AND REZONE REQUEST – BARLOW/FROST – A (AGRICULTURE) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) – NORTHEAST CORNER OF CHURCH STREET AND FAIRFIELD ROAD – RESOLUTION 13-21 AND ORDINANCE 13-10**

Bill Wright said Resolution 13-21 and Ordinance 13-10 involved a request for a rezone of property located on the northeast corner of Church Street and Fairfield Road. He said the property was currently vacant property with some agriculture use. Bill said the property contained approximately 10 acres and the applicant was Ovation Homes.

Bill said the proposal was to develop 32 single family lots under the same model at the Cottages at Chapel Park, which was another Ovation Homes development in the City that had been enormously successful. He said the developer was looking to continue building in Layton. Bill said the proposed R-1-6 zoning was within the General Plan guidelines for the area.

Bill said a development agreement was included with the proposal and addressed some of the architectural and design issues of the homes. He said the development agreement capped the density at 32 units, which was a density of 3.21 units per acre. Bill said there were provisions in the development agreement that put in place some architectural design elements for building elevations and materials. He said there was also a provision for building size; 80% of the homes had to be a minimum of 1,600 square feet and 20% could be no less than 1,400 square feet. Bill said the development agreement required participation in a traffic signal that would be installed at Fairfield Road and Church Street with property and cost of the signal.

Bill said there was one comment at the Planning Commission meeting about an irrigation ditch that bisected the property. He said the developer was aware of the ditch and was committed to move the water through the property, probably in a pipe. Bill said that would be further reviewed in the subdivision process. He said the Planning Commission recommended approval of the rezone, subject to approval of the development agreement, and Staff supported that recommendation.

Councilmember Flitton said in Section 4.7 of the development agreement it indicated that the arterial street frontages of Fairfield Road and Church Street shall be subject to fencing and landscaping requirements of Section 19.16 of the Layton Municipal Code. He asked what those fencing requirements were.

# *D R A F T*

Bill said they required a 6 foot solid fence, which was generally a vinyl fence of an earth tone color, and 5 feet of landscaping. He said this was typically what you would see along arterial roads in the City. Bill said a homeowners' association would maintain the landscaping and fence.

Mayor Curtis said the landscaping requirement had really enhanced the City's arterial streets.

Councilmember Brown said relative to fencing; there would have to be a clear view allowance to be able to see onto Fairfield Road from Church Street.

Bill said there would be a clear view area, which would be reviewed further given the angle of that intersection.

Councilmember Brown asked Bill to explain the impact of the accident potential zone (APZ) on the property that was mentioned in the earlier work meeting.

Bill said there was a small portion of the property on the north that was in the APZ zone. He said no home would be allowed in that area; that area would remain open space.

Mayor Curtis said Church Street would eventually be straightened, which would make the clear view issue less of a problem.

Councilmember Freitag said as part of the signal light, would there be land dedicated to the City to make those alignment adjustments.

Bill said there would be more detailed study at the subdivision level, but there would be a requirement for the alignment of the intersection and a provision for providing additional property, beyond the alignment, for the traffic signal post location.

Councilmember Freitag asked if the development agreement addressed the City's street lighting ordinance and what lights would be required in the subdivision.

Bill said that was in the Municipal Code and was part of the requirements on all subdivisions. He said it wasn't necessary to include it in the development agreement. Bill said street lights would also be required along Church Street and Fairfield Road that would be a little bigger than the required residential street lights within the subdivision.

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Councilmember Freitag asked if the property was located on any sensitive lands.

Bill said no.

Councilmember Freitag asked if traffic flow issues would be considered to determine if there was a need for a left hand turn lane at the intersection.

Bill said all of that would be studied. He said the City Engineer had brought that to the attention of the developer in some earlier meetings, and discussed that there would need to be an appropriate width to achieve the necessary traffic movements.

**Mayor Curtis opened the meeting for public input.**

Kay Carter, corner of Fairfield Road and Antelope Drive, asked if there would be fencing between their horse property and this new development.

Mayor Curtis said that would be required and would probably be solid vinyl fencing.

Ms. Carter asked if there would be entrances to the development on Church Street and Fairfield Road.

Bill said there would be two entrances. He said the concept plan showed one off of Church Street and one off of Fairfield Road. Bill said the developer was reconsidering those connections and there may be two off of Church Street and none onto Fairfield Road.

**MOTION:** Councilmember Brown moved to close the public hearing and approve the development agreement and rezone request, Resolution 13-21 and Ordinance 13-10. Councilmember Freitag seconded the motion, which passed unanimously.

**The meeting adjourned at 7:41 p.m.**

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Thieda Wellman, City Recorder

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 3A

**Subject:** Recognition of Layton Citizen Corps Council Volunteers Earning the 2012 President's Volunteer Service Award

**Background:** The President's Council on Service and Civic Participation created the President's Volunteer Service Award program as a way to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service.

Recognizing and honoring volunteers sets a standard for service to others. It encourages a sustained commitment to civic participation and inspires others to make volunteering a central part of their lives. The President's Volunteer Service Award recognizes individuals, families and groups that have demonstrated outstanding volunteer service and civic participation over the course of a 12-month period.

Annual awards are as follows:

Bronze Level – 100 to 249 hours  
Silver Level – 250 to 499 hours  
Gold Level – 500 hours or more

Recipients receive:

- An official President's Volunteer Service Award lapel pin
- A personalized certificate of achievement
- A congratulatory letter from the President of the United States
- A letter from the President's Council on Service and Civic Participation

**Alternatives:** N/A

**Recommendation:** N/A

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 4A

**Subject:** Interlocal Agreement between Brigham City and Layton City to Jointly Use Each Other's Data Facility to Provide for Continuity of Operations in the Event of a Manmade or Natural Disaster that Damages One of the Facilities – Resolution 13-33

**Background:** Both Brigham and Layton Cities recognize the critical nature of maintaining essential computer systems and data in the event of a disaster. It is not enough to just have the data backed up, but to also have access to hardware and software to run the data in the event of unexpected damage to either of the data facilities. Layton City strives to update essential computer equipment on a five-year schedule, and over a period of time, has been able to accumulate and refurbish some essential equipment that can be housed and operated in Brigham City to maintain critical data systems in an emergency.

Under this agreement, each City will provide a small area in their respective data facility for the other to house, maintain and operate some of its own data and computer equipment that can be readily accessed via an inexpensive UTOPIA fiber connection. Each party is compensated for use of the other's facility, thereby benefitting each other and reducing costs and expenses to taxpayers within each City. The agreement continues for a period of ten years unless terminated by the mutual consent of both parties.

**Alternatives:** Alternatives are to 1) Adopt Resolution 13-33 approving the interlocal agreement between Brigham City and Layton City for joint data facility usage; 2) Adopt Resolution 13-33 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 13-33 and remand to Staff with directions.

**Recommendation:** Staff recommends the Council Adopt Resolution 13-33 approving the interlocal agreement between Brigham City and Layton City for joint data facility usage.

**RESOLUTION 13-33**

**A RESOLUTION ADOPTING AND APPROVING THE INTERLOCAL AGREEMENT FOR JOINT USE OF FACILITIES BETWEEN LAYTON CITY AND BRIGHAM CITY.**

**WHEREAS**, Layton City and Brigham City are municipal organizations organized and existing pursuant to and in accordance with the Constitution and statutory laws of the State of Utah; and

**WHEREAS**, Layton City and Brigham City own and operate data centers that provide essential support services for their jurisdictions; and

**WHEREAS**, both Layton City and Brigham City desire to provide a small area in their respective processing facility for the other City to house, maintain and operate its own data and computer equipment that can be readily accessed to provide continuity of operations in the event of a disaster; and

**WHEREAS**, Layton City and Brigham City are desirous of entering into this Interlocal Agreement, pursuant to the provisions of the Utah Interlocal Cooperation Act, as set forth in *Utah Code Ann. 11-13-101, et seq.*, for their mutual benefit to house backup data and computer equipment to recover in a timely manner from a catastrophic event at either locations, and for the further purpose of reducing costs and expenses to the taxpayers of both cities; and

**WHEREAS**, Layton City and Brigham City hereby find that this agreement is in the best interest of the public and will efficiently and economically provide a means for continuity of data services in both jurisdictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:**

1. That the Interlocal Agreement entitled "Interlocal Agreement for Joint Use of Facilities" between Layton City and Brigham City, which is attached hereto and incorporated herein by this reference, be approved.
2. That the Mayor be authorized to execute said agreement.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **20th day of June, 2013.**

\_\_\_\_\_  
J. STEPHEN CURTIS, Mayor

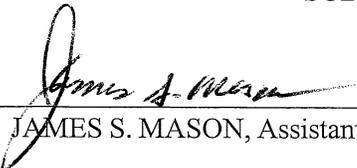
ATTEST:

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

SUBMITTED BY:

  
\_\_\_\_\_  
STEVEN L. GARSIDE, Assistant City Attorney

  
\_\_\_\_\_  
JAMES S. MASON, Assistant City Manager

INTERLOCAL AGREEMENT  
FOR JOINT USE OF FACILITIES  
BETWEEN LAYTON CITY AND BRIGHAM CITY

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between Layton City, having its principal offices at 437 N. Wasatch Drive, Layton City, Davis County, State of Utah, and Brigham City, having its principal offices at 20 North Main Street, Brigham City, Box Elder County, State of Utah as follows:

- I. Layton City and Brigham City are municipal organizations organized and existing pursuant to and in accordance with the Constitution and statutory laws of the State of Utah.
- II. Layton City and Brigham City own and operate data centers that provide essential support services for their jurisdictions.
- III. Both Layton City and Brigham City desire to provide a small area in their respective processing facility for the other City to house, maintain and operate its own data and computer equipment that can be readily accessed to provide continuity of operations in the event of a disaster.
- IV. Layton City and Brigham City are desirous of entering into this Interlocal Cooperation Agreement, pursuant to the provisions of the Utah Interlocal Cooperation Act, as set forth in *Utah Code Ann. 11-13-101, et seq.*, for their mutual benefit to house backup data and computer equipment to recover in a timely manner from a catastrophic event at either location, and for the further purpose of reducing costs and expenses to the taxpayers of both cities.
- V. Layton City and Brigham City hereby find that this Agreement is in the best interest of the public and will efficiently and economically provide a means for continuity of data services in both jurisdictions.

## AGREEMENT

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions as hereinafter set forth, Layton City and Brigham City hereby agree as follows:

1. DURATION OF AGREEMENT

This Agreement shall continue and remain in full force and effect for a period of ten (10) years unless terminated by the mutual consent of both Parties or terminated in accordance with the termination provision contained herein. Additionally, the Parties shall meet to conduct a five-year review as outlined in Section 8.

2. NO SEPARATE ENTITY

This Agreement shall not create any separate legal or administrative entity for the purpose of implementing or administering the terms and conditions of this Agreement.

3. PURPOSE

The purpose of this Agreement is to provide a legal means for the Parties to jointly use each other's facilities for housing their respective and separate hardware and data support equipment, and provide a structure to govern how each Party is compensated for use of the facilities thereby benefitting each other and reducing costs and expenses to all taxpayers within each City.

4. IMPROVEMENTS

Neither Party shall be required to install any improvements under the terms of this Agreement unless specifically agreed to in writing by the Parties in an Addendum to this Agreement.

5. USE OF LAYTON CITY PROPERTY AND FACILITIES

Layton City's use shall have priority for all use of Layton City Facilities. Brigham City shall have the right to use the identified portion of the Layton City Facility provided their use does not interfere with Layton City's needs. During such periods of use, Brigham City shall be responsible for payment to Layton City of such sums as are sufficient to reimburse Layton City for all direct additional costs resulting from such use including but not limited to the cost of climate controls and electricity. However these payments may be alleviated when addressed through a reciprocal use statement as contemplated in Paragraph 7 herein. Layton City's sole obligation hereunder is to provide space for Brigham City's equipment which will remain independent of Layton City's. Layton City will not provide any technical support nor have internal access to Brigham City's equipment.

6. USE OF BRIGHAM CITY PROPERTY AND FACILITIES

Brigham City's use shall have priority for all use of Brigham City Facilities. Layton City shall have the right to use the identified portion of the Brigham City Facility provided their use does not interfere with Brigham City's needs. During such periods of use, Layton City shall be responsible for payment to Brigham City of such sums as are sufficient to reimburse Brigham City for all direct additional costs resulting from such use including but not limited to the cost of climate controls and electricity. However these payments may be alleviated

when addressed through a reciprocal use statement as contemplated in Paragraph 7 herein. Brigham City's sole obligation hereunder is to provide space for Layton City's equipment which will remain independent of Brigham City's. Brigham City will not provide any technical support nor have internal access to Layton City's equipment.

7. RECIPROCAL USE

It is the preference of both parties that compensation for use of facilities be in the form of reciprocal use of the other Party's facilities. Layton City and Brigham City may work out reciprocal arrangements for use of each other's facilities on an equal or nearly equal cost basis and this will be reviewed at least every five (5) years. The reciprocal use of each other's facilities will be valued by each entity on a direct additional cost basis so that the actual expense each incurs is covered and does not require a subsidy from the operating budget of either entity. See attachment "A".

8. MAINTENANCE AND REPAIR OF FACILITIES

Layton City and Brigham City shall perform the ordinary and normal maintenance and repairs to their respective facilities housing the data equipment to maintain an agreed upon environment for the equipment in use as stated in attachment "A". Layton City and Brigham City shall only access and use the specified facilities of the other in a careful and prudent manner and each shall be required to pay the other Party for any damages beyond normal wear and tear.

9. LIABILITY AND INDEMNIFICATION

Layton City and Brigham City shall each be responsible for conducting their respective activities provided for and contemplated herein in a reasonable and prudent manner, and with the exception of gross negligence each waives all claims and recourse against the other in connection with any claim arising out of or connected with the conduct of any of the activities contemplated by this Agreement, including the right to contribution for loss of damage by reason of injury to persons or damages to property arising out of or in any way connected with or incident to the activity of such Party as contemplated by this Agreement from any third party. Furthermore, each Party agrees to indemnify and hold the other Party harmless for any claim, injury, or damage arising out of or connected with the actions or omissions of such other Party in connection with any activity contemplated with this Agreement. Each Party agrees to maintain public liability insurance coverage during the term of this Agreement with coverage in an amount not less than a Combined Single Limit of \$2,000,000 per occurrence. And any additional amount or annual increases which may be required by Utah's Governmental Immunity Act or other legislative action. Each Party agrees to provide adequate property insurance to cover their respective equipment.

10. COORDINATING USE AT FACILITIES

Scheduling the use of each city's facilities shall be done by each city's Information Technology Manager.

11. TERMINATION PROVISIONS

This Agreement may be terminated at any time by either Party giving written notice to the other Party of its intent to terminate this Agreement, which notice shall be given not less than ninety (90) days prior to termination.

12. ASSIGNMENT

Neither Party hereto may assign this Agreement or any interest therein without first obtaining the written consent of the other Party. Any attempt to assign any right or privilege connected with this Agreement without prior written consent of the other Party shall be void.

13. APPROVAL BY RESOLUTION

This Agreement shall not be effective until approved by Resolution of the governing body of each Party and filing of duplicate originals with the Recorder of each Party.

14. ENTIRE AGREEMENT

The Parties hereto agree that this document contains the entire agreement and understanding between the Parties and constitutes their entire agreement and supersedes any and all oral representations and agreements made by either Party prior to the date hereof and is binding upon the successors of the respective Parties.

15. APPROVAL OF AGREEMENT BY AUTHORIZED ATTORNEY

As required by *Utah Code Ann. 11-13-202.5*, prior to and as a condition precedent to this Agreement's entry to force, it shall be approved by the legislative body of each public entity and submitted to an authorized attorney who shall approve the Agreement upon finding that it is in proper form and compatible with the laws of the State of Utah.

16. DISPUTE RESOLUTION

The Parties agree to make good faith efforts in resolving any dispute arising out of or in relation to this Agreement. Should the Parties be unable to resolve a dispute and the services of an attorney is required to enforce this Agreement, the defaulting Party agrees to pay reasonable attorney's fees and costs.

17. PRIVILEGES AND IMMUNITY

Officers and employees performing services pursuant to this Agreement shall be deemed to be officers and employees of the Party employing their services even if performing functions outside the territorial limits of such Party, and shall be deemed officers and employees of such party under the provisions of the Utah Governmental Immunity Act. Nothing herein shall be construed to waive any of the privileges and immunities available to either Party under the Governmental Immunity Act as set forth in *Utah Code Ann. 63G-7-101, et seq.*, as amended.

IN WITNESS WHEREOF, the Parties hereto have signed this Interlocal Cooperation Agreement the day and year first above written, pursuant to authority granted by Resolution duly passed and adopted by the Parties.

LAYTON CITY  
A MUNICIPAL CORPORATION

BRIGHAM CITY  
A MUNICIPAL CORPORATION

\_\_\_\_\_  
J. STEPHEN CURTIS  
Mayor

\_\_\_\_\_  
By: \_\_\_\_\_  
Mayor

ATTEST:

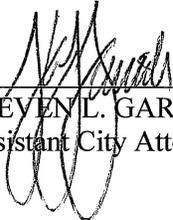
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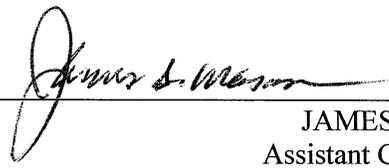
\_\_\_\_\_  
THIEDA WELLMAN  
City Recorder

\_\_\_\_\_  
By: \_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

SUBMITTED BY:

  
\_\_\_\_\_  
STEVEN L. GARSIDE  
Assistant City Attorney

  
\_\_\_\_\_  
JAMES S. MASON  
Assistant City Manager

Attachment "A"  
RECIPROCAL USE OF FACILITIES  
FY2013-14

The Parties agree that for the one year beginning July 1, 2013, the following uses will be expected and are accepted as a fair and balanced trade between the Parties. Should use beyond that outlined below be necessary by either Party of the other's facilities, the Party owning the facility will determine reasonable compensation. The reciprocal use of facilities shall be reviewed by the Parties at least every five years to determine the continued need and costs.

Layton City Use of Brigham City Facilities:

Layton City Corporation will collocate information technology hardware such as; Server's, Network Switches, Storage Device's, Backup tapes or hardware and Phone's to Brigham City's facilities. The information technology hardware and software located in Brigham City's facilities will be used for offsite backup and disaster recovery. Maintenance to hardware and software will be performed at the Brigham City location via remote control software whenever possible. Occasional onsite maintenance will be scheduled through Brigham City's information technology department.

Brigham City Use of Layton City Facilities:

Brigham City Corporation will collocate information technology hardware such as; Storage devices, Phones, Servers and Network equipment to Layton City's facilities. Layton City's facilities and Brigham City's data equipment will be used for an offsite backup and data recovery site to achieve continued operations in the event of a failure or disaster. Maintenance to hardware and software will be performed at the Layton City location via remote control software whenever possible. Occasional onsite maintenance will be scheduled through Layton City's information technology department.

Summary of Trade of Facility Use

Based on the foregoing, neither Party will be billed for, nor required to pay for the above listed uses and expenses incurred at the other Party's facility.

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 4B

**Subject:** Amendment to Title 9 of the Layton Municipal Code – Ordinance 13-21

**Background:** With several legislative changes and judicial decisions affecting the enforcement of laws addressing criminal conduct, it became necessary to review the provisions of Title 9 of the Layton Municipal Code. The result of that review is several proposed amendments within that Title. The majority of the amendments are clarifications and reorganization of Code sections.

The substantive changes are: the repeal of Section 9.08.060, as that is addressed in State law; the repeal of Section 9.24.050, as it is addressed by the daytime curfew ordinance; the repeal of Section 9.52.040, as that is addressed in State law; adding a condition to Section 9.60.025 to enhance the safety of any hunting activities; amending Chapter 9.64 regarding fireworks, to comply with State law; repealing Chapters 9.68 and 9.72, as those issues are addressed by State law; removing the notice provision for obscenity prosecution in Section 9.76.030; and repealing a process for the handling and disposition of evidence of obscene materials.

**Alternatives:** Alternatives are to 1) Adopt Ordinance 13-21 amending Title 9 of the Layton Municipal Code; 2) Adopt Ordinance 13-21 with any amendments the Council deems appropriate; or 3) Not adopt Ordinance 13-21 and remand to Staff with directions.

**Recommendation:** Staff recommends the Council adopt Ordinance 13-21 amending Title 9 of the Layton Municipal Code.

**ORDINANCE 13-21**

**AN ORDINANCE AMENDING TITLE 9 OF THE LAYTON MUNICIPAL CODE BY ENSURING INTERNAL, JUDICIAL, AND STATUTORY CONSISTENCY AND PROVIDING CLARIFICATION AND MAKING TECHNICAL, GRAMMATICAL AND ORGANIZATIONAL CHANGES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, with several recent changes in judicial decisions and legislative enactments, a review of Title 9 became necessary; and

**WHEREAS**, upon completing that review, it has been determined that several amendments are warranted to ensure consistency with those rulings and enactments; and

**WHEREAS**, the proposed amendments provide the necessary clarifications to ensure the enforceability of the applicable code provisions; and

**WHEREAS**, the City Council of Layton City finds it to be in the best interest of its citizens to make the proposed amendments to Title 9 of the Layton Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:**

**SECTION I: Repealer.** If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.** Title 9 shall be amended to read as follows:

<b>Title 9.</b>	<b>PEACE, SAFETY, AND MORALS</b>
<b>Chapter 9.04.</b>	<b>NUISANCES</b>
<b>Chapter 9.08.</b>	<b>DISORDERLY CONDUCT</b>
<b>Chapter 9.12.</b>	<b>DISORDERLY HOUSES</b>
<b>Chapter 9.16.</b>	<b>GAMBLING</b>
<b>Chapter 9.20.</b>	<b>ALCOHOLIC BEVERAGES</b>
<b>Chapter 9.24.</b>	<b>MINORS</b>
<b>Chapter 9.28.</b>	<b>PROSTITUTION</b>
<b>Chapter 9.32.</b>	<b>REPEALED</b>
<b>Chapter 9.36.</b>	<b>DISHONEST PRACTICES</b>
<b>Chapter 9.40.</b>	<b>LOTTERIES</b>
<b>Chapter 9.44.</b>	<b>PROPERTY VIOLATIONS</b>
<b>Chapter 9.48.</b>	<b>OFFENSES AGAINST FIRE DEPARTMENT</b>
<b>Chapter 9.52.</b>	<b>OFFENSES AGAINST POLICE <u>OR PUBLIC OFFICERS</u></b>
<b>Chapter 9.56.</b>	<b>ASSAULT AND BATTERY</b>
<b>Chapter 9.60.</b>	<b>WEAPONS</b>
<b>Chapter 9.64.</b>	<b>FIREWORKS</b>
<b>Chapter 9.68.</b>	<b><del>SALE OF IMPOUNDED OR ABANDONED PROPERTY</del><u>REPEALED</u></b>
<b>Chapter 9.72.</b>	<b><del>FRAUDULENT CHECKS</del><u>REPEALED</u></b>
<b>Chapter 9.76.</b>	<b>OBSCENITY</b>
<b>Chapter 9.80.</b>	<b>CONTROLLED SUBSTANCES</b>
<b>Chapter 9.81.</b>	<b>VIOLATIONS INVOLVING MUNICIPAL PROPERTY AND SERVICES</b>

**Chapter 9.04. NUISANCES**

- 9.04.010. Prohibited.**
- 9.04.020. Public nuisance defined.**
- 9.04.030. ~~Unequal effects to several immaterial~~Reserved.**
- 9.04.040. ~~Purpose~~Agricultural operations; Agricultural lands.**
- 9.04.041. ~~Agricultural operations; Nuisance liability~~Reserved.**
- 9.04.042. ~~Disposal, dumping, or discharging onto agricultural lands~~Reserved.**

**9.04.010. Prohibited.**

It is unlawful for any person, whether as owner, agent, or occupant of property or otherwise, to create or aid in creating, contribute to, support, continue, allow, or retain a nuisance on said property. Whatever is dangerous to human life or health, or whatever renders soil, air, water, or food impure or unwholesome, or verminous are declared to be nuisances and to be illegal.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-36, Amended, 09/04/03)

**9.04.020. Public nuisance defined.**

(1) A public nuisance is a crime against the order and economy of the City, and consists in unlawfully doing any act, or omitting to perform any duty, which act or omission either:

(a) Annoys, injures, or endangers the comfort, repose, health, or safety of three (3) or more persons;

(b) Offends public decency;

(c) Unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake, stream, canal, or basin, or any public park, square, pedestrian way, street, or highway;

(d) Is a nuisance as set forth in Section 9.04.010; or

(e) In any way renders three (3) or more persons insecure in life or interferes with the use of property.

(2) The maintenance or commission of a public nuisance shall be a class "B" misdemeanor, and is punishable as such.

(3) An act which affects three (3) or more persons in any of the ways specified in this Section is not less a nuisance because the extent of the annoyance or damage inflicted on individuals is unequal.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-36, Amended, 09/04/03)

**9.04.030. ~~Unequal effects to several immaterial~~Reserved.**

~~An act which affects three (3) or more persons in any of the ways specified in Section 9.04.020 is not less a nuisance because the extent of the annoyance or damage inflicted on individuals is unequal.~~

(Ord. No. 97-35, Recodified, 06/19/97)

**9.04.040. ~~Purpose~~Agricultural operations; Agricultural lands.**

(1) It shall be the policy of the City to assist in the conservation of natural resources and scenic beauty, and to encourage the development and improvement of agricultural lands within its boundaries, for the production of food and other agricultural products. The City recognizes the important balance that must be maintained, between interests in agricultural land and other competing land uses. It shall be the purpose of this Section, to provide, to the extent possible, for the reasonable protection of agricultural uses, specifically those aspects of an agricultural use, that tend to offend the senses, to the extent, the agricultural use is reasonably maintained according to sound agricultural practices, and conforms to federal, state, and local ordinances and regulations.

(2) (a) Agricultural operations that are consistent with sound agricultural practices are presumed to be reasonable and do not constitute a nuisance under Chapter 9.04 of the Layton Municipal Code or a private nuisance unless the agricultural operation has a substantial adverse effect on the public health and safety.

(b) Agricultural operations undertaken in conformity with federal, state, and City laws and regulations, including the City's zoning ordinances, are presumed to be operating within sound agricultural practices.

(c) As used in this Chapter, "agricultural operation" means any facility for the production for commercial purposes of crops, livestock, poultry, livestock products, or poultry products.

(3) (a) For the purpose of this Section, "agricultural lands" shall mean those lands upon which a bona fide agricultural operation exists, or areas of vacant ground consisting of five (5) or more contiguous acres of land.

(b) It shall be unlawful for any person to dump, discharge, or dispose of any materials, including, but not limited to, garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, grasses, stubble, brush, tumble weeds, clippings and cuttings, vegetative waste, litter, filth, or refuse of any nature, kind, or description, and to leave the same upon agricultural land.

(c) Any person who is found guilty of violating this Section shall be guilty of a class B misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate violation.

(d) The City Attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this Section.

(e) In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this Section shall be liable for all expenses incurred by the City in removing or abating the nuisance and/or source of filth.

(Ord. No. 98-43, Enacted, 06/04/98)

**9.04.041. ~~Agricultural operations; Nuisance liability~~Reserved.**

~~(1) Agricultural operations that are consistent with sound agricultural practices are presumed to be reasonable and do not constitute a nuisance under Chapter 9.04 of the Layton Municipal Code or a private nuisance unless the agricultural operation has a substantial adverse effect on the public health and safety.~~

~~(2) Agricultural operations undertaken in conformity with federal, state, and City laws and regulations, including the City's zoning ordinances, are presumed to be operating within sound agricultural practices.~~

~~(3) As used in this Chapter, "agricultural operation" means any facility for the production for commercial purposes of crops, livestock, poultry, livestock products, or poultry products.~~

(Ord. No. 98-43, Enacted, 06/04/98; Ord. No. 98-47, Amended, 07/02/98)

**9.04.042. ~~Disposal, dumping, or discharging onto agricultural lands~~Reserved.**

~~(1) For the purpose of this Section, "agricultural lands" shall mean those lands upon which a bona fide agricultural operation exists, or areas of vacant ground consisting of five (5) or more contiguous acres of land.~~

~~(2) It shall be unlawful for any person to dump, discharge, or dispose of any materials, including, but not limited to, garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, grasses, stubble, brush, tumble weeds, clippings and cuttings, vegetative waste, litter, filth, or refuse of any nature, kind, or description, and to leave the same upon agricultural land.~~

~~(3) Any person who is found guilty of violating this Section shall be guilty of a class B misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate violation.~~

~~(4) The City Attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this Section.~~

~~(5) In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this Section shall be liable for all expenses incurred by the City in removing or abating the nuisance and/or source of filth.~~

(Ord. No. 98-43, Enacted, 06/04/98)

**Chapter 9.08. DISORDERLY CONDUCT**

- 9.08.010. Disturbing the peace prohibited.**
- 9.08.020. Interference with schools, students, or personnel.**
- 9.08.030. Indecent exposure.**
- 9.08.040. Unlawful use of telephone.**
- 9.08.050. ~~Legitimate use of telephone~~Reserved.**
- 9.08.060. ~~Abusing officer prohibited~~Repealed.**

**9.08.010. Disturbing the peace prohibited.**

(1) It is unlawful for any person to disturb the peace and the good order of the City, or any lawful assembly by clamor or noise, by intoxication, fighting, or unlawfully using obscene or profane language or language reasonably construed to incite or provoke violent behavior, or language inviting violent behavior, by indecent or disorderly conduct, or by lewd or lascivious behavior, or otherwise.

(2) It is unlawful for any person to use or operate, or permit the use or operation of any radio receiver, tape player, disc player, television, musical instrument, or other machine, instrument, or device for the production or reproduction of sound:

(a) Between the hours of 10:30 p.m. and 7:00 a.m. in a way that is plainly audible at the immediate property boundary or the exterior wall or structure which constitutes the boundary of a premises (outside these hours, any such activity or conduct is regulated by other applicable Code sections); or

(b) On public property or on a public right-of-way at any time so as to be plainly audible fifty feet (50') from the device. Permits to exceed this Subsection may be issued pursuant to, and part of a special events permit.

(3) This Section does not apply to the lawful discharge of fireworks as provided for in state law and this Title.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 08-20, Amended, 05/01/08; Ord. No. 11-33, Amended, 10/20/11)

**9.08.020. Interference with schools, students, or personnel.**

It is unlawful for any person to disturb the peace and the good order of the City, or any lawful assembly by any of the following acts, which tend to cause a breach of the peace:

(1) Disturb, interfere with, or otherwise prevent the orderly conduct of the activities, administration, or carrying on of classes of any school;

(2) Annoy, disturb, assault, or molest any student or employee of any school district while in the school or on the grounds thereof;

(3) Loiter, idle, wander, stroll, or play in or about or on any school grounds or building, either on foot or in or on any vehicle without having some lawful business therein or thereabouts, or in connection with the school or the employees thereof, or without being engaged in permitted recreational activity;

(4) Conduct himself in a lewd, wanton, or lascivious manner in speech or behavior in, about, or on any school building or grounds; or

(5) Park or move a motor vehicle within one hundred (100) yards of any school building or grounds for the purpose of annoying or molesting any student or employee of the school district or in an effort to induce, entice, or invite any student or employee into or on the vehicle for ~~immoral~~unlawful purposes, including truancy.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.08.030. Indecent exposure.**

(1) It is unlawful for any person, willfully or knowingly, in a public place or any place open to the public, to:

(a) expose his or her private parts, or the private parts of another;

(b) engage in sexual intercourse;

(c) fondle his or her private parts, or the private parts of another; or

(d) engage in any sex act, actual or simulated, including but not limited to, oral copulation, sodomy and masturbation, or any excretory functions as part of or in connection with any of the activities set forth in these Subsections (a) through (d).

(2) For purposes of this Section, "private parts" means the human genitals, pubic regions, buttocks, the female breast at a point immediately above the top of the areola to the bottom of the breast, and the male genitals in a discernable turgid state even if completely and opaquely covered.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 97-66, Amended, 11/20/97)

**9.08.040. Unlawful use of telephone.**

(1) It is unlawful for any person by means or use of the telephone to disturb or tend to disturb the peace, quiet, or right of privacy of any other person or family:

(1a) By repeated or continued anonymous or identified telephone messages;

(2b) By the use of obscene, profane, indecent, or offensive language or by the suggestion of or invitation to any lewd or lascivious act;

(3c) By a demand for money or other thing of value or by an attempt to extort money or other thing of value;

(4d) By making threats of physical violence or harm; or

(5e) By causing the continuous or repeated ringing of the telephone of such other person or family.

(2) The prohibitions of this Section shall not apply to persons using the telephone for the normal requesting of payment of debts or obligations or for other normal purposes of communication.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.08.050. ~~Legitimate use of telephone~~Reserved.**

~~The prohibitions of Section 9.08.040 shall not apply to persons using the telephone for the normal requesting of payment of debts or obligations or for other normal purposes of communication.~~

(Ord. No. 97-35, Recodified, 06/19/97)

**9.08.060. ~~Abusing officer prohibited~~Repealed.**

~~Every person who knowingly and willfully challenges to fight, assault, strike, or verbally abuses a police officer, licensing or permit inspector, or fireman, who is acting in the performance of his duty, is guilty of a misdemeanor and shall be punished according to the provisions set forth in Chapter 1.20.~~

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.12. DISORDERLY HOUSES**

**9.12.010. Defined; Prohibited.**

**9.12.020. Transient lodging regulation.**

**9.12.010. Defined; Prohibited.**

It is unlawful for any person ~~knowingly~~ to manage, keep, or maintain a disorderly house or business within the corporate limits of Layton.

It is unlawful for any person ~~knowingly~~ to visit, frequent, or resort to a disorderly house, or business except for a legitimate purpose.

All bawdy places, places of prostitution or houses, houses of ill fame, assignation houses, all ~~houses or places frequented or resorted to for lewd, unchaste, or immoral~~ unlawful purposes, and all unlicensed public dance halls, shall be deemed and held to be disorderly houses or businesses.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.12.020. Transient lodging regulation.**

(1) No person or entity that owns, operates, manages, or otherwise controls a transient lodging facility shall:

(a) lease, rent, or otherwise let any room for any consideration for less than one (1)

day;

(b) permit or provide a discounted rate to anyone occupying or using a room for less than one (1) day; or

(c) permit another person or entity to sublease any room in a manner proscribed herein.

(2) (a) For purposes of this Section "transient lodge facility" shall mean, but not be limited to, hotel, motel, bed and breakfast, boarding house, etc.

(b) For purposes of this Section "one (1) day" shall mean a standard lodging day with a check in time near midday, an overnight stay, and a check out time near midday of the subsequent day.

(c) For purposes of this Section "room" shall mean those rooms within transient lodging facilities provided or furnished for the purpose of accommodating overnight lodging; and shall not mean other areas of said facilities such as lobbies, conference rooms, dining areas, pool facilities, fitness rooms, etc.

(Ord. No. 97-65, Enacted, 11/20/97; Ord. No. 97-79, Amended, 12/18/97)

## **Chapter 9.16. GAMBLING**

**9.16.010. Defined.**

**9.16.020. Seizure and destruction.**

**9.16.030. Owner or proprietor of premises guilty of misdemeanor.**

**9.16.040. Operating slot machines.**

**9.16.010. Defined.**

Every person who deals, plays, or carries on, opens or causes to be opened, or who conducts, either as owner or employee, whether for hire, or not, any game of faro, monte, roulette, or any game played with cards, dice, or any other device for money, checks, credit, or any other representative of value within the corporate limits of Layton, and every person who plays or bets at or against any of the prohibited games is guilty of a misdemeanor.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.16.020. Seizure and destruction.**

It shall be the duty of any peace officer, whenever it shall come to the knowledge of such officer that any person has ~~in his possession of~~ any cards, tables, checks, balls, wheels, slot machines, pinball machines, or gambling devices of any nature or kind whatsoever used or kept for the purpose of playing for money, or for tokens redeemable in money at any of the games mentioned in this or the preceding Section, or that any cards, tables, checks, balls, wheels, slot machines, pinball machines, or gambling devices used or kept for the purposes aforesaid may be found in any place, to seize and take such cards, tables, checks, balls, wheels, slot machines, pinball machines, or other gambling devices as evidence, ~~and convey the same before the court, and it shall be the duty of the judge of the court to inquire of such witnesses as he shall summon or may appear before him in that behalf touching the nature of such gambling devices and, if the court such judge shall determines that the same are used or kept for the purpose of being used at any game or games of chance described in Sections 9.16.010 or 9.16.020, it shall be his duty to destroy the same~~ the judge is hereby authorized to cause the same to be destroyed.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.16.030. Owner or proprietor of premises guilty of misdemeanor.**

Every person who knowingly permits any of the games mentioned in Sections 9.16.010 and 9.16.020 to be played, conducted, or dealt in any house or place owned or rented by such person, in whole or in part, and any person who plays at or against any of the prohibited games is guilty of a misdemeanor.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.16.040. Operating slot machines.**

It is unlawful for any person to keep or operate, either as owner, agent, or employee, or allow to be kept, used, operated, or conducted, in hissaid person's place of business or elsewhere, the device or

instrument commonly known as a "slot machine" or "pinball machine," or any other similar device or instrument for gambling or exhibiting bawdy pictures.  
(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.20. ALCOHOLIC BEVERAGES**

**9.20.010. Drinking in public places.**

**9.20.015. Intoxication.**

**9.20.020. Sale to drunken person.**

**9.20.030. Supplying to minors.**

**9.20.040. Permitting intoxication.**

**9.20.050. Intoxication in or about a vehicle.**

**9.20.100. Penalty.**

**9.20.010. Drinking in public places.**

(1) It is unlawful for any person to drink any alcoholic beverage in any street or alley, public place, store, restaurant, hotel lobby or parlor, in or upon any passenger coach, waiting room, or station room, or in any public gathering of any kind, unless said premises are properly licensed therefor and the consumption is in accordance with the laws and regulations regarding said licensure.

(2) It is unlawful for any person to possess or consume any alcoholic beverage within any public park or to consume any alcoholic beverage upon any public property.

(Ord. No. 95-47, Amended, 07/20/95; Ord. No. 97-35, Recodified, 06/19/97)

**9.20.015. Intoxication.**

It is unlawful for any person to be intoxicated, meaning under the influence of an alcoholic beverage, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger oneself or another, or where said person unreasonably disturbs another person, whether in a public or private place.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.20.020. Sale to drunken person.**

It is unlawful for any person to sell or supply any alcoholic beverage or permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of an alcoholic beverage or other impairing substance.

(Ord. No. 95-47, Amended, 07/20/95; Ord. No. 97-35, Recodified, 06/19/97)

**9.20.030. Supplying to minors.**

It is unlawful for any person to sell, supply, or to induce, aid, or encourage the sale or supplying of any alcoholic beverage to any person under the age of twenty-one (21) years, and anyone doing so shall be in violation of this Chapter, but this shall not apply to the supplying of an alcoholic beverage to such person for medicinal purposes by the parent or guardian of such person or by a physician.

(Ord. No. 95-47, Amended, 07/20/95; Ord. No. 97-35, Recodified, 06/19/97)

**9.20.040. Permitting intoxication.**

It is unlawful for any person to permit intoxication to take place in any house or upon any premises of which such person is the owner, occupant, or otherwise has lawful control thereof, or to give or sell an alcoholic beverage to any person apparently under the influence of intoxicants.

(Ord. No. 95-47, Amended, 07/20/95; Ord. No. 97-35, Recodified, 06/19/97)

**9.20.050. Intoxication in or about a vehicle.**

It is unlawful for any person under the influence of an alcoholic beverage or other impairing substance to be in or about any vehicle with the intention of driving or operating such vehicle. Actual physical control is not an element of this offense.

(Ord. No. 95-47, Amended, 07/20/95; Ord. No. 97-35, Recodified, 06/19/97)

**9.20.100. Penalty.**

A violation of any provision of this Chapter shall constitute a class B misdemeanor and shall be punishable as such.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.24. MINORS**

**9.24.010. Curfew.**

**9.24.015. Curfew; Daytime.**

**9.24.020. Prohibited in pool halls.**

**9.24.030. Sale of tobacco or narcotics.**

**9.24.040. Purchase or possession of tobacco or narcotics.**

**9.24.050. ~~Persons under eighteen (18) playing pinball machines prohibited~~Repealed.**

**9.24.060. Owners, proprietors; Responsibility.**

**9.24.070. Contributing to the delinquency of minors.**

**9.24.010. Curfew.**

(1) **Curfew for minors under eighteen (18).** Except as provided in Subsection (3) below, it shall be unlawful for any person under the age of eighteen (18) years to be in or upon any sidewalk, street, alley, or public place between the hours of midnight and 5:00 a.m. on any day.

(2) **Parents and guardians.** It shall be unlawful for any parent, guardian, or other person having legal care and custody of any minor, to allow or permit or suffer any such minor to go or be in or upon any of the sidewalks, streets, alleys, or public places in Layton City within the times provided in the above-mentioned Section.

(3) **Exceptions.** The provisions of Section (1) shall not apply when any person regulated therein is:

- (a) Accompanied by an adult having the care and custody of such person;
- (b) Attending or directly returning home from a function of any school or church;
- (c) Attending or directly returning home from a lawful entertainment, amusement, or commercial activity;
- (d) On an emergency errand or specific business or activity directed by ~~his~~the parent, guardian, or other adult having custody or care of him/her; or
- (e) Engaged in legitimate employment which requires his/her presence at the public places during the prohibited hours.

(4) **Minors on business premises.** No person owning or operating a business, shall permit to be or to remain on the premises where said business is conducted any minor person under the age of eighteen (18) years, between midnight and 5:00 a.m., unless in the immediate presence of the parent or other adult person having legal care and custody of said minor, ~~nor shall the owner permit to be or to remain on said premises, between midnight and 5:00 a.m., any minor person under eighteen (18) years of age, unless in the immediate presence of the parent or other adult person having legal care and custody of said minor.~~ This Section, however, shall not apply to any minor who is lawfully employed on the premises.

(5) **Aiding minor to violate curfew.** It is unlawful for any person to assist, aid, abet, or encourage any minor to violate the provisions of this Section. It is unlawful for any person to use any influence or otherwise to entice or persuade any minor, under the age of eighteen (18) years, from his/her parents, guardians, or other persons having charge or custody of such minor without the consent of such parents, guardians, or custodians.

(6) **Penalty.** A violation of this ordinance shall be a class ~~"C"~~B misdemeanor.

(Ord. No. 962, Amended, 08/06/92; Ord. No. 97-35, Recodified, 06/19/97)

**9.24.015. Curfew; Daytime.**

(1) **Minors subject to compulsory education; Daytime.** It is unlawful for any minor subject to compulsory education to loiter or remain in any public place, any restricted dwelling, or any unsupervised place within the Layton City limits during the normal school hours for the school said minor is required to attend.

(2) **Minors subject to a compulsory alternative education program; Daytime.** It is unlawful for any minor subject to a compulsory alternative education program to loiter or remain in any public place, any restricted dwelling, or any unsupervised place within the Layton City limits during the normal school hours for the school said minor would normally be enrolled.

(3) **Parents, guardians, and teachers; Daytime.** It is unlawful for any parent, guardian, teacher, or other person having legal care and custody of any minor dealt with respectively in Subsections (1) and (2) of this Section to permit or allow, whether willfully or by exercise of insufficient control, any such minor to remain or loiter in any public place or in any other restricted place, except as provided in Subsections (4) of this Section.

(4) **Defenses.** It shall be a defense to a violation of Subsections (1) and (2) that at the time the minor was stopped by a peace officer, the minor was:

- (a) A minor fourteen (14) years or older, emancipated by marriage;
- (b) Accompanied by the minor's parent, guardian, or other adult person having care, custody, or supervision of said minor;
- (c) In a motor vehicle involved in interstate travel;
- (d) On an errand at the direction of the minor's parent or guardian, without detour or stop;
- (e) Acting in response to an emergency;
- (f) Going to, or returning from, a medical or dental appointment;
- (g) Permitted to leave the school campus for lunch or any school-approved activity;
- (h) Attending, or without any detour or stop, was going to, or returning from, a school-approved, recreational, or educational activity, supervised by adults, and sponsored by the local school district, another school district, or any civic, religious, or other government organization;
- (i) Going to, or returning directly from, a compulsory alternative education program;
- (j) Going to, or returning directly from, the minor's place of school approved employment;
- (k) Granted an exemption for "home schooling" as prescribed by the local board of education; or
- (l) Otherwise granted an exemption to compulsory education by the local board of education, under Section 53A-11-102 of the Utah Code (as amended), or any successor provision.

(5) **Enforcement procedures.** Before taking any enforcement action under the provisions of this Section, a peace officer shall ask said minor's age and reason for being in the public place or other restricted place. The peace officer should not take enforcement action under this Section if the peace officer has reasonable cause to believe that any defense under Subsection (4) of this Section applies.

Upon any violation of Subsections (1) and (2):

- (a) A peace officer may take the minor into temporary custody and/or issue a citation to the minor.
- (b) If the peace officer takes the minor into temporary custody, the peace officer, without unreasonable delay, shall:
  - (i) transport the minor to the school from which the minor is absent, releasing the minor to the principal or other designated school official;
  - (ii) release the minor to any individual who has been designated by the local school board to receive and return the minor to school; or
  - (iii) transport and release the minor to a receiving center established and designated by the local school board.
- (c) If the minor refuses to return to school or go to the receiving center, or the peace officer is unable to otherwise release the minor to the appropriate school official or designated receiving center, as provided in Subsection (iii) above, the peace officer may release the minor to the minor's parent

or guardian, and shall notify the appropriate school officials of the violation. If a parent or guardian cannot be reached or is unable to accept custody, the minor shall be referred to the Division of Child and Family Services, in the manner required under state law.

(d) If cited, the minor shall appear, along with a parent or guardian, in the applicable youth court or in Juvenile Court as directed in the citation.

(e) A parent or guardian shall not be cited for a violation of Subsection (3), unless the minor in question was previously cited for a violation of this Section and the parent or guardian was warned or advised by a peace officer, school official, receiving center, or court official of such violation.

(6) **Penalty.** A violation of this Section shall be a class "C" misdemeanor. In Juvenile or District Court, a person adjudicated in violation of this Section shall receive a minimum fine of Fifty Dollars (\$50.00) for an initial violation. A person adjudicated in subsequent violations of this Section shall receive a minimum fine of One Hundred Dollars (\$100.00). The minimum fine is not intended to be a limitation of any other penalty, probation, community service requirement, or other fine, which may be imposed by the applicable court.

(Ord. No. 03-44, Enacted, 11/06/03)

**9.24.020. Prohibited in pool halls.**

It is unlawful for any person under the age of eighteen (18) years to engage in playing in, or to frequent or loiter about any room or hall where billiards, or pool, or card games are played. It is unlawful for the owner, keeper, manager, licensee of, or employee in, any public billiard hall or pool hall in this City to permit or allow any person under the age of eighteen (18) years to visit or remain in any such billiard or pool hall.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.24.030. Sale of tobacco or narcotics.**

It is unlawful for any person to sell, give, or furnish any cigar, cigarette, or tobacco in any form to any person under nineteen (19) years of age, or to sell, give, or furnish any narcotic or hallucinogenic substance in any form to any person ~~under the age of twenty-one (21) years~~. The prohibitions of this Section shall not apply to the furnishing of narcotics by a physician upon prescription.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.24.040. Purchase or possession of tobacco or narcotics.**

It is unlawful for any person under the age of nineteen (19) years to buy, accept, or have in his or her possession any cigar, cigarette, or tobacco in any form, or for any person ~~under twenty-one (21) years of age~~ to buy, accept, or have in his or her possession any narcotic or hallucinogenic substance. The prohibitions of this Section shall not apply where narcotics have been furnished upon the prescription of a physician.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.24.050. ~~Persons under eighteen (18) playing pinball machines prohibited~~ Repealed.**

~~It is unlawful for any person under the age of eighteen (18) years to play, in a public place, any amusement device known as a pinball machine or any amusement device of a substantially similar nature between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, during the regular nine (9) month school session of the Davis County School District.~~

(Ord. No. 97-35, Recodified, 06/19/97)

**9.24.060. Owners, proprietors; Responsibility.**

It is unlawful for the owner, lessee, proprietor, or operator of premises to which the public is invited for a business purpose, or their employees or agents, to allow or permit any person under the age of eighteen (18) years ~~to play in such place any amusement device known as a pinball machine or any amusement device of a substantially similar nature between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, during the regular nine (9) month school session of the Davis County School District~~ upon the premises during school hours.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.24.070. Contributing to the delinquency of minors.**

- (1) It is unlawful for any person the age of eighteen (18) years of age or over:
- (a) To solicit, request, command, encourage, or intentionally aid or to act with a juvenile in the violation of any federal, state, or local law or municipal ordinance, or to tend to cause children to become or remain delinquent, or to aid, contribute to, or become responsible for the neglect, abuse, or delinquency of any child;
  - (b) Having a child in his or her legal custody, or under his or her care, or in his or her employment, to willfully abuse or ill-treat, neglect, or abandon such child in any manner likely to cause the child unnecessary suffering or ~~serious~~ injury to his or her health or morals;
  - (c) To ~~forcibly~~ take away a child from, or wrongfully encourage him or her to leave, the legal or physical custody of any person, agency, or institution in which the child lawfully resides or has been legally placed for the purpose of care, support, education, or adoption, or any person who knowingly detains or harbors a child whom he or she has reasonable grounds to believe has escaped or fled from the custody of any agency or institution in which the child lawfully resides or has run away from his or her parent, guardian, or custodian; or
  - (d) To provide a child with an alcoholic beverage or a controlled substance or to encourage or permit a child to consume an alcoholic beverage or controlled substance.
- (2) It shall not be necessary in order to obtain a conviction under this statute, to establish that the minor had become a delinquent or committed a delinquent act.
- (3) The terms "child" (or children), "juvenile," and "minor" shall be interchangeable as used in this Section and shall be defined as "a person less than eighteen (18) years of age."
- (4) Any person eighteen (18) years of age or older who commits any act described in this Section shall be guilty of a class "B" misdemeanor.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.28. PROSTITUTION**

**9.28.010. Prohibited.**

**9.28.010. Prohibited.**

It is unlawful for any ~~woman~~ person to pursue, or advertise in any manner, ~~her~~ the person's vocation as a prostitute or ~~be guilty of engage in~~ engage in prostitution.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.32. REPEALED**

**9.32.010. Repealed.**

**9.32.010. Repealed.**

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 13-02, Repealed, 01/17/13)

**Chapter 9.36. DISHONEST PRACTICES**

**9.36.010. Repealed.**

**9.36.020. Repealed.**

**9.36.030. Repealed.**

**9.36.040. Scavenging prohibited.**

**9.36.010. Repealed.**

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 09-05, Repealed, 03/19/09)

**9.36.020. Repealed.**

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 09-05, Repealed, 03/19/09)

**9.36.030. Repealed.**

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 09-05, Repealed, 03/19/09)

**9.36.040. Scavenging prohibited.**

(1) It shall be unlawful for any person to remove, sort through, or scavenge solid waste contained in a container or receptacle.

(2) This Section does not apply to:

(a) Law enforcement officers engaged in investigation of any crime under federal, state, or local law.

(b) Properly licensed providers under a contractual or legal obligation to collect solid waste.

(c) The owner or authorized user of a container or receptacle or a person receiving permission from the owner or authorized user to sort through or remove the contents of a container or receptacle.

(d) State licensed private investigators acting within the reasonable parameters of an investigation, which is within the scope of the investigator's authority.

(3) No person, other than a designated provider, may place solid waste into a solid waste vehicle.

(4) This ordinance shall not be deemed to create a private property right in any solid waste set out for collection by an owner, agent thereof, or authorized user of a solid waste receptacle.

(Ord. No. 05-47, Enacted, 11/03/05; Ord. No. 09-05, Amended, 03/19/09)

**Chapter 9.40. LOTTERIES**

**9.40.010. Defined.**

**9.40.020. Vending tickets or chances.**

**9.40.010. Defined.**

A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or a portion of it, or for any share or any interest in such property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, game, or gift enterprise, or by whatever name the same may be known.

It is unlawful for any person to contrive, prepare, set up, propose, or draw any lottery.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.40.020. Vending tickets or chances.**

It is unlawful for any person to sell or give or in any manner whatever furnish or transfer to or for any other person any ticket, chance, share, or interest, or any paper, certificate, or instrument purporting or understood to be or to represent a chance, share, or interest in any lottery where the receipt or failure of receipt of any reward depends on the event thereof.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.44. PROPERTY VIOLATIONS**

**9.44.010. Malicious mischief.**

**9.44.020. Criminal trespass.**

**9.44.030. Removing gates.**

**9.44.040. Trespass by vehicle.**

**9.44.050. Definitions; Graffiti prohibited; Penalties.**

**9.44.070. City Parks; Hours of closure.**

**9.44.010. Malicious mischief.**

It is unlawful for any person maliciously to injure or destroy any real or personal property not his own.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.44.020. Criminal trespass.**

(1) For purposes of this Section "enter" means intrusion of the entire body.

(2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Sections 76-6-202, 76-6-203, or 76-6-204 of the Utah Code (as amended).

(a) ~~He~~The person enters or remains unlawfully on property and:

(i) intends to cause annoyance or injury to any person thereon or damage to any property thereon;

(ii) intends to commit any crime, other than theft or a felony; or

(iii) is reckless as to whether ~~his~~the person's presence will cause fear for the safety of another.

(b) Knowing ~~his~~the person's entry or presence is unlawful, ~~he~~the person enters or remains on property as to which notice against entering is given by:

(i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;

(ii) fencing or other enclosure obviously designed to exclude intruders; or

(iii) posting of signs reasonably likely to come to the attention of intruders.

(3) It is a defense to prosecution under this Section:

(a) That the property was open to the public when the actor entered or remained; and

(b) The actor's conduct did not substantially interfere with the owner's use of the

property.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.44.030. Removing gates.**

It is unlawful for any person ~~mischievously~~ to remove any gate, sign, or any other property, whether public or private, from its location as fixed by a public official or by the owner thereof as the case may be.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.44.040. Trespass by vehicle.**

It is unlawful for any person to drive any car, truck, or other motor vehicle across private property as a shortcut between two (2) streets or roads or between two (2) points on the same street or road without first obtaining the permission of the owner of the property.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.44.050. Definitions; Graffiti prohibited; Penalties.**

(1) **Definitions.** For the purpose of this Chapter the following definitions apply:

(a) **"Property"** as used herein shall mean all property, public and private, with or without apparent ownership, real and personal property, and anything temporarily or permanently affixed thereto or thereon, including but not limited to structures, plant life, signs, banners, etc.

(b) **"Graffiti"** as used herein shall mean the painting, writing, drawing, application of stickers or logos of any material, or otherwise marking of any property without the express written consent of the true owner, or that is not otherwise allowed by ordinance, which defaces, detracts, or diminishes the value or reasonable appearance of the property. For purposes of Section 10-11-1 et seq., of the Utah Code (as amended), graffiti is deleterious and/or unsightly.

(c) **"Gang"** as used herein shall mean a group or association which condones, encourages, facilitates, or promotes among its membership:

(i) Unlawful activities;

(ii) The establishment of alleged territorial areas beyond their own actual property ownership, wherein they intend to exclude those that otherwise may lawfully enter in or proceed through; or

(iii) Divisiveness among other such groups, neighborhoods, races, colors, or nationalities.

(d) **"Gang Graffiti"** as used herein shall mean, in addition to the definition for graffiti given herein, graffiti that identifies, indicates, infers, or communicates in any way that it was done by a gang or member thereof, is about a gang or member thereof, or is to a gang or member thereof. The criteria to be used in making such a determination may include, but is not limited to, content (whether words, names, letters, initials, signs, pictures, or symbols), style of writing, colors used, location of the graffiti and that location's history regarding graffiti, how it was placed in reference to existing graffiti or gang graffiti (such as overstriking other graffiti or in response to other graffiti or gang graffiti), absence of or overstriking of certain letters, or the absence of particular colors.

(2) **Graffiti prohibited.** It is unlawful for any person to place, or assist, encourage, aid, or participate, in the placement of, or cause to be placed, or be in attendance with others and acquiescing in the placement of graffiti upon any property.

(3) **Penalties; Enhancement.**

(a) Any violation of any provision of this ordinance which causes, or is intended to cause a pecuniary loss of Five Hundred Dollars (\$500.00) or less shall be a class B misdemeanor and is punishable as such. Any person found guilty of violating this ordinance shall be punished as follows:

(i) Upon a first conviction a minimum fine of Three Hundred Dollars (\$300.00) shall be imposed.

(ii) Upon a second conviction a minimum fine of Five Hundred Dollars (\$500.00) shall be imposed.

(iii) Upon a third conviction a minimum fine of Seven Hundred Dollars (\$700.00) shall be imposed.

(iv) Upon a fourth and subsequent conviction a minimum fine of Nine Hundred Dollars (\$900.00) shall be imposed.

Upon any of the foregoing convictions restitution shall be ordered in an amount sufficient to enable the victim or victims to restore the property to the condition as it existed prior to the violation. Any incarceration, probation, or other conditions of sentencing are left to the discretion of the sentencing court. It is recommended that for second and subsequent convictions the court weigh seriously the imposition of a jail sentence. It is also recommended that if the court, in its discretion, imposes any community service in lieu of a fine as penalty and/or a jail sentence, that said community service be assigned in the area of graffiti removal.

(b) **Gang enhancement provision.** The fines and penalties set forth in paragraph (3) of this Section shall be enhanced by an amount equal to twenty percent (20%) of the fine to otherwise be imposed under any one of the following criteria:

(i) If the actor is shown, by clear and convincing evidence at a sentencing hearing, to be a member of a gang, to hold oneself out to be a member of a gang, or to purposely appear to be a member of the gang, regardless of whether the graffiti was gang graffiti; or

(ii) If the graffiti, which formed the basis of the actors conviction was shown, by clear and convincing evidence at a sentencing hearing, to be gang graffiti, regardless of whether the actor was associated with a gang.

(4) **Graffiti removal; Private property.**

(a) Owners of property, structures, buildings, or natural features upon which graffiti has been placed shall remove the graffiti within five (5) calendar days after it was placed. If the owner of said structure fails to remove such graffiti within the required five (5) calendar days, owner shall be given written notice sent by certified mail that if not removed within five (5) days after notice, said graffiti may be removed by the City at the expense of the owner. The City shall do so at the expense of a property owner for the actual and reasonable costs of cleaning the graffiti, including labor.

(b) The owner may appeal the order requiring graffiti clean-up by filing an appeal with the City Manager or designee within five (5) days of the date of the order. The City Manager or

designee may sustain, modify, or reverse the order based on evidence regarding the following criteria: history of graffiti being placed on the same location and the owner's timely removal thereof; the extent and frequency of graffiti incidents; owner's ability to bear the costs of removal; general upkeep of the property; and other related, articulated criteria.

After the time for appeal has expired and the property is cleaned by the City, if the owner fails to make payment to the City Treasurer within twenty (20) days of the date of billing, the City may either cause suit to be brought in an appropriate court of law, or certify the amount to the County Treasurer for inclusion in the tax notice of the property owner.

In the event collection of expenses of removal are pursued through the court, the City shall sue for and receive judgment for all expenses of removal, together with reasonable attorney's fees, interest, and court costs, and shall execute upon such judgment in the manner provided by law.

In the event that the City elects to certify the expenses of removal to the County Treasurer for inclusion in the tax notice of the property owner, an itemized statement of all expenses incurred in such removal shall be delivered to the County Treasurer within ten (10) days of the completion of the graffiti removal.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.44.070. City parks; Hours of closure.**

(1) All City parks, including driveways, parking lots, and sidewalks within park boundaries are closed from midnight to 4:30 a.m.

(2) **Exceptions.** This Section does not apply to the following:

(a) An individual or group that is involved in a City sponsored activity where a City employee or an agent of the City is present.

(b) While traveling directly to or from a public safety facility with a legitimate and lawful purpose.

(c) In any areas that may be designated for overnight camping, provided those camping possess a permit therefor.

(d) By written permit provided that the possessor of the permit strictly complies with the requirements therein.

(3) **Permit Process.** The City Manager, or his-designated representative, may issue permits for late night or overnight stays in City parks based upon the following criteria:

(a) That the park contains the necessary facilities to provide for such activities without any detrimental effect on the park property.

(b) That the purpose of the stay is consistent with the use and purpose of the park.

(c) The proximity of the park property to residential uses and the reasonableness of the impact upon those residential uses.

(d) If the specific park has been the location of criminal activity.

(e) The size and makeup of the group in order to assess impact and ensure adult supervision. The minimum ratio of adult to minor shall be one (1) adult, twenty-one (21) years of age or more, for every four (4) persons under the age of eighteen (18) years.

(f) A review of the applicant's summary of the activities planned or anticipated for the outing.

(g) Other criteria that is reasonable and consistent with maintaining the consistent purpose and use of each parcel of public property.

(4) **Penalties.** Any violation of the closure hours or the provisions of any permit issued shall constitute a criminal trespass and shall be punishable as such.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.48. OFFENSES AGAINST FIRE DEPARTMENT**

**9.48.010. Interference with fire apparatus.**

**9.48.020. Interference with fire officers.**

**9.48.030. False alarms.**

**9.48.010. Interference with fire apparatus.**

It is unlawful to use or in any way interfere with any of the fire apparatus of the City without the consent of the Fire Chief.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.48.020. Interference with fire officers.**

It is unlawful to willfully hinder any officer or ~~foreman~~firefighter in the discharge of ~~his~~their duty at a fire, or in any manner injure, deface, or destroy any engine, hose, or other apparatus belonging to the City or to interfere with any fire company or person, or who shall ~~willfully~~ break or injure any water pipe, or in any way interfere with the water or its source of supply.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.48.030. False alarms.**

It is unlawful, without cause, to give an alarm of fire by outcry, ~~or ringing of bells~~pulling or otherwise initiating an alarm, or by any other means.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.52. OFFENSES AGAINST POLICE OR PUBLIC OFFICERS**

**9.52.010. Refusing to assist officers.**

**9.52.020. Impersonating an officer.**

**9.52.030. Resisting an officer.**

**9.52.040. ~~Assisting or permitting escape~~Repealed.**

**9.52.050. Taking or destroying goods from officer's custody.**

**9.52.010. Refusing to assist officers.**

It is unlawful for any person to refuse, when called upon by any police officer of Layton, to aid in arresting or securing an offender.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.52.020. Impersonating an officer.**

It is unlawful for any person to represent himself ~~falsely~~ to be an officer of the law, or to attempt to impersonate such officer without authority, or to perform any official act for or in behalf of any such officer without authority.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.52.030. Resisting an officer.**

It is unlawful for any person to willfully resist, delay, or obstruct any public officer in the discharge or attempted discharge of the duties of ~~his~~that office, or to willfully fail to obey a lawful order of any such officer.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.52.040. ~~Assisting or permitting escape~~Repealed.**

~~It is unlawful for any person within the limits of Layton to aid or assist any other person to escape, or to attempt to escape, from lawful custody or confinement.~~

(Ord. No. 97-35, Recodified, 06/19/97)

**9.52.050. Taking or destroying goods from officer's custody.**

It is unlawful for any person to willfully injure, destroy, take or attempt to take or assist any person in taking or attempting to take from the custody of any officer any ~~personal~~ property which such officer has in charge under any process of law.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.56. ASSAULT AND BATTERY**

**9.56.010. Defined.**

**9.56.010. Defined.**

Assault is an attempt, with unlawful force or violence to do bodily injury to another; a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or an act, committed with unlawful force or violence, that causes injury to another or creates a substantial risk of bodily injury to another.

(Ord. No. 936, Amended, 09/05/91; Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.60. WEAPONS**

**9.60.010. Repealed.**

**9.60.020. Discharging firearms.**

**9.60.025. Hunting.**

**9.60.030. Repealed.**

**9.60.040. Throwing missiles.**

**9.60.010. Repealed.**

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 09-03, Repealed, 02/05/09)

**9.60.020. Discharging firearms.**

(1) It is unlawful for any person to discharge any gun, rifle, or pistol within the City limits, except:

(a) in self defense when legally allowed to do so;  
(b) by any peace officer in the discharge of his duty;  
(c) in the case of target shooting, if in a proper place and breastwork or battery for the protection of the citizens has been erected, and written approval of such structure has been given by the Police Chief;

(d) in the case of shooting wild animals that have been secured or captured in a cage or other device, when the animal is discovered on property that is designated for agricultural use, at a location that is more than six hundred feet (600') from any building, where the shooting is not in a direction and distance that would endanger persons, property, or motorists and provided that the person discharging the firearm has received written approval to do so by the City's Police Department. For the purpose of this Subsection, "wild animals" shall have the same meaning as provided in Section 8.01.010 of the Layton Municipal Code. Authorization under this Subsection shall not exceed the limits of the written permission granted by the City's Police Department, nor does this authorization relieve any person for any damage or injury resulting from said shooting; and

(e) in the case of the lawful slaughter of livestock in an area designated for agricultural use, for personal consumption, at a location that is more than six hundred feet (600') from any building, where the shooting is not in a direction and distance that would endanger persons, property, or motorists and provided that the person discharging the firearm has received written approval to do so by the City's Police Department.

(2) Shotguns may be discharged if the discharge is not within six hundred feet (600') of a building and is not in such a direction and distance that it would endanger motorists, and as long as the shotguns are discharged only during a special hunt where written permission has been given by the appropriate state agency authorizing out-of-season hunting with shotguns.

(Ord. No. 863, Enacted, 03/07/91; Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 99-13, Amended, 02/18/99; Ord. No. 07-35, Amended, 10/18/07; Ord. No. 10-01, Amended, 06/03/10)

**9.60.025. Hunting.**

(1) It is unlawful for any person to engage in the act of hunting or to carry an uncased firearm in the open under conditions which may reasonably be construed as hunting in the area within the corporate limits of Layton City.

(2) As used in this Section, "hunting" is the search for or pursuit of any wild game animal, bird, or mammal, with the purpose of capturing or killing or attempting to capture or kill the animal, regardless of whether such kill or capture is actually effected. "Hunting" shall not be construed to mean the pursuit of such game animals through the use of snares or animal traps or when the game is to be taken by falconry.

(3) Nothing under this Chapter shall be construed so as to prevent the Department of Wildlife Resources (DWR) from controlling, maintaining, or otherwise managing wildlife within Layton City.

(a) Persons having received written authorization from DWR to participate in a special management hunt within Layton City, shall:

(i) not use any firearm while hunting;

(ii) not discharge any arrow, missile, or other projectile within six hundred feet (600') from any building, across any roadway, or in a direction which may endanger persons or property. Any such discharge shall only be from an elevated structure, such as a hunter's tree stand, to ensure a downward trajectory of the projectile;

(iii) be responsible for any injury or damage caused while participating in the hunt;

(iv) notify the Police Department of the specific dates and times that the hunt will occur; and

(v) comply with all DWR regulations, rules, and instructions, and comply with all other statutes and ordinances.

(b) Subsection (a) shall not apply to DWR officers or other peace officers acting within the course and scope of their enforcement responsibilities.

(Ord. No. 10-01, Enacted, 06/03/10)

**9.60.030. Repealed.**

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 10-01, Repealed, 06/03/10)

**9.60.040. Throwing missiles.**

It is unlawful for any person willfully or carelessly to throw or propel any stone, stick, or other missile or to shoot any weapon whereby any person may be hit or hurt or whereby any window may be broken or other property may be injured or destroyed.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 10-01, Amended, 06/03/10)

**Chapter 9.64. FIREWORKS**

**9.64.010. Provisions of the Utah Code, addressing fireworks, adopted by reference.**

**9.64.020. Definition of terms.**

**9.64.030. Restrictions on the sale or use of fireworks.**

**9.64.040. Times for sale and discharge of fireworks.**

**9.64.050. Repealed.**

**9.64.060. Exemptions.**

**9.64.070. Penalties.**

**9.64.080. Utah Fire Prevention Board rules.**

**9.64.090. Permit required; Sales.**

**9.64.100. Sales locations.**

**9.64.105. Permit required; Public display or special effects fireworks.**

**9.64.110. Prohibited acts.**

**9.64.120. Conflicting provisions.**

**9.64.130. Repealed.**

- 9.64.140. Authority to enforce.**  
**9.64.150. Prohibition of discharging fireworks.**

**9.64.010. Provisions of the Utah Code, addressing fireworks, adopted by reference.**

This Chapter 9.64 of the Layton Municipal Code includes, but is not limited to, sections of the Fire Prevention and Fireworks Act found in Part 2 of Chapter 7 of Title 53, and sections of the County and Municipal Fireworks Act found in Chapter 3 of Title 11 of the Utah Code (as amended), which sections are, by this reference, adopted as Layton City Ordinances. Each section of the Fire Prevention and Fireworks Act adopted by reference shall have a new section number as determined by this present Chapter. The following Sections, 9.64.020 through 9.64.080, are adopting those provisions by reference. (Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

- 9.64.020. Definition of terms.**  
(Adopting § 53-7-202 U.C.A.)  
(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

- 9.64.030. Restrictions on the sale or use of fireworks.**  
(Adopting § 53-7-222 U.C.A.)  
(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

- 9.64.040. Times for sale and discharge of fireworks.**  
(Adopting § 53-7-225 U.C.A.)  
(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

- 9.64.050. Repealed.**  
(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Repealed, 09/04/03)

- 9.64.060. Exemptions.**  
(Adopting §§ 11-3-10 and 53-7-221 U.C.A.)  
(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

- 9.64.070. Penalties.**  
(Adopting §§ 11-3-11 and 53-7-226 U.C.A.)  
(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

- 9.64.080. Utah Fire Prevention Board rules.**  
Rules, specifications, standards, or requirements promulgated by the Utah Fire Prevention Board as permitted or required by the various sections of the Fire Prevention and Fireworks Act (§ 53-7-201 et seq., of the Utah Code (as amended)) are included and adopted as part of this Chapter. (Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

- 9.64.090. Permit required; Sales.**  
No person shall offer for sale or sell, at retail, any fireworks without a permit issued by the Fire Department. A separate permit shall be required for each separate sales location, and for each of the following time periods: ~~June 20 through July 25, inclusive; December 20 through January 2, inclusive; and fifteen (15) days prior to and through the Chinese New Year inclusive~~ fireworks sales periods as listed in Section 53-7-225 of the Utah Code (as amended). The fee for each permit shall be non-refundable and as set forth in the City's Consolidated Fee Schedule. Each permit shall remain in effect for the specified time period (June 23<sup>rd</sup> through July 27<sup>th</sup> inclusive; December 29<sup>th</sup> through January 1<sup>st</sup> inclusive; and (2) days prior to and through the Chinese New Year inclusive) unless the permittee violates a provision of this Chapter, in which event the permit may be revoked. All monies generated and received by the City as a result of such permits shall, as permissible by law, be earmarked or designated for fire prevention and/or fire prevention education services. Applications for a permit to sell fireworks shall be in writing on the "Application for Sales of Fireworks" form and shall:

- (1) Include the name and address of the person, firm, or corporation applying for the permit;

- (2) Describe the specific location where fireworks will be sold;
- (3) Include evidence of commercial general liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) aggregate; and
- (4) Include any other information reasonably required by the Fire Department.

All of the above required information, including fees, shall be submitted no less than fourteen (14) days prior to the specified time period. However, if the permit application is for a location for which a conditional use permit has not been issued or is no longer valid, both permit applications shall be submitted no less than five (5) weeks prior to the desired time period for the sale of fireworks. The applicable and required fees shall accompany the permit application and be submitted at the time of application.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

**9.64.100. Sales locations.**

Retail sales of fireworks shall be permitted within a permanent structure in connection with an applicable and properly issued business license, which is in effect pursuant to provisions of Title 5 of this Code, or, from a temporary stand, trailer, or tent. Retail sales of fireworks shall be allowed only at locations within the following zoning districts: (C-1) Neighborhood Shopping Center Zone, (C-2) Regional Shopping and Financial Center Zone, (C-3) Retail and Service Business Zone, and (C-H) Commercial Highway Zone. Sales both in permanent structures and in temporary stands, trailers, or tents shall be subject to the following requirements:

- (1) No sales of fireworks shall be permitted from stands, trailers, or tents located within one hundred feet (100') of any ~~other building, or other stand, trailer, or tent,~~ nor within one hundred feet (100') of any gasoline pump or dispensing device, or LPG, flammable liquid or gas storage, or other combustibles. No sales of fireworks shall be permitted from permanent structures located within fifty feet (50') of any gasoline pump or dispensing device, or other combustibles.
- (2) Fireworks stands, trailers, or tents need not comply with the provisions of the International Building Code, however, all stands, trailers, or tents shall comply with the provisions of the International Fire Code and shall be erected in a manner that will reasonably assure the safety of attendants and patrons.
- (3) Each stand, or trailer,~~or tent~~ shall not have in excess of four hundred fifty (450) square feet of floor space, and each stand, or trailer,~~or tent~~ shall have not less than two (2) exits, each of which must be at least thirty-six inches (36") in width.
- (4) A sign prohibiting the discharge of any fireworks within one hundred fifty feet (1050') of the fireworks stand, trailer, or tent shall be prominently displayed.
- (5) All employees on duty at all times shall be at least ~~eighteen~~sixteen (186) years of age or older.
- (6) Displays of fireworks in permanent structures shall be within constant visual observation of employees.
- (7) Fireworks stands, trailers, or tents shall be removed within seven (7) days after retail sales cease.
- (8) Prior to the issuance of a permit, each applicant shall file with the City a cash deposit in an amount set forth in the City's Consolidated Fee Schedule for each retail sales location to assure compliance with the provisions of this Section, including but not limited to the removal of the stand, trailer, or tent and the cleaning of the site. In the event the permittee does not comply with the provisions of this Chapter or remove the stand, trailer, or tent, or clean the site thereof, the City may remove the stand, trailer, or tent and clean the site or cause the same to be done by other persons and the reasonable cost thereof shall be a charge against the permittee and shall be subtracted from the bond described above.
- (9) No person shall be permitted to sleep in the fireworks stand, trailer, or tent.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

**9.64.105. Permit required; Public display or special effects fireworks.**

No person shall discharge any display or special effects fireworks without first obtaining a permit issued by the Fire Department. A separate permit will be required for each public display or special effects event. The fee for a single permit is as set forth in the City's Consolidated Fee Schedule. Application for this permit shall be in writing on the application form "Public Display or Special Effects Fireworks" and shall:

- (1) Include the name, address, and telephone number of the person, firm, entity, or corporation applying for the permit;
- (2) Describe the specific location of the discharge, display, fallout, and spectator locations;
- (3) Include evidence of commercial general liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) aggregate;
- (4) Describe a plan for monitoring weather conditions, crowd control, and contingency plans for adverse or changing conditions; and
- (5) Include any additional information reasonably required by the City.

The above information shall be submitted to the Fire Department at least fourteen (14) days prior to the planned discharge of display or special effects fireworks. Governmental subdivisions and governmental entities are exempt from the permit fee requirements of this Section, however, the application must be timely submitted and the proper permit obtained prior to the planned discharge of display or special effects fireworks.

(Ord. No. 03-37, Enacted, 09/04/03)

**9.64.110. Prohibited acts.**

- (1) It shall be unlawful to discharge fireworks:
  - (a) Within one hundred fifty feet (1050') of any place where fireworks are sold or offered for sale;
  - (b) Within three hundred feet (300') of any church, hospital, rest home, retirement center, school building, or similar institution;
  - (c) In such a manner that the fireworks project over or onto the property of another person without the consent of the person owning or controlling such property; or
  - (d) In any public park except when a specific park is designated on a season by season basis by the Fire Chief and the Parks and Recreation Director as a location authorized for the discharge of fireworks.
- (2) It shall be unlawful to ignite, discharge, or throw any fireworks from or into any motor vehicle or at or near any person.
- (3) It shall be unlawful to make, sell, or offer to sell or to discharge any type of homemade fireworks.
- (4) It shall be unlawful to sell or to offer to sell fireworks:
  - (a) Without a permit;
  - (b) In violation of any requirement of this Chapter or any regulations adopted by the Utah State Fire Prevention Board;
  - (c) At a location not specified in the permit application;
  - (d) Without the insurance coverage required in the permit application; or
  - (e) In violation of Section 9.64.100.
- (5) Except as provided in Section 9.64.060, it shall be unlawful for any person, firm, or corporation to at any time own, possess, control, sell or offer to sell any fireworks other than as set forth in Section 53-7-222 of the Utah Code (as amended).

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

**9.64.120. Conflicting provisions.**

In the event there should at any time be a conflict between the provisions of this Chapter, and provisions of the Utah Code or rules and regulations adopted pursuant thereto, the more strict shall control.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Amended, 09/04/03)

**9.64.130. Repealed.**

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 03-37, Repealed, 09/04/03)

**9.64.140. Authority to enforce.**

The Fire Chief, the Chief's designee(s), peace officers, and special function officers employed by Layton City within those capacities, are hereby authorized to enforce this Chapter, and the applicable provisions of the Fire Prevention and Fireworks Act and the County and Municipal Fireworks Act within the Utah Code (as amended).

(Ord. No. 03-37, Enacted, 09/04/03)

**9.64.150. Prohibition of discharging fireworks.**

(1) No person shall ignite, discharge, or otherwise use any firework in the area east of U.S. Highway 89 that is within the boundaries of Layton City, as this area is mountainous, brush-covered, forest-covered, and a wildland urban interface.

(2) The Fire Chief, during times of adverse fire and hazardous environmental conditions, may review information regarding meteorological conditions, moisture content of plants and soil, and other information related thereto, and, is hereby authorized to exercise discretion based thereon, in the protection of the health, safety, and welfare of the public, to prohibit the ignition or use of all fireworks in the protection of the health, safety, and welfare of the public. Such a prohibition is to shall be for a defined period of time and may be limited to identified areas of the City, or may be applicable throughout the City in mountainous, brush-covered, forest-covered, or wildland urban interface areas.

(Ord. No. 03-37, Enacted, 09/04/03; Ord. No. 04-46, Amended, 06/17/04)

**Chapter 9.68. SALE OF IMPOUNDED OR ABANDONED PROPERTY REPEALED**

~~**9.68.010. Notice to owner.**~~

~~**9.68.020. Procedure.**~~

~~**9.68.030. Disposition of proceeds.**~~

~~**9.68.010. Notice to owner.**~~

~~Whenever personal property, including a motor vehicle, is lawfully impounded or is abandoned, or otherwise comes into the lawful custody of the City or its agents, the City shall notify the owner and lien holder of record, if any, by written notice sent by mail that it is being held by the City and that it will be sold at public auction as provided by City ordinances if not claimed within twenty (20) days of the date of mailing.~~

~~(Ord. No. 97-35, Recodified, 06/19/97)~~

~~**9.68.020. Procedure.**~~

~~If, at the expiration of twenty (20) days after mailing the notice provided for in Section 9.68.010, such personal property is not claimed by the owner or his authorized representative, the Chief of Police or his lawful agent shall proceed to sell the property at public auction to the highest bidder, after giving at least ten (10) days notice of the sale by publishing the notice at least once in a newspaper having general circulation in Layton and by posting the notice on three (3) conspicuous places within the City, stating the time and place of such sale. Such notice shall describe the property to be sold with reasonable certainty and shall show any facts of ownership which may be in possession of the Chief of Police, and if the name of the owner is unknown that fact shall be stated. If the owner and his whereabouts be known, the Chief of Police shall send the owner a copy of the notice as published.~~

~~(Ord. No. 97-35, Recodified, 06/19/97)~~

~~**9.68.030. Disposition of proceeds.**~~

~~The money received by the City from the sale of such property shall be applied first to the actual cost of preserving or storing the property, and then to the cost of advertising the sale thereof. The balance, if any, shall be paid into the general fund of the City. At any time within one (1) year from and~~

after such sale, the former owner of property sold hereunder, upon application to the City Council and upon presentation of satisfactory proof that he was the owner of the property, shall be paid the proceeds of the sale thereof less the expenses above set forth and a reasonable fee for the handling thereof by the Police Department.

(Ord. No. 97-35, Recodified, 06/19/97)

## **Chapter 9.72. FRAUDULENT CHECKS REPEALED**

**9.72.010. Credit defined.**

**9.72.020. Prohibited.**

**9.72.030. Prima facie evidence of intent to defraud.**

**9.72.040. Notice of protest.**

**9.72.010. Credit defined.**

"Credit" as used in this Chapter means an arrangement or understanding with the bank, banking association, or other depository for the payment of the check, draft, or order.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.72.020. Prohibited.**

It is unlawful for any person, for himself or as an agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, to make, draw, utter, or deliver, or cause to be made, drawn, uttered, or delivered any check, draft, or order upon any bank, banking association, or other depository wherein such maker, drawer, or corporation shall not have sufficient funds or credit for full payment of same for the purpose of obtaining from any person, firm, partnership, or corporation any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent, where such check, draft, or order or a series of the same made or drawn in this City within a period not exceeding six (6) months amounts to a sum not more than Two Hundred Dollars (\$200.00).

(Ord. No. 97-35, Recodified, 06/19/97)

**9.72.030. Prima facie evidence of intent to defraud.**

The making, drawing, uttering, or delivering of such check, draft, or order as aforesaid shall be prima facie evidence of intent to defraud.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.72.040. Notice of protest.**

Where such check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment, and protest and shall be presumptive evidence of insufficiency of funds or credit with such bank, banking association, or other depository.

(Ord. No. 97-35, Recodified, 06/19/97)

## **Chapter 9.76. OBSCENITY**

**9.76.010. Definitions.**

**9.76.020. Prohibited conduct.**

**9.76.030. Notice of obscene material or action Repealed.**

**9.76.040. Types of proceedings.**

**9.76.050. Seizure of obscene materials.**

**9.76.060. Penalties.**

**9.76.010. Definitions.**

(1) "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance.

(2) **"Disseminate"** means to transfer possession of, with or without consideration.

(3) **"Knowingly"** means having general knowledge of, or reason to know, or belief or ground for belief, which warrants further inspection or inquiry of the character and content of any material described herein, which is reasonably susceptible to examination by the defendant; or, if applicable, the age of a minor, provided, however, that an honest mistake shall continue to excuse a defendant from liability hereunder if the defendant made a reasonable, bona fide attempt to ascertain the true age of such minors.

(4) **"Material"** means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction or any other articles, equipment, or machines.

(5) **"Nudity"** means a state of undress so as to expose the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breasts with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered or uncovered male genitals in a discernible turgid state.

(6) **"Obscene"** means that to the average person applying contemporary community standards:

(a) The predominant appeal of the matter taken as a whole, is to prurient interest; i.e. a shameful or morbid interest in sexual conduct, nudity, or excretion;

(b) The matter depicts or describes in a patently offensive manner sexual conduct, nudity, or excretion; and

(c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(7) **"Performance"** means any preview, play, show, skit, film, dance, or other exhibition performed before an audience.

(8) **"Person"** means any individual, partnership, firm, association, corporation, or other legal entity.

(9) **"Pornographic"** means any material or performance, which meets the definition of obscene.

(10) **"Promote"** means to cause, permit, procure, counsel, or assist.

(11) **"Service to patrons"** means the provision of services to paying guests in establishments providing food and beverages, including but not limited to hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing, and entertaining.

(Ord. No. 97-35, Recodified, 06/19/97)

#### **9.76.020. Prohibited conduct.**

It shall be unlawful for any person to:

(1) Knowingly disseminate, distribute, or make available to the public any obscene material;

(2) Knowingly engage or participate in any obscene performance made available to the public;

(3) Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements, and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal;

(4) Provide service to patrons in such a manner as to expose to public view:

(a) His or her genitals, pubic hair, buttocks, anal region, or pubic hair region;

(b) Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, anal region, or pubic hair region; or

(c) Any portion of the female breast at or below the nipple thereof; or

(5) Knowingly promote the commission of any of the above listed unlawful acts.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.76.030. Notice of obscene material or action Repealed.**

(1) ~~Actual notice of the obscene nature of such material, performance, or activity may be given to a person involved in or responsible for such from the City Attorney on the basis of information lawfully gathered and supplied to him by the police or citizens.~~

~~(2) Such notice shall be in writing and delivered by mail or in person to the alleged offender.~~

~~(3) Such notice shall state that:~~

~~(a) In the opinion of the City Attorney the activity engaged in falls within the prohibitions of Section 9.76.020; and~~

~~(b) That if such activity has not ceased within twenty four (24) hours the City will take appropriate legal action.~~

~~(4) A person who promotes any obscene activity as prohibited in Section 9.76.020 in the course of his business is presumed to do so with knowledge of the activity's content and character.~~

~~(Ord. No. 97-35, Recodified, 06/19/97)~~

**9.76.040. Types of proceedings.**

**(1) Criminal Prosecution.**

(a) The City Attorney may cause criminal charges to be brought against any person presently engaging in or who has engaged in any prohibited activity in violation of Section 9.76.020.

~~(b) If the City Attorney has given notice pursuant to Section 9.76.030, then such criminal charges may be brought only after twenty four (24) hours after receipt of said notice.~~

(2) Proceeding authorized by this Section shall be in addition to any other provided by law.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.76.050. Seizure of obscene materials.**

(1) Any person who is authorized to arrest any person for a violation of this Chapter is also authorized to seize any of the prohibited articles found in possession or under the control of the person arrested and to deliver them to the magistrate before whom the person arrested is required to be taken.

~~(2) The magistrate to whom any of the prohibited articles are delivered pursuant to Subsection (1) must, upon the examination of the accused, or if the examination is delayed or prevented, without awaiting the examination, determine the character of the article, and if he finds it to be pornographic, he must deliver one (1) copy to the Prosecuting Attorney of the City in which the accused is liable to complaint or trial and must at once impound all the other copies until the defendant is acquitted, the prosecution abandoned, or the time for an appeal has elapsed, or in case of an appeal, until the matter is finally adjudicated by the appropriate appellate court, and then he shall cause them, to be destroyed or returned to the accused, as the case may be.~~

(3) Upon the final conviction of the accused, the Prosecuting Attorney must cause any writing, paper, book, picture, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument, or other thingform of media, which containsis pornographic material, in respect whereof the accused stands convicted and which remains in the possession or under control of the Prosecuting Attorney, to be destroyed.

(Ord. No. 97-35, Recodified, 06/19/97)

**9.76.060. Penalties.**

(1) ~~Whoever~~A ~~violatesion of~~ violates this Chapter is guilty of a class B misdemeanor and shall, upon conviction thereof, be fined not more than Two Hundred Ninety Nine Dollars (\$299.00) and imprisoned for a period not to exceed six (6) months, or both this punishable as such.

(2) In addition to any other penalty imposed for a violation of this Chapter, the City Council may, in its discretion, revoke the business license of the offender and upon conviction of the offender for a second violation, the City Council shall revoke the business license of such person.

(3) **Administrative procedure.** No business license shall be revoked pursuant to the provisions of Section 9.76.060 until a hearing is first held before the City Council. Reasonable notice of the time and place of such hearing together with notice of the nature of the charges or complaint against the licensee or its premises, sufficient to reasonably inform the licensee and enable it to answer such

~~charges or complaint shall be served upon the licensee. The licensee shall have the right to appear at the hearing in person or by counsel, present evidence, present argument in licensee's behalf, cross examine witnesses, and in all proper ways defend licensee's position. The City Council shall in writing make and enter findings of fact and an order or decision~~the processes in Title 5 of this Code have been completed.

(4) No restraining order, injunction, or other civil judgment nor the suspension or revocation of a business license shall be a bar to the criminal prosecution of any person for each and every violation of Section 9.76.020.

(Ord. No. 97-35, Recodified, 06/19/97)

## **Chapter 9.80. CONTROLLED SUBSTANCES**

### **9.80.010. Definitions.**

### **9.80.020. Schedules of controlled substances.**

### **9.80.025. Intoxicating, impairing, and hallucinogenic chemical compounds.**

### **9.80.030. Prohibited acts and penalties.**

### **9.80.040. Construction.**

### **9.80.010. Definitions.**

The provisions of Section 58-37-2 of the Utah Code (as amended), of the Utah Controlled Substances Act are adopted in their entirety as though set forth herein as constituting "definitions" within the meaning of this Chapter and any subsequent addition, deletion, change, or alteration to such definitions as may hereafter be made by the Utah State Legislature shall be deemed adopted by this Chapter without further action.

(Ord. No. 97-35, Recodified, 06/19/97)

### **9.80.020. Schedules of controlled substances.**

The provisions of Section 58-37-4 of the Utah Code (as amended), of the Utah Controlled Substances Act are adopted in their entirety as though set forth herein as constituting "controlled substances" within the meaning of this Chapter and any subsequent addition, deletion, change, or alteration to such schedule of controlled substances as may hereafter be made by the Attorney General of the State of Utah or the Utah State Legislature shall be deemed adopted by this Chapter without further action.

(Ord. No. 97-35, Recodified, 06/19/97)

### **9.80.025. Intoxicating, impairing, and hallucinogenic chemical compounds.**

(1) It is unlawful for any person, corporation, or other entity, to manufacture, distribute, dispense, ingest, use, possess, purchase, sell, advertise for sale, publicly display for sale, give, trade, or barter, any one or more of the following chemical compounds and/or substances, including their salts, isomers, homologues, and salts of their isomers and homologues (known by the current street names of Spice, Spice Gold, Spice Diamond, Spice Silver, Spice Arctic Energy, Black Mamba, K-Z, Puff, Sugar Sticks, and other similar names):

(a) Salvia Divinorum or Salvinorum A: all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;

(b) pentyl-3-(1-naphthoyl)indole (also known as JWH-018).

(c) (6ar, 10ar)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol (also known as HU-210 or 1, 1-dimethylheptyl-11-hydroxy-delta<sup>8</sup>-tetrahydrocannabinol);

(d) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl) phenol (also known as CP-47, 497), and the dimethylhexyl, dimethyloctyl and dimethylnonyl homologues of CP-47, 497;

(e) 1-Butyl-3-(1-naphthoyl)indole (also known as JWH-073);

(f) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole (also known as JWH-200);

- (g) (1-Pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);
- (h) 1-Hexyl-3-(1-naphthoyl)indole (also known as JWH-019 or JWH-015);
- (i) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);
- (j) N-benzylpiperazine (also known as BZP);
- (k) 1-(3-trifluoromethylphenyl) piperazine (also known as TFMPP);
- (l) Any similar structural analogs of the above chemical compounds; or
- (m) Any other synthetic cannabinoids that activate the cannabinoid, CB1, receptor

agonist.

(2) It is unlawful for any person, corporation, or other entity, to possess paraphernalia associated with chemical compounds listed in this Section. For purposes of this Section "paraphernalia" shall mean any equipment, product, or material used, or intended to be used, to manufacture, compound, convert, produce, process, prepare, test, analyze, package, repack, store, contain, conceal, inject, ingest, inhale, transdermal absorption, or to otherwise introduce a chemical compound listed in this Section into the human body.

(3) The aforementioned intoxicating chemical compounds and associated paraphernalia are contraband and are to be confiscated by law enforcement officials.

(4) This Section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Utah law.

(5) A violation of this Section is a class B misdemeanor and is punishable as such.

(Ord. No. 10-21, Enacted, 10/07/10)

**9.80.030. Prohibited acts and penalties.**

(1) It is unlawful:

(a) For any owner, tenant, licensee, or person in control of any building, room, tenement, vehicle, boat, aircraft, or other place, knowingly and intentionally to permit the same to be occupied by persons unlawfully possessing, using, or distributing controlled substances therein; and

(b) For any person knowingly and intentionally to be present where controlled substances are being used or possessed in violation of this ordinance and the use or possession is open, obvious, apparent, and not concealed from those present.

(2) A violation of this Section is a class B misdemeanor and is punishable as such.

(Ord. No. 97-35, Recodified, 06/19/97; Ord. No. 10-21, Amended, 10/07/10)

**9.80.040. Construction.**

Without limiting any expansive provisions herein, this Chapter shall be construed and interpreted in accordance with the provisions of the Utah Controlled Substances Act.

(Ord. No. 97-35, Recodified, 06/19/97)

**Chapter 9.81. VIOLATIONS INVOLVING MUNICIPAL PROPERTY AND SERVICES**

**9.81.010. Theft of water services.**

**9.81.010. Theft of water services.**

It shall be unlawful for any person who owns, has possession or control of, or resides in or on any structure or property, to allow or permit the improper use of the City's water services to structure or property. The improper use of municipal services shall include, but not be limited to, the unauthorized tampering with or opening of a meter box, the unauthorized turning on of water service at the street valve, the turning on of water at the street valve after the City has turned the water off, the jumping of water service to avoid or circumvent the meter. For the purpose of this Section, tampering with or opening of a meter box is "unauthorized" unless express permission is obtained from the City by written permit or otherwise, or if there is an immediate threat of injury or damage to persons or property. A person shall be presumed to be the owner of a structure if their name appears on the most recent tax roles at the County Recorder's office. A person shall be deemed to be in control, custody, or residing in a structure or on

property if they have the legal right, by lease, rental, or otherwise, to reside in or on the structure or property. A violation of this Section is an infraction. Each day of violation shall constitute a separate violation and may be punishable as such. Any subsequent violation of this Section shall be a class C misdemeanor, with each day constituting a separate violation until the violation ceases.

(Ord. No. 00-25, Enacted, 10/05/00)

**SECTION III: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION IV: Effective Date.** This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

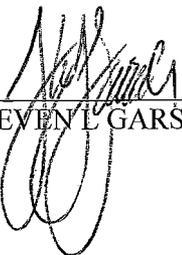
**PASSED AND ADOPTED by the City Council of Layton, Utah, this 20<sup>th</sup> day of June, 2013.**

\_\_\_\_\_  
J. STEPHEN CURTIS, Mayor

ATTEST:

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
STEVEN L GARSIDE, Assistant City Attorney

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 4C

**Subject:** On-Premise Beer Retailer License – Swan Lakes Golf Course – 850 North 2200 West

**Background:** Sheryl Starkey, the Manager of Swan Lakes Golf Course, is requesting an on-premise beer retailer license. This new license is required due to an ownership change. The previous owner has had an on-premise beer license since 1994. Section 5.16.100 of the Layton City Code regulates beer retailer licenses with the following location criteria.

- (1) An on-premise beer retailer license may not be established within 600 feet of any public or private school, church, public library, public playground, school playground or park measured following the shortest pedestrian or vehicular route.
- (2) An on-premise beer retailer license may not be established within 200 feet of any public or private school, church, public library, public playground, school playground or park measured in a straight line from the nearest entrance of the club house to the nearest property line.

The attached map illustrates the 200-foot buffer circle and 600-foot buffer circle. Currently there are no parks, schools, libraries or churches within the 200-foot or 600-foot distances to the Swan Lakes Golf Course. The walking distance from the club house to Ellison Park is 640 feet. The location meets the location criteria. A copy of the criminal background check on Sheryl Starkey has been submitted to the Police Department for review and has been approved.

**Alternatives:** Alternatives are to 1) Approve the on-premise beer retailer license for Swan Lakes Golf Course; or 2) Deny the request.

**Recommendation:** Staff recommends the Council approve the on-premise beer retailer license for Swan Lakes Golf Course.



**Swan Lake Golf Course  
850 North 2200 West**



**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 4D

**Subject:** Final Plat Approval – Evergreen Farms Phase 1 – Northeast Corner of 2200 West and Layton Parkway

**Background:** The applicant, The Adams Company, is requesting final plat approval of Evergreen Farms Phase 1. The phase is 19.01 acres and contains 48 lots. The density for this phase is 2.52 units per acre.

A landscape buffer and eight-foot masonry wall is required along Layton Parkway. The eight-foot masonry wall is to match the existing wall that has been installed along Layton Parkway east of Angel Street. The landscape buffer is to wrap around onto 2200 West and continue north to Evergreen Way. However, a minimum six-foot solid vinyl fence will only be required as part of the landscape buffer on 2200 West.

All lots meet the frontage and area requirements of a lot-averaged single family R-S zoned subdivision.

**Alternatives:** Alternatives are to 1) Grant final plat approval to Evergreen Farms Phase 1 subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting final plat approval.

**Recommendation:** On June 11, 2013, the Planning Commission unanimously recommended the Council grant final plat approval to Evergreen Farms Phase 1 subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

## Staff Report

**To:** City Council

**From:** Kem Weaver, Planner II 

**Date:** June 20, 2013

**Re:** Evergreen Farms Phase 1 Final Plat

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**Location:** Northeast Corner of 2200 West and Layton Parkway

**Zoning:** R-S (Residential Suburban)

**Background:** The applicant, The Adams Company, is proposing a single-family subdivision within an R-S zone. Unincorporated County land is to the north and south, the Rocky Mountain Power corridor and R-S zoned property is to the east and agriculture zoned property is to the west.

The proposed final plat consists of 48 lots, which are lot averaged on 19.01 acres; this equates to a density of 2.52 units per acre. All lots meet the requirements of the R-S zone when lot averaged with regards to frontage and area.

As part of developing the subdivision, the applicant is required to build half of the extension of Layton Parkway, which travels along the south side of the phase. The street is to be an 84-foot right of way and the applicant's responsibility will be to dedicate 42 feet of width adjacent to their subdivision. Outside of the right of way for Layton Parkway, the applicant is required to provide a minimum 5-foot landscape buffer easement along lots that back or side onto the arterial street. The landscape buffer will wrap around onto 2200 West and extend north to Evergreen Way. City ordinances requires the developer to install an 8-foot masonry wall to match other existing masonry walls further east on Layton Parkway. The wall will need to be installed along the entire frontage of the phase development on Layton Parkway. The 8-foot masonry wall is optional along the small section of the landscape buffer on 2200 West, but the minimum requirement is a 6-foot solid vinyl fence with earth tone colors.

The round-a-bout that was approved with the preliminary plat at Evergreen Way and Sugar Pine Drive has been removed and will not cause an access issue with the lots fronting this intersection. In addition, the block length requirement has been met with Foxtail Drive being a through street instead of a cul-de-sac, which was previously requested by the developer.

**Staff Recommendation:**

Staff recommends final plat approval be granted subject to meeting all Staff requirements as outlined in Staff memorandums.

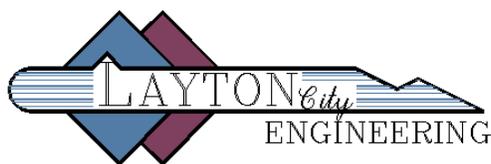
Engineering D.L.

Planning PM

Fire 

**Planning Commission Action:** On June 11, 2013, the Planning Commission voted unanimously to recommend the Council grant final plat approval subject to meeting all Staff requirements.

The Commission asked for public comment. No public comments were given.



## MEMORANDUM

TO: Dave Adams; d2@8015466000.com  
tyler@gardnerengineering.net

CC: Fire Marshall and Community Development

FROM: Shannon Hansen

DATE: June 5, 2013

RE: **Evergreen Farms Phase 1, Final Plans (3<sup>rd</sup> submittal)**

I have reviewed the dedication plat and construction drawings submitted on May 29, 2013 for the proposed Evergreen Farms Subdivision Phase 1 at approximately Layton Parkway and 2200 West. The plans have been stamped "APPROVED AS CORRECTED".

**The following items will need to be addressed/completed prior to scheduling a preconstruction meeting. Corrected sets of plans will need to be submitted by June 17<sup>th</sup>.**

- **Bonding** – A cost estimate from a contractor will need to be submitted for review. All off-site improvements will need to be bonded for. The actual contractor prices will be used in the payback documents.
- **Payback** – The developer should be aware that there is a sanitary sewer payback to the City associated with this property in the amount of \$2,407.64 per acre. Therefore, the amount of payback due for this phase is \$45,769.24 (for 19.01 acres).
- **Lighting** – The developer will be required to pay \$4,600 (for 2 – SL-01), \$12,600 (for 7 – SL-02), \$6,900 (for 3 – SL-04), and \$24,754.00 for installation for a total of \$48,854.00 for this phase's required street lights prior to the pre-construction meeting. The lights will be installed by the City's contractor. The city will be responsible for the cost difference between the SL-04 and SL-01 lights installed on Layton Parkway (\$1,770.00 per light, \$7,956.00 for conduit). The developer required amount above includes this cost reduction.
- Written approval from Kays Creek Irrigation Company for the secondary waterlines will need to be submitted. They will determine the size of line to be installed in Layton Parkway. The size of this line will need to be indicated on the plans. In Robert's Farms Phase 8 and Kennington Parkway Phase 1, both to the east, Kays Creek Irrigation provided the irrigation line and paid the contractor to install the line in Layton Parkway. It is anticipated that the same thing will happen with this subdivision, however, the developer will need to coordinate with Kays Creek for installation.
- A Notice of Intent (NOI) from the State of Utah, Department of Environmental Quality, Division of Water Quality will need to be submitted before scheduling a preconstruction meeting. The NOI may be obtained via the Internet at [Http://waterquality.utah.gov](http://waterquality.utah.gov). (Click on the heading "Online Construction Stormwater Permit Issuance System" and follow the instructions).
- An electronic PDF copy of the construction plans on 11x17 sheets will need to be submitted for

submittal to the Utah Division of Drinking Water and will need to include a “water/sewer crossing table”. See Section 4 – Culinary Water Section item VII (F) located at <http://laytoncity.org/public/Depts/PubWorks/downloads.aspx>

- This property is in the tri-lateral agreement area. The dedicated water shares are to be paid for at Weber Basin to meet the exaction requirement. Written confirmation that this payment has been made from Weber Basin will need to be submitted.
- Written approval from the irrigation company and its users will need to be submitted for all changes to the existing gravity system, including the removal of the ditch on the west property line, relocation of the north irrigation line, the abandonment of the 24” line at Layton Parkway, and the modification of any existing structures.
- 6 complete, corrected sets that have been stamped and signed by a Professional Engineer will need to be submitted prior to scheduling a pre-construction meeting.

#### **Dedication Plat –**

1. The island in Evergreen Way will need to be defined by lengths and bearing and curve information. The location of the island will need to be defined based off of the centerline, i.e. the distance along the centerline from 2200 West to the west curve of the island. This should be done in a detail for clarity.
2. The common areas will need to be addressed in the Owner’s Dedication.
3. The center point of C8, C9, C10, and C11 have a failure to match the centerline point by 0.035’.
4. Parcel “A” will need to be identified on sheet 2.
5. The length of south lot line for lot 140 along the north lot line of lot 142 will need to be added.
6. The south lot line label on lot 126 is partial obscured.
7. The summation of the east lot line for lots 121 to 125 ( $67.95'+107.87'+(90.0'*3)=445.82'$ ) does not equal the outside boundary line length of 445.77’.
8. The centerline of White Pine Drive (2000 W) is offset 0.02’ to the west of the corresponding center point of the 4<sup>th</sup> call along the boundary.
9. The radius of C6, C7, and C36 should be the same.
10. The radii of C13 and C14 should be 15.5’. This is based on a 25’ radius back of curb with a 4.5’ parkstrip and a 5’ walk.
11. The bearing of the south line of lot 110 should match the bearing of the centerline of Layton Parkway.
12. The bearing of the west lines of lots 101, 106, and 107 should match the bearing of the boundary. With the current bearing (S0d11’08”E), there is a failure to close of 2.88’ for the ROW along lots 101-109. With the corrected bearing (S0d11’08”W), there is a failure to close of 0.045’ for the ROW along lots 101-109.
13. The center of C8-C11 and C36 have a failure to close of 0.035’ with the corresponding centerline point.
14. Note 6 addresses restricted “R” lots, however this distinction is not seen on any of the lots. The lots in the northwest corner of the project are restricted to 3’ below existing grades per the geotechnical report.
15. On sheet 1 in Note 5, the LFFE allowed is 4255.60 (minimum of 6” above the SD/LD manhole connection). The LFFE tables will need to be updated to reflect this elevation with the exception of the ‘R’ designated lots. The notes on sheets 2 and 3 will need to be corrected to match sheet 1. The elevation will need to be corrected on all construction drawings and the note on these sheets will need to be expanded to exclude the ‘R’ designated lots.

### **Sheet P1 – 2200 West**

1. A 2" mill and overlay from 5' south of the southern most trench to 5' north of the northern most trench and to the west edge of asphalt will need to be added at the intersection of Layton Parkway and 2200 West. This applies to the intersection only.
2. On this sheet and sheet P2, the new shoulder area will need to be corrected to reflect 10" roadbase and 5" asphalt per the detail on sheet D1.
3. The storm drain manhole at 0+21.81 indicates that information for the manhole can be seen on sheet P3. This will need to be corrected to see sheet P4. Also, the stationing of this manhole will need to reflect the stationing on this sheet.
4. The 30" storm drain from 12+90.50 to 0+21.81 will need to be labeled as existing or new.
5. The stationing for the catch basin at 0+2.51 in the profile and 0+22.51 in the plan view will need to match the stationing for this sheet.

### **Sheet P2 – 2200 West**

1. A 2" mill and overlay from 5' south of the southern most trench to 5' north of the northern most trench and to the west edge of asphalt will need to be added at Evergreen Way and 2200 West. This applies to the intersection only.
2. The storm drain manhole at 0+22.33, the catch basin at 0+22.99, and the 15" line between the structures will need to be shown in the profile. The stationing of these structures will need to match the stationing found on this sheet.

### **Sheet P4 – Layton Parkway**

1. The fire hydrant will need to be located in the previously approved location at the southwest corner of lot 110 facing Layton Parkway. The culinary lateral for lot 110 will need to connect to the main in Sugar Pine Drive and the waterline will need to be plugged and blocked at the boundary rather than installing a flushing hydrant. The lateral connection point will need to be reflected in the lot on Lot110.
2. Based on the future Layton Parkway sheets previously submitted, in order to meet the flow elevation of the connecting manhole in the intersection of 1700 West and be under the existing 42" storm drain in the same intersection, the sanitary sewer will need to maintain a constant 0.34% slope in Layton Parkway.
3. The 18" line into the storm drain manhole at 3+48.01 has an invert in of 56.47 on this sheet and an invert of 55.81 on sheet P8.
4. The existing storm drain manhole at -0+08.77 in the profile has a stationing of 12+90.50 in the plan view. The stationing will need to match the stationing found on this sheet.
5. The label for the storm drain line from the catch basin at 0+22.51 to the manhole at 0+21.81 is cut off. This label will need to be rotated and repositioned on this sheet.
6. The catch basin at 0+90.01 will need to be labeled in the plan view.
7. The note indicating that all lots on this sheet will need to connect to the sanitary sewer and land drain mains in Layton Parkway will need to be corrected to lots 107-109. Due to the LFFE, there doesn't appear to be an advantage to connecting to the mains in Layton Parkway. We recommend the laterals connect to the mains in Blue Spruce Circle.

### **Sheet P5 – Evergreen Way**

1. The storm drain will need to be shifted south for placement within the asphalt and the culinary water will need to be shifted south for separation from the storm drain and curb and gutter.
2. The length and slope of the 18" storm drain from the manhole at 0+43.96 to the combo at 0+50.24 will need to be added to the label in the plan view.
3. The sanitary sewer manhole at 5+51.72 will need to be added in the profile view and the stationing for this manhole will need to reflect the stationing of this sheet.
4. The size of the land drain manhole at 0+17.50 in the profile and 7+63.85 in the plan view will need to be added to the profile note. The stationing for this manhole will need to reflect the stationing of this sheet.
5. The stationing for the existing storm drain manhole at 7+63.85 will need to reflect the stationing of this sheet.
6. The typical curb and gutter detail seen on this sheet will need to include 6" minimum base rather than 4".
7. The ADA symbol will need to be added to the ramps in the intersection of Evergreen Way and Sugar Pine Drive.

#### **Sheet P6 – Blue Spruce Circle and Blue Spruce Drive**

1. The note on Lot 111 will need to be expanded to include the culinary water lateral.
2. The stationing for the catch basin at 10+37.47 in the plan view and 9+62.15 in the profile view will need to match the stationing from this sheet.
3. The stationing for the storm drain manhole at 9+84.60 in the profile and 1+98.69 in the plan view will need to match the stationing for this sheet.
4. The stationing for the land drain manhole at 10+09.96 in the profile and 2+24.04 in the plan view will need to match the stationing for this sheet.

#### **Sheet P7 – Foxtail Drive**

1. The labels for the slopes and radius of the southeast corner of the intersection of Sugar Pine Way and Foxtail Drive are obscured and will need to be repositioned.
2. The size of the sanitary sewer manhole at 2+82.98 will need to be added to the note in the profile view.
3. The rim of the sewer manhole at 3+46.71 appears to be a foot lower than the finished grade. This elevation will need to be verified.
4. The sanitary sewer and land drain manholes in the intersection of Sugar Pine Way and Foxtail Drive will need to be added to the profile on this sheet and will need to include labels with stationing and elevations. The stationing in the plan and profile view will need to reflect the stationing on this sheet.
5. The catch basin at 8+85.62 in the plan view will need to be added to the profile view and will need to include stationing based on the stationing of this sheet and elevations.

#### **Sheet P8 – Sugar Pine Drive**

1. The match line for Layton Parkway indicates sheet P3. This will need to be corrected to sheet P4.
2. The stationing for the storm drain manhole at 0+28.20 in the profile view and 3+48.01 in the plan view will need to reflect the stationing on this sheet.
3. The slope and length for the 15" storm drain line from the catch basin at 0+59.47R to 0+59.47L will need to be added to the plan.

4. The storm drain from SDMH at 0+28.20 to the SDMH at 1+98.69 is shown as 18" in the profile and as a 15" in the plan view. The labels in the plan view will need to be corrected to match those found in the profile.
5. The 15" storm drain into the manhole at 1+98.69 will need to match the top of the 18" pipe.
6. The size of the sanitary sewer manhole at 2+04.97 will need to be added to the profile view.

#### **Sheet P9 – Sugar Pine Drive**

1. The catch basin at 6+38.11L will need to be shifted to the south for placement just north of the curb radius.
2. The notes for the catch basin at 6+38.43 and the storm drain line from this basin to the catch basin at 6+38.11 are cut off in the plan view.
3. The stationing for the catch basin at 3+47.75 in the plan view and 5+84.09 in the profile view will need to reflect the stationing based on this sheet.
4. The stationing for the storm drain manhole at 11+74.71 in the profile and 11+78.82 in the plan view will need to reflect the stationing on this sheet. This manhole is labeled as 5' in the profile and 4' in the plan view. The note in the plan view will need to be rotated to be viewed from the landscape view.
5. The stationing for the catch basin at 13+95.55 in the profile and 12+13.33 in the plan view will need to reflect the stationing on this sheet. The flow of this box is 64.44 in the profile and a flow of 64.45 in the plan view.
6. The size of the sanitary sewer manhole at 11+84.97 will need to be changed to 5' in the profile view.
7. The size of the land drain manhole at 12+04.05 will need to be increased to 5' due to the 90 degree change in flow.

#### **Sheet P10 – White Pine Drive**

1. The stationing for the sanitary sewer manhole at 16+65.52 in the profile and 11+84.97 in the plan view will need to reflect the stationing on this sheet.
2. The stationing for the land drain manhole at 16+46.52 in the profile and 12+04.05 in the plan view will need to reflect the stationing on this sheet.
3. The size of the sanitary sewer manhole at 16+65.52 will need to be added to the profile. The size of the sanitary sewer manhole at 14+45.57 will need to be added to the plan and profile.
4. The size of the land drain manhole at 14+21.74 will need to be added to the plan and profile. The size of the land drain manhole at 16+46.52 will need to be added to the profile view. The size will need to be increased to 5'.
5. The sanitary sewer manhole at 13+10.46 will need to be labeled in the plan view.
6. The storm drain manhole at 11+78.82 in the plan view and 16+71.79 in the profile is labels as 4' in the plan and 5' in the profile. The stationing will need to reflect the stationing on this sheet.

#### **Sheet P11 – White Pine Drive**

1. The stationing for the sanitary sewer manhole at 11+06.54 in the profile and 5+15.77 in the plan view will need to reflect the stationing on this sheet.
2. The stationing for the land drain manhole at 11+25.09 in the profile and 5+34.72 in the plan view will need to reflect the stationing on this sheet.

#### **Sheet P12 – Sugar Pine Way**

1. The notes for the land drain and sewer manholes in the intersection have been cut off in the plan view.
2. The size of the sanitary sewer and land drain manholes in the intersection will need to be added to the notes in the plan and profile view.
3. The stationing for the catch basin at 0+31.24 in the profile and 14+54.94 in the plan view will need to reflect the stationing on this sheet.
4. The stationing for the catch basin at 14+45.27 in the profile and 0+78.02 in the plan view will need to reflect the stationing on this sheet.
5. The stationing for the catch basin at 14+56.34 in the profile and 0+89.54 in the plan view will need to reflect the stationing on this sheet.
6. The stationing for the land drain manhole at 0+61.92 in the profile and 14+21.74 in the plan view will need to reflect the stationing on this sheet.
7. The stationing for the sanitary sewer manhole at 0+41.43 in the profile and ?+45.57 in the plan view will need to reflect the stationing on this sheet.

### **Sheets L1 and L2 – Landscape Plans**

1. The plans will need to include the island. Watering in the island will be limited to a drip irrigation system to prevent damage to the asphalt.



Mayor • J. Stephen Curtis  
City Manager • Alex R. Jensen  
Asst. City Manager • James S. Mason

• Fire Department •  
Kevin Ward • Fire Chief  
Telephone: (801) 336-3940  
FAX: (801) 546-0901

## MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Douglas K. Bitton, Fire Prevention Specialist 

RE: Evergreen Farms, Phase I (Preliminary) @ 2200 West Gentile

CC: 1) Engineering  
2) Tyler @ [tyler@gardnerengineering.net](mailto:tyler@gardnerengineering.net)  
3) Dave Adams, [d2@8015466000.com](mailto:d2@8015466000.com)

DATE: May 13, 2013

I have reviewed the site plan submitted on May 9, 2013 for the above referenced project. The Fire Prevention Division of this department **recommends granting preliminary approval of this project** and has the following comments/concerns.

1. Ensure that all items are met on a previous review letter dated December 3, 2012 by Dean Hunt, Fire Marshal.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DKBEvergreen Farms Prelim:kn  
Plan # S13-060 District #42  
Project Tracker #LAY 1211191329

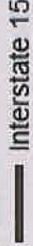
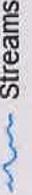


# CITY COUNCIL

June 20, 2013

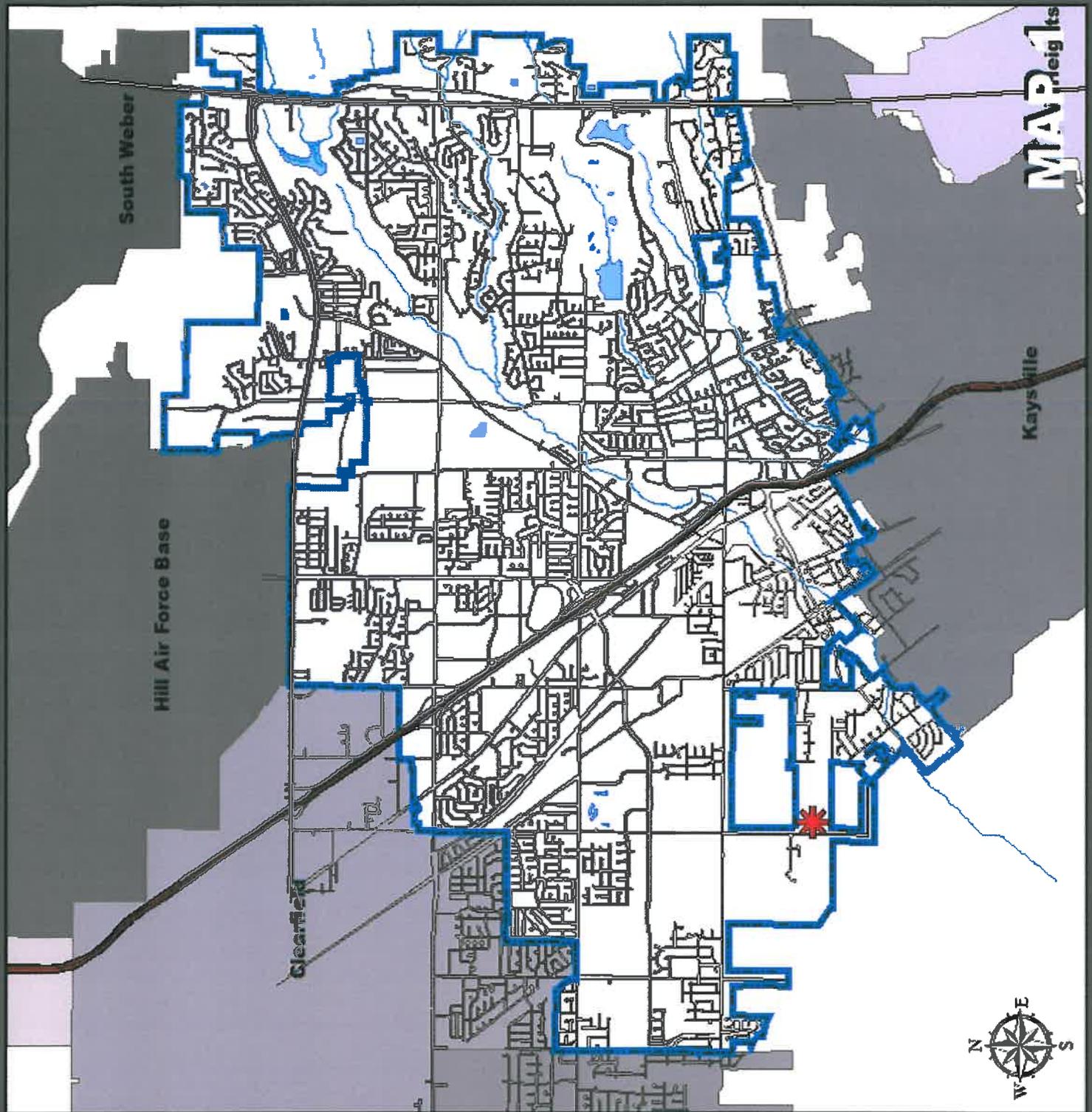
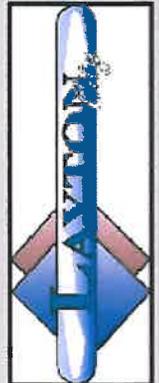
## Evergreen Farms Phase 1 Final

### Legend

-  City Boundary
-  Interstate 15
-  Highways
-  Lakes
-  Streams

 - Project Site

1 inch = 5,000 feet



**CITY COUNCIL**

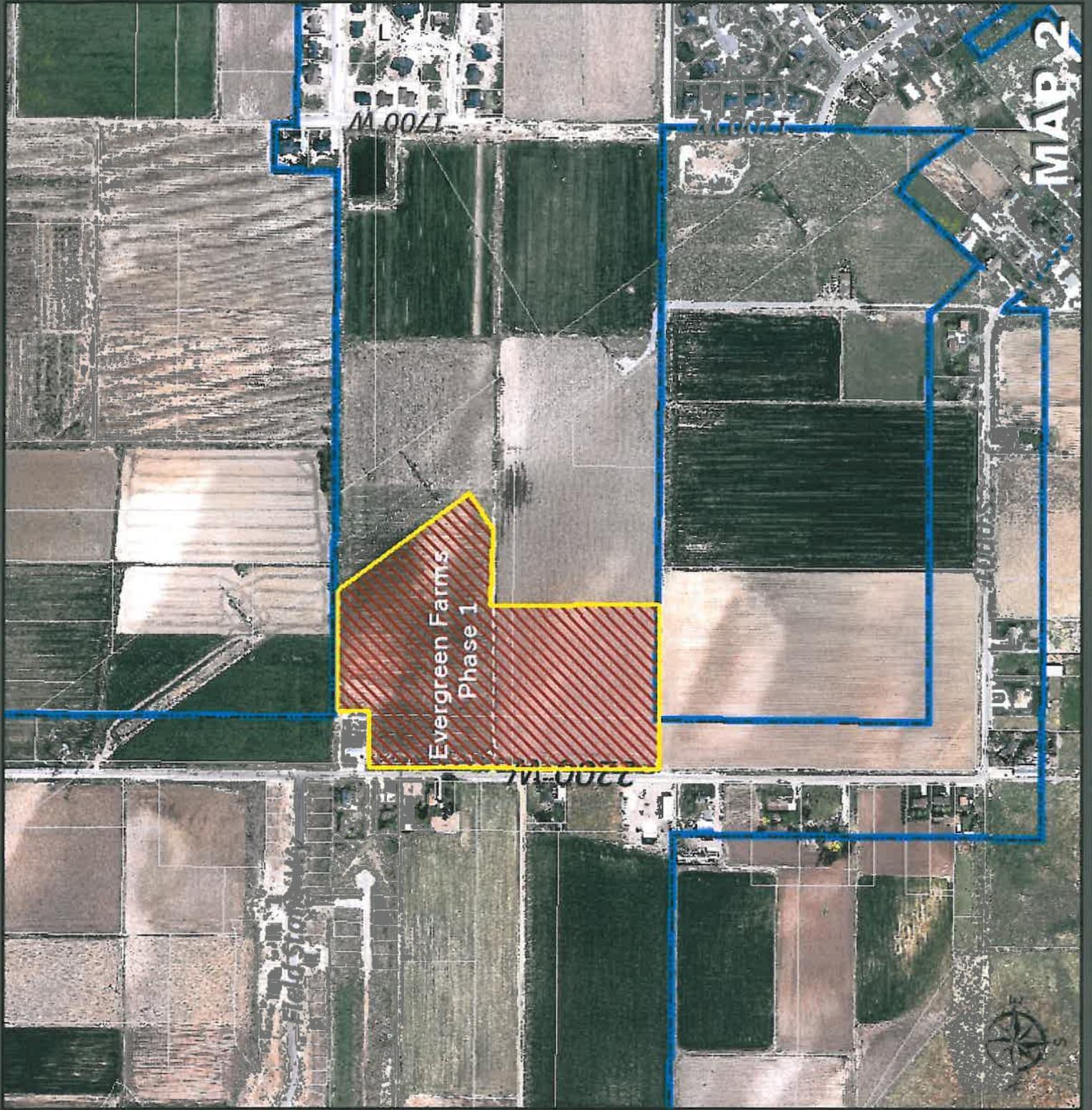
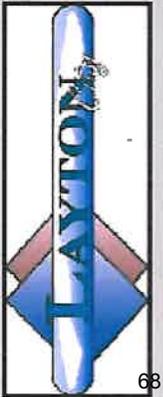
**June 20, 2013**

**Evergreen Farms  
Phase 1  
Final**

**Legend**

-  City Boundary
-  Interstate 15
-  Highways
-  Lakes
-  Streams

1 inch = 538 feet



# EVERGREEN FARMS SUBDIVISION - PHASE 1

WEST 1/4 CORNER, SEC. 30  
T.4N., R.1W, S.L.B.&M.  
(DAVIS COUNTY BRASS  
CAP)

ARLENE S. THOMAS

SALLY & LYNN WEAVER

PART  
TOWNS

CENTER, SEC. 30 T.4N.,  
R.1W, S.L.B.&M. (CALC. PER  
DAVIS COUNTY BEARING  
SHEETS)

NO 11°10'E (BASIS OF BEARING) 2640.37'

WEST

NO 11°08'E 1190.25'

2200

SOUTHWEST COR. SEC. 30  
T.4N., R.1W, S.L.B.&M.  
(DAVIS COUNTY BRASS  
CAP)

LAYTON PARKWAY (750 SOUTH ST.)

### LAYTON CITY PLANNING COMMISSION

APPROVED BY THE LAYTON  
CITY PLANNING COMMISSION.

SIGNED THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2013.

CHAIRMAN

### LAYTON CITY APPROVAL

THIS IS TO CERTIFY THAT THIS PLAT AND  
DEDICATION OF THIS PLAT WERE DULY APPROVED  
AND ACCEPTED BY THE CITY COUNCIL OF  
LAYTON CITY, UTAH.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

ATTEST : \_\_\_\_\_

MAYOR

### LAYTON CITY ENGINEER

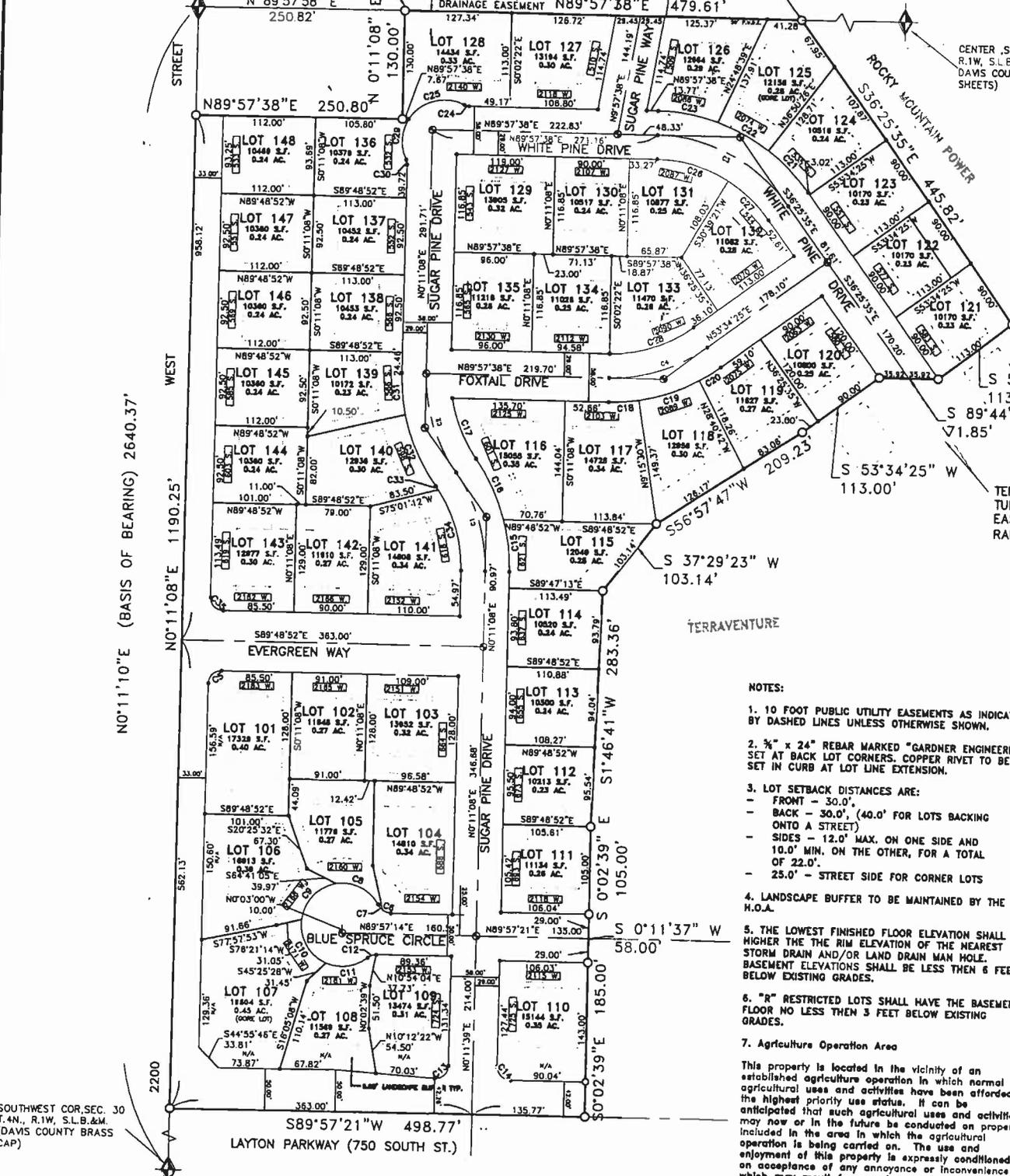
I HEREBY CERTIFY THAT I  
CAREFULLY INVESTIGATED THE  
SURVEY OF THE FOREGOING  
DESCRIPTION OF THE LAND  
THEREIN, AND FIND THEM TO  
AND TO AGREE WITH THE  
MONUMENTS ON RECORD IN

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

69

CITY ENGINEER

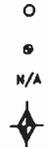
DOCUMENT RECEIVED FROM OUTSIDE SOURCE



**NOTES:**

1. 10 FOOT PUBLIC UTILITY EASEMENTS AS INDICATED BY DASHED LINES UNLESS OTHERWISE SHOWN.
2. 3/4" x 24" REBAR MARKED "GARDNER ENGINEERING" SET AT BACK LOT CORNERS. COPPER RIVET TO BE SET IN CURB AT LOT LINE EXTENSION.
3. LOT SETBACK DISTANCES ARE:
  - FRONT - 30.0'
  - BACK - 30.0', (40.0' FOR LOTS BACKING ONTO A STREET)
  - SIDES - 12.0' MAX. ON ONE SIDE AND 10.0' MIN. ON THE OTHER, FOR A TOTAL OF 22.0'.
  - 25.0' - STREET SIDE FOR CORNER LOTS
4. LANDSCAPE BUFFER TO BE MAINTAINED BY THE H.O.A.
5. THE LOWEST FINISHED FLOOR ELEVATION SHALL BE HIGHER THE RIM ELEVATION OF THE NEAREST STORM DRAIN AND/OR LAND DRAIN MAN HOLE. BASEMENT ELEVATIONS SHALL BE LESS THEN 6 FEET BELOW EXISTING GRADES.
6. "R" RESTRICTED LOTS SHALL HAVE THE BASEMENT FLOOR NO LESS THEN 3 FEET BELOW EXISTING GRADES.
7. Agriculture Operation Area

This property is located in the vicinity of an established agriculture operation in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the area in which the agricultural operation is being carried on. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.



**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 4E

**Subject:** Amend the Consolidated Fee Schedule – Ordinance 13-20

**Background:** The City has consolidated most fees and charges into one place within the Municipal Code, which is adopted and amended by ordinance. The following changes are being proposed:

**Street Lighting System Fees:**

The adopted tentative budget of the City establishes a Street Lighting Utility Fund and an associated Street Lighting Fee. It is the City’s intention to purchase the current street lighting system from Rocky Mountain Power. Ownership of the system will allow the City to operate, expand and maintain the system as the City deems appropriate. The purpose of the fund and fees are to support this operation. Effective July 1, 2013, the following fees will be charged as part of the standard utility customer bill.

Residential Fee:	
Single-family unit	\$2 per month (\$4 per billing cycle)
Multi-family unit	\$1 per unit per month
Commercial Fee (hotel, motel, church, school and similar)	\$2 per month per equivalent residential unit

For commercial properties, an equivalent residential unit (ERU) is based on property frontage. Each unit is considered to be equivalent to 75 linear feet of frontage on the property or lot. The City Finance Department, in conjunction with the GIS mapping division, have or are in the process of determining frontage and ERU for each commercial utility customer.

The fees charged to developers for street light fixtures will also increase as detailed in the fee schedule. The increases were from \$100 to \$200 per fixture. In this case the City is simply passing on anticipated cost increases from the supplier.

**Sanitary Sewer Fees:**

The North Davis Sewer District (the District) is proposing increasing rates for all customers by \$1.50 per month with the exception of hotels and motels which will increase by \$0.60 per month per room. Charges for excess usage will also increase by \$0.15 per 1000 gallons. The City will pass these charges on to utility customers.

**Alternatives:** Alternatives are to 1) Adopt Ordinance 13-20 amending the Consolidated Fee Schedule as proposed; 2) Adopt Ordinance 13-20 with any amendments the Council deems appropriate; or 3) Not adopt Ordinance 13-20 and remand to Staff with directions.

**Recommendation:** Staff recommends the Council adopt Ordinance 13-20 amending the Consolidated Fee Schedule as proposed.

**ORDINANCE 13-20**

**AMENDING CHAPTER 15, TITLE 3 OF THE LAYTON MUNICIPAL CODE,  
AMENDING FEES OF THE CONSOLIDATED FEE SCHEDULE.**

**WHEREAS**, Layton City charges various fees which are collected by different departments and divisions of the City; and

**WHEREAS**, these fees are collected to offset the expense of providing certain municipal services and to pay the cost of regulating certain businesses; and

**WHEREAS**, some additions and changes need to be made to the consolidated fee schedule; and

**WHEREAS**, the City Council of Layton City desires to change the amount of some of the fees and add some new fees; and

**WHEREAS**, the City Council of Layton City finds that the fees set forth herein are reasonable, and should be adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:**

**SECTION I: Enactment.** Chapter 15, Title 3 of the Layton Municipal Code is hereby amended as set forth in the Consolidated Fee Schedule of Layton City Corporation, as attached hereto and made a part of this ordinance as though set forth in full herein.

**SECTION II: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION III: Effective Date.** This Ordinance shall become effective immediately upon passing hereof.

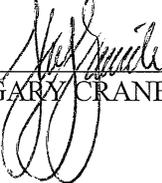
**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **20th day of June, 2013.**

\_\_\_\_\_  
J. STEPHEN CURTIS, Mayor

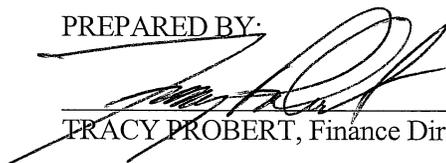
ATTEST:

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

PREPARED BY:

  
\_\_\_\_\_  
TRACY PROBERT, Finance Director

**Public Works: (continued)**  
**Water & water service: (continued)**

Water exaction fee in lieu of water shares:

Residential	\$3,157 per acre-foot
Commercial:	
5/8" meter	\$2,683 each
5/8" X 3/4" meter	\$2,683 each
3/4" meter	\$4,025 each
1" meter	\$6,709 each
1-1/2" meter	\$13,417 each
2" meter	\$38,239 each
3" meter	\$64,403 each
4" meter	\$100,629 each
6" meter	\$228,093 each

**Sanitary sewer service:**

Residential user fee:	single family unit	\$15.95 17.45 per month
	multiple family units, 1st unit	\$15.95 17.45 per month
	plus each additional unit	\$15.95 17.45 per month
Trailer courts	1st unit	\$15.95 17.45 per month
	plus each additional unit	\$14.95 16.45 per month
Hotels, motels		\$6.38 6.98 per month per unit
Churches, schools, commercial and similar		\$15.95 17.45 per month
	plus, for the months of October thru April -	
	\$.90 1.05 per 1,000 gallons, or fraction thereof for water consumed in that month over 10,000 gallons, or	
	plus, for the months of May thru September -	
	\$.90 1.05 per 1,000 gallons or fraction thereof for water consumed in the previous April over 10,000 gallons.	
Connections approved and made to another city's line will be charged that city's fee and remitted according to the interlocal agreement.		
Sanitary sewer service to customers outside the boundaries of the City will be charged double.		
	Connection fees (based on property frontage)	\$18.00 per foot
	Connection inspection fee	\$30 per inspection
	Connection fees on payback agreements as per agreed in payback agreement with developer	

**Refuse service:**

Residential Automated Collection	
per household with up to one container	\$10.70 per month
additional container	\$8.10 per month each

**Storm sewer fees:**

Single family residential	\$4.60 per month
PRUD R-2 zone	\$38.40 per acre per month
Multi-family and PRUD R-M zone	\$44.80 per acre per month
Multi-family R-2 zone	\$38.40 per acre per month
Mobile home park	\$44.80 per acre per month
Park and open space, both public and private	\$12.80 per acre per month
School	\$25.60 per acre per month
Church	\$44.80 per acre per month
Hospital	\$57.60 per acre per month
Commercial	
P-B, all C-P and C-H zones	\$57.60 per acre per month
B-RP zone	\$48.00 per acre per month
Manufacturing – M-1 and M-2 zones	\$57.60 per acre per month

## Public Works: (continued)

### Street Lighting System Fees:

#### Residential Fee:

Single family unit	\$2 per month (\$4 per billing cycle)
Multi-family unit	\$1 per month per unit

Commercial Fee (hotel, motel, church, school or similar)	\$2 per month per equivalent residential unit
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#### Fixture fees:

##### For street rights of way 66 feet and wider:

Tear drop pole and fixture	\$4,000 4,100 each
Single light fluted pole and fixture	\$2,300 2,500 each
Double light fluted pole and fixture	\$5,100 5,000 each

##### For street rights of way less than 66 feet:

Street light fixture (standard)	\$1,800 2,000 each
Street light fixture (option 1)	\$2,000 2,200 each
Street light fixture (option 2)	\$2,200 2,400 each

#### Street light installation fees: (Installation by City contractor)

Install Layton City provided SL-02 street light pole & fixture	\$650 each
Install Layton City provided SL-04 street light pole & fixture	\$1,180 each
Install Layton City provided SL-01 street light pole & fixture	\$1,250 each
Install Layton City provided SL-03 street light pole & fixture	\$840 each
Furnish and install schedule 40 PVC conduit and #6 TC direct burial copper cable	\$18 per LF
Furnish and install splice box	\$310 each
Furnish and install stainless steel meter housing	\$2,450 each

## Community Development:

### Business license fees:

#### Residential Solicitation (Door to Door Sales):

Fee for each Solicitor	\$35
------------------------	------

#### Home Occupation:

base fee	\$40
additional service fee for Day Care, Pre School, Educational Services with 5 or more students at one time	\$26.50

#### Apartments:

base fee	\$40
additional service fee	\$3 per unit

#### Small Commercial (under 10,000 square feet including outdoor sales area):

base fee	\$120
additional for:	
beer or liquor permit	\$300
tobacco sales	\$50

#### Medium Commercial (10,000 to 40,000 square feet including outdoor sales area):

base fee	\$120
additional for:	
police services	\$50
beer or liquor permit	\$300
tobacco sales	\$50

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 5A

**Subject:** Amend Budget for Fiscal Year 2012-2013 – Resolution 13-32

**Background:** Utah State Code Sections 10-6-127 and 10-6-128 provide that amendments may be made to any fund after advertising and holding a public hearing.

A public hearing was advertised for June 20, 2013, to hear all interested persons regarding the amendments to the 2012-2013 budget.

Staff compiled a summary of the amendments as part of Resolution 13-32 and will provide them to the Council for review.

The Council should hear all interested persons regarding the amendments prior to adoption.

**Alternatives:** Alternatives are to 1) Adopt Resolution 13-32 amending the budget for fiscal year 2012-2013; 2) Adopt Resolution 13-32 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 13-32 and remand to Staff with directions.

**Recommendation:** Staff recommends the Council adopt Resolution 13-32 amending the budget for fiscal year 2012-2013.

**RESOLUTION 13-32**

**AMENDING THE ADOPTED BUDGET FOR LAYTON CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013.**

**WHEREAS**, a budget was previously approved and adopted by the City Council as required by law; and

**WHEREAS**, a public hearing has been advertised and held as required by law for Thursday, June 20, 2013, at the Layton City Center, for the purpose of hearing all interested persons on the matter of said budget amendments; and

**WHEREAS**, said public hearing having been duly and regularly held, and all persons present to be heard, having been heard; and

**WHEREAS**, the City Council must approve and adopt amendments to the budget for the period beginning July 1, 2012, and ending June 30, 2013, for Layton City, Utah.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:**

SECTION I: That the City Council of Layton City, Davis County, State of Utah, does hereby approve and adopt the budget amendments for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in form and amounts set forth in the written document attached hereto and made a part of this resolution, as though set forth in full herein.

SECTION II: That the City Council of Layton City, does hereby approve the encumbrance of appropriated funds for all purchases made by authorized purchase order and contracts entered on or before June 30, 2013, and that all such debts be paid from the appropriations made herein and on such dates as practicable, and that such encumbered appropriations be added to and accounted with the fiscal year budget beginning July 1, 2013.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **20th day of June, 2013.**

\_\_\_\_\_  
J. STEPHEN CURTIS, Mayor

ATTEST:

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

PREPARED BY:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

  
\_\_\_\_\_  
TRACY PROBERT, Finance Director

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 5B

**Subject:** Adopt Budget and Certified Tax Rate for Fiscal Year 2013-2014 – Ordinance 13-19

**Background:** Utah State Code Section 10-6-118 requires the Council to adopt a budget on or before June 22, 2013. Section 10-6-133 requires the Council to set a property tax rate on or before June 22, 2013. Section 10-3-818 requires the Council to change salaries of elected and statutory officers by ordinance.

A public hearing was set and advertised for June 20, 2013, to hear all interested persons regarding the tentative budget and proposed changes to the schedule of compensation for statutory officers. The tentative budget has been available for public inspection since May 2, 2013.

Changes to the annual compensation of statutory officers will be the same as all other City employees.

Council should hear all interested persons regarding the budget and compensation of officers. The proposed property tax rate is the Certified Tax Rate of 0.002046 as determined by the Davis County Clerk/Auditor and the State Tax Commission.

The Mayor and Council received copies of the budget document prior to the meeting.

Changes to the tentative budget, if any, will be discussed in detail.

**Alternatives:** Alternatives are to 1) Adopt Ordinance 13-19 and the budget document including the schedule of compensation for elected and statutory officers, and setting a property tax levy equal to the Certified Tax Rate of 0.002046; 2) Adopt Ordinance 13-19 with any amendments the Council deems appropriate; or 3) Not adopt Ordinance 13-19 and remand to Staff with directions.

**Recommendation:** Staff recommends the Council adopt Ordinance 13-19 and the budget document including the schedule of compensation for elected and statutory officers, and setting a property tax levy equal to the Certified Tax Rate of 0.002046.

ORDINANCE 13-19

**ADOPTING THE BUDGET AND PROPERTY TAX RATE FOR LAYTON CITY FOR FISCAL YEAR JULY 1, 2013, THROUGH JUNE 30, 2014; AND AMENDING SCHEDULE OF COMPENSATION FOR STATUTORY OFFICERS.**

**WHEREAS**, a tentative budget was prepared, adopted, and made available to the public by the City Council as required by law; and

**WHEREAS**, a public hearing has been advertised and held on Thursday, June 20, 2013, for the purpose of hearing all interested persons on the matter of said budget; and

**WHEREAS**, a public hearing has been advertised and held on Thursday, June 20, 2013, for amending the compensation of statutory officers for Layton City; and

**WHEREAS**, said public hearings, having been duly and regularly held and all persons present to be heard having been heard; and

**WHEREAS**, it is the desire of the City that its statutory officers receive compensation adjustments in the same fashion and based on the same economic considerations as the City's general employees; and

**WHEREAS**, the City Council has duly and fully considered the proposed budget and is ready to adopt the budget and property tax rate for Layton City, Utah.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON CITY, UTAH:**

**SECTION I: Repealer.** If any provisions of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.** That the City Council of Layton City, Davis County, State of Utah, does hereby adopt the certified property tax rate of .002046, as determined by the Davis County Clerk/Auditor and the Utah State Tax Commission.

**SECTION III:** That the City does hereby adopt a budget for the fiscal year beginning July 1, 2013, in form and amount set forth in the written budget document attached hereto and made a part of this ordinance as though set forth in full herein.

**SECTION IV:** That the amounts of compensation for the statutory officers of Layton City are hereby amended as set forth in the compensation schedule and are to be adjusted in the same manner and based on the same economic measures as the City's general employees, unless otherwise directed by the City Council.

**SECTION V:** That there are hereby appropriated funds from the estimated revenues of Layton City, such sums as necessary to pay the estimated expenditures hereto set forth and made a part hereof. That in addition to these revenues and expenditures, any encumbered funds and accounts for fiscal year ending June 30, 2013, shall be added as if herein included.

**SECTION VI: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION VII: Effective Date.** This ordinance being necessary for the peace, health and safety of the City shall become effective immediately upon posting.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **20th day of June, 2013.**

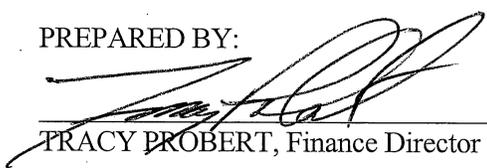
\_\_\_\_\_  
J. STEPHEN CURTIS, Mayor

ATTEST:

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder  
APPROVED AS TO FORM:

  
For GARY CRANE, City Attorney

PREPARED BY:

  
\_\_\_\_\_  
TRACY PROBERT, Finance Director