



## COALVILLE CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold its regular meeting on **Monday, March 8, 2021** at the Coalville City Hall, 10 North Main, Coalville, Utah. This meeting will begin at **6:00 P.M.** **Due to the Covid-19 restrictions, only 10 individuals will be allowed to meet in person which will be the Coalville City Mayor, Council, and Staff.** Others may connect to the meeting using the Zoom meeting information listed below. **When attending virtually, you must sign in with your full name to be eligible to give comments on the Public Hearings.** The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
  - A. **Public Hearing:** Review, Discuss, Receive Comment, And Possibly Take Action On The Conditional Use Amendment For ECSC Properties LLC (Formerly ZipHoldings LLC)
  - B. **Public Hearing:** Review, Discuss, Receive Comment, And Possibly Take Action On Ordinance No. 2021-1 Updated Flood Damage Prevention
  - C. **Public Hearing:** Review, Discuss, Receive Comment, And Possibly Take Action On Ordinance No. 2021-2 Administrative Code Enforcement And Variance Hearing (ALJ) Program
  - D. Continued Review, Discussion, And Possible Adoption Of The Complete Updated Coalville City Fee Schedule Resolution No. 2021-3
  - E. Appointment of Planning Commission Members
  - F. Consultant Updates
  - G. Public Works Updates
  - H. Community Development Updates
    1. Business Licenses
  - I. Legal Updates
  - J. Council Updates
  - K. Mayor Updates
  - L. Executive Session
4. Review And Possible Approval Of Accounts Payable
5. Review And Possible Approval Of Minutes
6. Adjournment

*\* Coalville City reserves the right to change the order of the meeting agenda as needed.*

Dated this 5th day of March, 2021.

  
Nachele D. Sargent, City Recorder

**Mayor**  
Trever Johnson

**Council**  
Cody Blonquist  
Philip B Geary  
Rodney Robbins  
Tyler Rowser  
Don C Winters

**\*\*In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Hall (435-336-5981) at least three days prior the meeting.**

Posted: March 5, 2021 City Hall, Utah Public Notice Website

Please click the link below to join the webinar:

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Coalville City Council  
Regular Meeting  
HELD ON  
March 8, 2021  
IN THE  
Coalville City Council Chambers and Virtual

Mayor Trever Johnson opened the meeting at 6:00 P.M.

**MAYOR And COUNCIL PRESENT:**

Mayor Trever Johnson  
Council: Rodney Robbins, Philip Geary,  
Don Winters, Cody Blonquist  
Tyler Rowser (virtual)

**CITY STAFF PRESENT:**

Don Sargent, Consultant  
Sheldon Smith, City Attorney  
Zane DeWeese, Public Works Director/Virtual  
Paul Taylor, Engineer (Virtual)  
Nachele Sargent, City Recorder

**PUBLIC IN ATTENDANCE:**

Virtual Attendance: Albert Richins, Linda  
Vernon, Louise Willoughby, Lynn Wood,  
Margarita Richins, Margarita, Tasha Huffaker,  
Brandon Brady, Jim Boyden, Eric Cylvick,  
Camellia Robbins

**Item 1 – Roll Call:**

A quorum was present.

**Item 2 – Pledge Of Allegiance:**

Mayor Johnson led the Council, Staff, and Public in the Pledge of Allegiance.

**Item A – Public Hearing: Review, Discuss, Receive Comment, And Possibly Take Action On The Conditional Use Amendment For ECSC Properties LLC (Formerly ZipHoldings LLC):**

Mayor Trever Johnson stated this public hearing was unable to be held at the last meeting due to technical difficulties. Paul Taylor referred to the Staff report (Exhibit A) and stated ECSC Properties LLC formerly ZipHoldings LLC was interested in amending their CUP to allow a more general use at their location and not be limited to just zip line products. Eric Cylvick stated he had many inventions and designs that they wanted to work on and they currently had a new product that was a non-zipline application. He stated the training facility portion of the current CUP would be terminated and they would just be a distribution center for the products he invented. Mr. Cylvick stated this would not be heavy manufacturing, but would include light manufacturing and assembly work for research and design and he currently had 20 different patents on products he had invented. Mr. Cylvick stated he had spoken with the adjoining property owner, Doug Wilde, and he was okay with the new product and expanding the scope of the CUP.

Mayor Trever Johnson opened the public hearing at 6:05 P.M.

Tasha Huffaker – 390 South Main

Tasha Huffaker stated I'm your neighbor directly south, and you guys are a lot quieter than what used to be there, so I appreciate that. I also was just curious with the rock wall portion; would that be something recreational that's open to the public or would those items be manufactured there and then shipped to other locations? Eric Cylvick stated the prototype would eventually be taken down and sold to someone, but right now they were just using it for testing. He stated he was just trying to see how long the parts would last, etc., with the testing. He would be using a similar device for training paratroopers. Eric stated he appreciated being here in Coalville at this facility. Mayor Trever Johnson closed the public hearing at 6:12 P.M.

**A motion was made by Council Member Cody Blonquist to approve the Amended Conditional Use Application for ECSC Properties, LLC formerly ZipHoldings, LLC. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.**

**Item B – Public Hearing: Review, Discuss, Receive Comment, And Possibly Take Action On Ordinance No. 2021-1 Updated Flood Damage Prevention:**

Mayor Trever Johnson stated FEMA had been in the process of updating the flood zone mapping and the City needed to update the current ordinance for the public to be able to get flood insurance. Paul Taylor referred to the Staff report (Exhibit B) and stated FEMA was requiring this ordinance to be adopted by March 23, 2021. He stated FEMA had provided a template to use to update the ordinance that was adopted in 2006 and reviewed the redlined changes with the Mayor and Council including:

- The Planning Commission had concerns with the penalty for noncompliance clause and had suggested adding language that would make it clear the public would be fully responsible for any costs incurred to repair damages if someone built something in opposition of the ordinance.
- The Planning Commission had concerns that a property owner would have to hire an Engineer to study the impacts of minor landscaping or gardening changes to the property with the way the penalty clause was currently worded. They suggested not being as restrictive as the suggested penalty clause language.
- FEMA started the flood plain updates three years ago and the changes would go into effect on March 23, 2021.
- Sheldon Smith stated it was critical for this type of penalty clause language to be part of the document. He stated it would be a risk to change what they were suggesting. He stated they could add the language to remind the citizens if they made changes to their property, they would be responsible for any damages, but he didn't know if it would be necessary to add that type of language. He recommended passing the ordinance as it was written from the template.
- It would be difficult to determine and define minor property modifications.
- The updated maps would affect all homeowners in the flood plain.
- The new maps added some people that had not been in the flood plain in the past and removed some that had been included.

- The new mapping created a base flood elevation and you could pay to have a survey completed and if you were outside of the base elevation, you could be removed from the flood plain.
- FEMA held a public meeting in November 2020 to explain the new mapping and flood insurance requirements.

Mayor Trever Johnson opened the public hearing at 6:30 P.M.

There was no public comment.

Mayor Trever Johnson closed the public hearing at 6:40 P.M.

The Mayor and Council discussed whether to include the suggested penalty clause. They decided to list the penalty as \$1,000, but no jail time. The Flood Plain Manager would be listed as the City Engineer. On page 11, item 6, the contact needed to be listed as the Utah Department Of Public Safety Division Of Emergency Management. Council Member Phil Geary questioned who would be responsible to maintain the waterway course. He stated he had several trees behind his house that were in the waterway, that were changing the course of the waterway, that needed to be taken care of. Paul Taylor stated it would be the property owner's responsibility to maintain the waterway. He stated trees were okay to be in the waterway. Council Member Geary stated they were growing under the foundation of the bridge. Paul Taylor stated it was typically the responsibility of the property owner. Sheldon Smith stated if they were in the middle of the river and not part of his property, he could contact the Army Corp of Engineers to report the issue. Mayor Trever Johnson stated Zane mentioned if there were problems with dead trees in the waterway, the City tried to help the property owner with getting them removed. The Mayor and Council discussed having an effective date for the ordinance. The template stated the ordinance would be effective immediately for preservation of public peace, health, and safety.

**A motion was made by Council Member Tyler Rowser to approve Ordinance No. 2021-1 Flood Damage Prevention with the penalty clause of not more than \$1,000, appointing the City Engineer as the Flood Plain Manager, and changing the emergency contact as the Utah Department Of Public Safety Division Of Emergency Management. Council Member Phil Geary seconded the motion. All Ayes. Motion Carried.**

**Roll Call:**

**Council Member Blonquist – Aye  
Council Member Geary – Aye  
Council Member Robbins – Aye  
Council Member Rowser – Aye  
Council Member Winters – Aye**

**Item C – Public Hearing: Review, Discuss, Receive Comment, And Possible Take Action On Ordinance No. 2021-2 Administrative Code Enforcement And Variance Hearing (ALJ) Program:**

Mayor Trever Johnson stated the ALJ program was one the Council had been discussing for some time now. He stated they had directed Don Sargent to research and propose some language that

would accomplish this objective. Don Sargent referred to the Staff report (Exhibit C) and stated this proposed language would establish the Administrative Law Judge program. It would accommodate two different functions for the City which were one, to enforce Code violations as needed and two, to address variance requests for setbacks or other administrative considerations. He stated the Board Of Adjustment group had been handling the variance and administrative requests and Sheldon Smith had been handling the Code violations. Don stated he and Sheldon Smith had researched other jurisdictions like Morgan, Monticello, Tooele, Hideout, Riverton, Grand County, Summit County, and others that had already adopted this type of program. He stated there was a lot of legal language involved and had worked closely with Sheldon to draft the language. Don Sargent stated the Planning Commission had held a work session and public hearing for the ordinance at their last meeting and no public comment was offered. He stated the Planning Commission did recommend some provisions which had been included in this draft. Don stated the program normally provided for one administrative law judge, but it could be several. One reason for having several was, Administrative Law Judges that are operating in this capacity have expertise in different areas of the Code and so having more than one Administrative Law Judge retained for that purpose, depending on the issue at hand, could address it more effectively than just having one trying to do it all. He stated many cities have a pool of Judges to choose from depending on the type of issue needing to be heard. The ALJ would be responsible to inspect and enforce the Code. The Mayor, Council, and Staff discussed the ordinance including:

- 1.9 – Adding posting a notice on the Utah Public Notice website or City website. Sheldon Smith agreed that was a good avenue for City notices, but not for something like this. The Mayor agreed and stated there may be a privacy concern with posting it. Sheldon Smith suggested adding personal service as defined under the Utah Rules Of Civil Procedure. An effort would be made to contact and service notice to all responsible parties.
- 1.9.1 – Consider requiring the notices be certified mail to verify it was delivered. Sheldon Smith stated in his line of work they send notices certified and regular mail and most times the certified mail would never be picked up, but the regular mail would stay.
- 1.12 - Concerns of needing to provide notice to search or take pictures of someone's property and not just trying to provide notice. Sheldon Smith stated it was reasonable to expect people should have a right to privacy and protection, but when they got into situations where this was needed, they often tried to avoid notice or process and that was why it was listed to give notice "if possible".
- 1.12 - This was not referring to building inspections or construction permit inspections. The issued permit was granting permission to inspect. This was just for violation issues.
- 1.12 – The last sentence did say if a property owner refused entry, a search warrant should be obtained.
- 1.12 – The Council requested for "if possible" to be removed.
- 2.2.5 – Changing the time frame to 20 calendar days instead of 10 calendar days.
- 2.5.1.2 – Changing the policy for disqualification shall be approved by the "City Council."
- 2.5.2.7 – This section should be deleted.
- 2.6.1.5 – Concerns about the ALJ having the right to revoke a business license. Some of the Council would like to have it listed as the authority to "recommend" suspending the business license and then the Council could choose whether or not to revoke it. Others thought this was the purpose of the ALJ; to enforce the Code and requirements. The ALJ would remove the possibility of someone pleading their case, even though it was against the Code, to try and convince a panel to let them proceed. The ALJ would enforce the Code and there would be a basis for that decision. It wouldn't be random. There would be other

notices and considerations before it reached the ALJ. The ALJ wasn't issuing the notice of violation. They were just hearing the information. The recourse for the ALJ decision would be the Third District Court. The possibility of being a buddy of the ALJ, which could affect the outcome of the hearing, was less likely because they would be a non-biased outside opinion. Any action was an administrative action and would be known by the Mayor, Council, and Staff before it reached the ALJ. 2.6.1.2 stated the same thing in context and 2.6.1.5 could be removed. The ALJ had to have the ability to issue sanctions. It should, in theory, never reach the ALJ. The Council requested for 2.6.1.5 to be removed.

- Section 3 included most of the current Code, Section 10-3-100, language for variances. The Code didn't state it would be heard by the Board of Adjustments. It stated it would be heard by an Appeals Officer which fit the ALJ language and the Code didn't need to be amended.
- In the past, there was a case where it was difficult for a decision to be made. It was difficult to staff the BOA because the decision to uphold the Code was putting family and friendships in jeopardy and was an emotional decision. The possibility of having a buddy-buddy outcome affect the issue was greater versus the outside opinion of the ALJ.
- The intent of this program would be to get a Code Enforcement Officer in the future as well. The cost to cover the program would be from the fees to go through the process. The Enforcement Officer could be a Staff member right now. The ALJ would be paid on an as needed, case by case basis. The advice was to have a panel of ALJ's based on their expertise and then when an issue came up, the case would be assigned to a specific ALJ.

The following were a list of concerns and questions from Council Member Rodney Robbins.

- 1.14 – What if the person was out of town on the day the subpoena was issued. Sheldon Smith: this is referring to the person not accepting the notice and not someone needing to appear at a specific time.
- 2.2.2.9 – Would like to have a grace period before fees were assessed. Sheldon Smith: this was referring to if the person had already been through the process once, the City didn't have to go through all of the notification process if they were in violation again for the same thing.
- 2.2.2.8 - The fees would be suspended if an appeal were filed in Third District Court. The ALJ had the right to reduce or remove the fines when he issued the order.
- 2.2.5.5 – Shouldn't it be the enforcement official and not responsible person. It looks like the responsible person is the person that was served the notice. The Council requested adding or "City Official".
- 2.2.7 – It states the City may not withhold permits and would like it to say "shall" not. The Council requested for it to be changed to "shall" not.
- 2.3.3.1 – The form should be approved by City Council instead of Administrative Law Judge. Sheldon Smith: The ALJ would not draft the form, he would just be signing the form.
- 2.4.2 – Concern with the ALJ approving the policy to regulate the hearing process and thought it should be the City Council. Sheldon Smith: The ALJ would be approving the policy that was in place. They would want to have input on how the process for the hearing would be handled.
- 2.4.3.1 – Could an enforcement hearing be requested by phone. Sheldon Smith: it had to be a written request as stated in 2.4.3.2, but they could email. An electronic signature would be accepted. Council Member Tyler Rowser suggested making a standard form for a

response. Sheldon Smith questioned if they wanted to be that formal. The Council decided a form wasn't needed at this time. The Council requested for email or electronic format to be listed as an accepted form of contact.

- 2.4.3.3 – Would the fees keep accumulating while they were waiting for the hearing. Sheldon Smith: The fees would keep accumulating if they were listed “daily”, but if they won their hearing, they could ask for the fees to be removed. Don Sargent stated the fees and the proposed fee schedule accrue up to when the initial corrective action and/or acceptable response is made to the City. The ALJ would have discretion as to whether to remove them or not.
- 2.4.3.5.2 – Would the responsible person get re-notified. Sheldon Smith: The City had already given them notice. They would not be re-noticed.
- What would be considered good cause. Sheldon Smith: Something that has some basis and some belief that the person has made an attempt to take care of the problem even though it may not have a legal basis. Most judgements issued by the court have that kind of language in it. Good cause.
- 2.4.5.6 – Would all the costs be assessed to the responsible person even if his request were found in favor. Sheldon Smith: this was referring to if the person didn't give notice to continue the hearing.
- 2.4.5.9 – Why does community service need to be listed as a possible restitution. They shouldn't have to do community service on top of losing their request. Sheldon Smith: That may be used as a form of restitution if the ALJ felt it better served the situation or if they didn't have money, etc. It wouldn't necessarily be in addition to something else.
- 2.4.6 – Was there some type of legal waiver if they couldn't attend because they were sick or in an accident. Sheldon Smith: If a person called with something like that, it would be acceptable.
- 2.5.1.1 – Council Member Tyler Rowser questioned if a two-thirds vote from the City Council would be needed for removal. Mayor Trever Johnson stated the City Council would decide whether or not to appoint or replace an ALJ. Sheldon Smith stated the majority vote from the City Council would make the decision.
- 2.5.2.6 – Could a limit be placed on the amount of the bond. Council Member Tyler Rowser stated we already have a performance bond fee in place. Sheldon Smith stated the number of times that would be used would be very minimal and that could be removed if they wanted. The Council requested for this item to be removed.
- 2.6.1.3 – Would a search warrant be required if the ALJ issued a code enforcement order for the City to enter the property to abate the nuisance. Sheldon Smith: No, a search warrant would not be required.
- 2.6.1.8 – This references the performance bond again. The Council requested for this to be removed since they weren't going to use performance bonds.
- 2.6.3.2 – What does this language mean. Sheldon Smith: That was very typical language. An example would be if the person requested a hearing, and they didn't show up at the hearing, and then petitioned the Third District Court, the Judge would probably say, "Well, you didn't exhaust your administrative opportunities". That would be something that a Judge would look at any time you have an administrative action, to make sure that the responsible person has jumped through all of the hoops administratively before they went to the District Court.

- 2.6.3.3.1 – What does the language mean when it states the ALJ won't give out copies of the files. Sheldon Smith: If you're the responsible party, and you have an order from the ALJ, you have 120 days to get the entire record of the ALJ and submit it.
- 2.6.3.6 – If you filed a petition, that should stop the violation order until a decision comes from the ALJ or District Court. Sheldon Smith: This was saying before filing the petition, they could request the ALJ to stay the order. Mayor Trever Johnson stated the act of filing the petition wasn't enough. You had to be granted approval from the ALJ to stay the order. Sheldon Smith stated if you're the responsible party, and you lose in front of the ALJ, you could request the ALJ to stay the executive order.
- 2.7.1.1 – Who determined the date for a correction to be taken care of. Sheldon Smith: They would be given a date to complete the correction, but if an attempt were made to meet the date, as long as they were making the effort, the City would continue to work with them. Council Member Don Winters stated they wouldn't be involved with the ALJ unless they refused to correct the violation. Sheldon Smith stated the Council could also tell the Code Enforcer to give them a longer period of time. The problem in the past has been the same people just kept getting noticed and they weren't doing anything to take care of the issue.
- 2.7.5 – What if someone were on a tight budget and couldn't pay the fees, could the Council step in and waive the fees. Council Member Cody Blonquist stated ultimately all the City was trying to accomplish was to have the problem corrected. The City wasn't interested in collecting fines from citizens. That was just a mechanism to get their attention to resolve the issue. Sheldon Smith stated no, it would not come to the Council for reconsideration. The ALJ would take that into consideration.
- Pages 26, 27, 28 – How does the variance work. Would all of the qualifications have to be met. Mayor Trever Johnson stated this was just from the Code. Sheldon Smith stated they would have to meet all of the qualifications. That wasn't just Coalville City Code, that was State Code.

Mayor Trever Johnson opened the public hearing at 7:48 P.M.

Louise Willoughby – 151 South 50 West

Louise Willoughby stated okay, a few questions. How did the Administrative Law Judge concept morph into an ALJ and Code Enforcement officer too? Would it not be very difficult to do both jobs objectively or and as you've talked about, this is two separate positions, it sounds like? Why was this combined idea not brought up during other Council meetings and then added into the Planning Commission meeting with the public hearing attached? When Sheldon was asked by Council Member Geary, if we ever had to do this, which I'm not sure what that was, he responded, not since I've been here. If this is not a concern and we have not been overwhelmed by problems since Sheldon has been here, why are we focusing on this right now? Why would they, both jobs... what would both jobs be paid? How many hours would they work? Would they need to justify their job or feel motivated to pay for their job by driving around looking for any or everything that does not meet Code. Would we be setting up a tattletale device so that any citizen that does not agree with how their neighbor's property looks, goes about finding Code violations on their neighbors. And then turns the concerns to the City which then goes to the Code Enforcement or the Administrative Law Judge. There are probably many people in town that don't meet Code in one way or another. I mean, most people don't even know what Code is on everything. What assurances do the public

have that everyone would be treated fairly. That there would not be any targeting of one individual. As a citizen, I find it unbelievable that the public is expected to talk intelligently about a topic like this when we have no information in front of us. And from what I understand from tonight's meeting, 29 pages the Council has, these 29 pages have been flipped through incoherently, quickly, randomly online so that we as a public have a very poor understanding of what's actually in that completed document. How long has the City Council had this document to look through? What is the rush on something like this? Why the hurry? Why have a public hearing at the Planning Commission and City Council meeting if the citizens don't even have access to the documents that will be discussed. A large group of us had been trying to find the documents so we could become informed and ask good questions. We could not find any information on the City website. We did find that the website said tonight's meeting was canceled off to the left. And finally, what qualifications does an Administrative Law Judge need to have? Would training need to be done? Who would do this training? Those three descriptive words that describe this job title, administrative, law, and judge, are very scary. Why take the power away from the City Council? If you think back over the last four years, a huge percent of the City Council time has gone to the large development on the Hill, and many meetings have been canceled. So, is our Council so busy and overwhelmed by City business and decisions that we need to add more staff to our City? At a previous City Council meeting, it was mentioned that the City does not have even enough money to pay the increased cost of the contracted of water and we need to let someone pay for the water. So, we need more staff? Do we have enough concerns in our community where people are not following Code and need Code enforcement that we could use one or maybe even two ALJ's and a Code Enforcement Officer? As a citizen, we're asking that you do not make a decision on this tonight and put documents out there for the public to study before closing this public hearing. And as a citizen, I'm also requesting the Council draft their own document that does not include 29 pages of the copied documents from other towns. Please keep the public hearing open and let the people study this. Thank you. Mayor Trever Johnson stated thank you for your comments, Louise, I have kept up with a few of the questions. I was writing them down as you were stating them. I couldn't write them all down. So, we'll do the best we can here. A lot of those questions that you had; I know the answers were already discussed. I don't know how long you've been in the meeting or whatever. A number of those have been discussed already. They are not a Code enforcement entity, as I'm understanding this whole thing. We talked earlier about the need for a Code Enforcement Officer, although that need is not immediate. In my view, I made the comment that, that function would still be going on kind of how we've been doing it so far. Namely, Sheldon Smith has actually been sending out notices, but that, that is an initiative that needs to be fixed. One of your questions, what is the rush? If there's a perception there's a rush here, then that's a false perception. Although in this sense, there is a little sense of need here because we have no current Board of Adjustments. And, there's a number of reasons for that. One is that it's hard to find somebody that's willing to rule for or against their neighbor or friend. And number two, the current political climate out there. There's not a lot of people interested in wanting to submit themselves to that. We're having the same thing with the Planning Commission, even the same thing with Council Members and Mayors wanting to run for office. And so, this is an administrative function that can take care of a number of things that the Board of Adjustments would be doing. We do have right now, an application for a variance. We have no mechanism in which we can hear the variance. There's no Board of Adjustments. There's no ALJ. I think you misunderstood, the one in 15 comment that Sheldon was referring to. That was referring to a case that went to the Third District Court. That's not referring to all the times needed for the Board of Adjustments, i.e., ALJ. That's only some of the things I could really write down. Things I'm trying to remember in terms of your, comments were, why did it not go to Planning Commission. Didn't that go to the Planning

Commission for any review or discussion? Don Sargent stated it did go to the Planning Commission. Mayor Trever Johnson stated I was second guessing myself when she said that, because one of the comments I thought was stated was, there was no public comment in the Planning Commission. Is that right? Don Sargent stated that was correct, no public comment. Mayor Trever Johnson stated so, if you're feeling like or are trying to make it look like this is going under the radar and just another way to stick it to the citizens, that is not what this is. This has been talked about in this body a number of times for the past year. Council Member Cody Blonquist stated it had been longer than that. Mayor Trever Johnson stated it has been talked about a lot. Sheldon Smith stated for four or five years. Mayor Trever Johnson stated and again, maybe we can go to the minutes and address some of the other questions or whatever, if they were indeed questions or whatever.

Lynn Wood – 40 West 100 North

Lynn Wood stated well, I have just a comment and a couple of questions. I think, at the first kick, I think it's a good idea to have somebody outside the community, making the ruling on these things. I can see some wisdom in that. That could be more efficient, more consistent. So, at first look, I think I support that. One of the questions I have is, how does this fit in with the Board of Adjustments? I'm a little unclear about that, whether it's replacing that position, or would that still be in effect? And also, at a certain point last year we realized, there's not a way to appeal the Council decision without going to Third District Court, which is a really drastic move. Will this provide an avenue where the Council decision, if somebody wanted that to be reviewed, that it could be reviewed by the ALJ rather than having you take that drastic move going to District Court? So, like I said, I think that on some level, I think there could be some big plusses. I think that the concern of the public, of course, is anytime we're introducing new regulations, and this is going to affect people very personally and if you get the right guy in the job, things will go well. And if you get the wrong guy, we need to know that they're working under the direction of the Council and that they're at the discretion of the Council. And so, I think something I would also suggest along with what Louise said is that, if we could publish this ordinance so that it can be reviewed and everybody can get a little bit more comfortable with what it really means. That would be incredibly helpful. That's my comment, thank you. Mayor Trever Johnson stated great comments and questions. And to your first point on the Board of Adjustments, it does eliminate the Board of Adjustments. It's one of the points, that there would not be a Board of Adjustments for a couple of the reasons that I stated earlier. Yes, there's Council decisions that can be appealed to the ALJ. We had one and had we had an ALJ, that just happened this year on a permit that was appealed, or an appeal was filed for a permit, in that case, the Council had to rule and ruled in favor of issuing the permit, then if there was an appeal to reject it, that would go to the ALJ. I don't know all of the examples in which an appeal or, I guess, a request for appeal for a City Council decision would go to an ALJ. But it seems like we're kind of juggling here between the comment of, the City Council should rule on every line and item, but then if they don't like it, going to the Third District Court is a problem as well. So, it is this balance of trying to find an effective avenue and path that citizens can take in getting to where they want to go. One thing that kind of dovetails with the Code revisions that we're doing, the points of doing these Code revisions, is not only to bolster things like the big development that's going in, in terms of the City's say, but also to eliminate gray areas and ambiguity and clearly define certain paths which makes the decision for the ALJ quite a bit easier. Where he's not ruling on, or they are not ruling on some gray area. And as far as finding the "right guy" that is up to the City Council to hire, or I guess the appoint or whatever, the ALJ. And that goes back to one of Louise's comments about having one or two. Just so we're clear, it's finding a

pool to pick from that the City Council feels has the expertise in the field that is being argued, so to speak. Whether that's permitting, whether that's water, whether that's easements or lot lines or whatever it is. To have a pool of expertise to pull from individually, not all at once or not on the payroll at the same time, but just a broader skillset to be able to take advantage of is what they're talking about. And the City Council has the oversight on who that is. How they interview things that are important to them, the City Council, in my mind, would also have the opportunity to direct this person in the context of how severe, how rigid, how lenient, those kinds of things that this person can operate with them. Yeah, I don't know that we need to vote on this tonight, there's certainly a few people that are hoping we are because they're waiting on some variance applications. But it's important that we get it right. Sheldon Smith stated he agreed with a lot of what Lynn Wood said and stated I think she's brought out some good points in what an ALJ can accomplish. The one clarification I would make is that I don't think this is adding additional regulation for the citizens of Coalville. This is giving them a new opportunity if there is a citation issued against them. Mayor Trever Johnson agreed and stated it's another, again, I said this earlier, another level of legal options. Sheldon Smith stated, and this is not new information. I mean, this has been out for a long time. And, I don't know, has anybody requested this stuff, Niki? Niki Sargent stated no, I haven't had any requests. We have copies that can be made available. Mayor Trever Johnson stated whoever wants the draft can certainly have it with all the amendments that will be made tonight.

Mayor Trever Johnson closed the public hearing at 8:48 P.M.

Mayor Trever Johnson re-opened the public hearing at 8:50 P.M.

Albert Richins – 40 North 50 East

Albert Richins had trouble with his audio and couldn't be heard by the Council. Mayor Trever Johnson called him directly and gave him the options of coming the City Hall to make his comments or trying again at the next meeting or emailing his comments. After talking to Albert Richins, Mayor Johnson stated Mr. Richins didn't have any comments pertaining to the public hearing for the ALJ. Mr. Richins had some history information he wanted to give about the City and Mayor Johnson made arrangements to call him back at a later time to visit with him.

The Mayor and Council discussed whether or not to continue the public hearing. They decided to continue the public meeting to the next Council meeting on March 22, 2021. Mayor Trever Johnson stated he appreciated all the effort Don Sargent and Sheldon Smith had put into this information. He also appreciated the feedback and public comment. Council Member Cody Blonquist stated he wanted to remind everyone that they had been heavily criticized for the amount of time and money they spent on modifying the ordinances and wanted people to remember some of the reasons why these meetings stay open, and discussion continued and continued after the five of them had vetted it. Don Sargent stated he would redline the changes made tonight and have the documentation ready for the next meeting.

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**Item D – Continued Review, Discussion, And Possible Adoption Of The Completed Updated Coalville City Fee Schedule Resolution No. 2021-3:**

Mayor Trever Johnson stated this resolution would include all of the fee updates. Don Sargent referred to the Staff report (Exhibit D) and stated the development fees had already been approved

with Resolution 2021-2 and this resolution would combine those fees with everything else. The Mayor, Council, and Staff reviewed the fee schedule including:

- Construction Plan Review for a subdivision over five lots probably wouldn't be covered by the \$500 fee. The proposed fee would be \$1,000 for over five lots. The Council decided to include the proposed fee.
- A new note was added that water may not be sold by individual City water users or businesses to any outside entity. If someone wanted to sell water to someone for them to fill their water tank for like a cabin or something, that would not be allowed.
- Question if the \$35 charge should be charge for residential purposes. The Council decided to keep the \$35 charge as there were costs associated with hooking them up for use. Zane DeWeese stated the \$35 fee was for a 1,000-gallon tank or less. It wasn't a fee in addition to gallon fee.
- New fees were added for the Administrative Enforcement fees.
- The fee for copies larger than 11X17 was removed because the City didn't have the ability to make them.
- The fee for making movies in the City was raised to \$1,000.
- The Cemetery fees were changed to include County and non-County fees and a fee of an additional \$100 if the procession arrived after 2:00 P.M.

**A motion was made by Council Member Phil Geary to approve Resolution No. 2021-3 Coalville City Fee Schedule. Council Member Tyler Rowser seconded the motion. All Ayes. Motion Carried.**

**Roll Call:**

**Council Member Blonquist – Aye**  
**Council Member Geary – Aye**  
**Council Member Robbins – Aye**  
**Council Member Rowser – Aye**  
**Council Member Winters – Aye**

**Item E - Appointment Of Planning Commissioners:**

Mayor Trever Johnson stated he had received some letters of interest for the Planning Commission positions. He stated a couple of the people needed to verify their work schedule and so he would postpone the appointments until the next meeting.

**Item F – Consultant Updates:**

Don Sargent stated he had been working with the Planning Commission on the Parks, Trails, and Open Space Code updates. He stated they would hold a public hearing when they had a final document to present. He stated they would also start working on the Use and Definition list.

Don Sargent stated Wohali had filed their Phase I Final Plan and Development Agreement application with the City. He stated they were reviewing that right now, and it was scheduled for a work session on the Planning Commission agenda as well. It would require a public hearing at the Planning Commission level prior to coming to the City Council.

**Item G – Public Works Updates:**

Zane DeWeese stated he didn't have any updates tonight.

**Item H – Community Development Updates:**

Paul Taylor stated the business license that was tabled at the last meeting was back for approval for Orozco Welding Services, LLC, Edgar Ramirez-Orozco, 164 S Antelope Drive, for a concrete business which would consist of flatwork for driveways, sidewalks, pads, etc. He stated it would be a home office to take orders and process invoices. All contract equipment would be stored off-site in a rented storage unit. Paul stated Mr. Orozco had provided a letter from the property owner stating it was okay to use his property address for the business. He stated he had also spoken with the friend and verified the letter. Council Member Cody Blonquist questioned if they needed to stipulate that he couldn't store any construction materials at this location. Paul Taylor stated he had put that on his application. Paul Taylor stated he had a business license for approval for Yoga With Cortnie, Cortnie Eldredge, 180 S Main. She would be teaching yoga classes and providing one-on-one instruction. She would be scheduling the appointments from her home and would be providing the service at the client's homes. Paul stated with the approval of the ZipHoldings/ECSC, LLC Condition Use Permit, they would be eligible for approval for their business license application for ZipWhipper LLC.

**A motion was made by Council Member Cody Blonquist to approve the business licenses for Orozco Welding Services, Yoga With Cortnie, and ZipWhipper LLC. Council Member Rodney Robbins seconded the motion. All Ayes. Motion Carried.**

**Item I – Legal Updates:**

Sheldon Smith stated he didn't have anything tonight.

**Item J – Council Updates:**

There were no Council updates.

**Item K – Mayor Updates:**

Mayor Trever Johnson stated he didn't have anything else tonight.

**Item 4 – Review And Possible Approval Of Accounts Payable:**

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The Mayor and Council reviewed the Accounts Payable for March 2021.

**A motion was made by Council Member Rodney Robbins to approve the Accounts Payable for March 2021. Council Member Phil Geary seconded the motion. All Ayes. Motion Carried.**

**Council Member Cody Blonquist abstained from voting because his company was listed.**

**Item 5 – Review And Possible Approval Of Minutes:**

The Mayor and Council reviewed the minutes of the February 8, 2021 meeting.

**A motion was made by Council Member Rodney Robbins to approve the minutes of February 8, 2021 as written. Council Member Tyler Rowser seconded the motion. All Ayes. Motion Carried.**

**Item L – Executive Session:**

There wasn't an executive session tonight.

**Item 6 – Adjournment:**

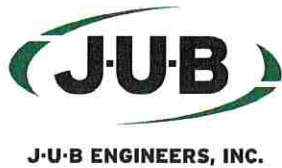
**A motion was made by Council Member Tyler Rowser to adjourn the meeting. Council Member Cody Blonquist seconded the motion. All ayes. Motion Carried.**

The meeting adjourned at 9:30 P.M.

\_\_\_\_\_  
Mayor Trever Johnson

Attest:

\_\_\_\_\_  
Nachele D. Sargent, City Recorder



"Exhibit A"  
Council 3/8/21

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

**DATE:** February 18, 2021

**TO:** Coalville City Council  
Mayor Trevor Johnson; Zane DeWeese, Public Works Director;

**CC:** Sheldon Smith, City Attorney;

**FROM:** Paul Taylor P.E., City Engineer

**SUBJECT:** ECSC LLC (formerly ZipHoldings), Modified Conditional Use Application

**Application Information:** This is a request to modify an existing Conditional Use Permit

**Applicant:** ECSC LLC Applicant Address, Parcel Number: 340 S. Main Street, CT-362-1 and CT 362-E

**Applicable Ordinances:** Title 10 Chapter 15: Commercial Districts and 10-15-110: Uses Not Listed

**Background:** In March of 2018, Zip Holdings was granted a Conditional Use Permit (CUP) to operate their zip line distribution, related rescue products, related R&D of said products, and MIRRA training at 340 South Main Street Coalville, Utah. They recently applied for a business license under the name of Zip Whippers to design and manufacture proprietary automated climbing walls at the same location. In reviewing that request it was determined that these activities would also require a conditional use permit. As the new uses were not specifically addressed in the original CUP, it was suggested that they apply for a modification of the original CUP to expand the approved uses rather than have different permits for different uses.

**Staff Comments:**

The current zoning of the property located at 340 S. Main Street in Coalville, Utah (Parcels CT-362-1 and CT-362-E) is Community Commercial. The permitted and conditional uses in this zone can be found in Title 10, Chapter 15 of the Coalville City Corporation Codes and Ordinances. Adjacent parcels are zoned Community Commercial, Agriculture, and Medium Density Residential.

The request is to modify the original CUP with the stated purpose to "Design, Development, Light Manufacturing and Distribution of Rides and Devices". This language is more general in nature and will enable them to continue to innovate and develop new products in a variety of fields without having to modify the CUP every time.

This request seems to be consistent with the original CUP. The wording is more general in nature and allows for a variety of activities in related fields.

**Staff Recommendation:**

The Planning Commission reviewed this application in their last meeting and voted unanimously to recommend approval to the City Council. Staff finds nothing in this application that appears to be inconsistent with ordinances or that is not compatible with current uses in the area.

Staff further recommends that the City Council consider approval of the modifications as proposed, leaving the original conditions in place.

**Attachment:**

CUP Application

Original March 26, 2018 Letter of Conditional Use



APPLICATION for  
**CONDITIONAL USE** within  
COALVILLE CITY:

<b>For Office Use Only:</b>	
Application #:	Application Date:
New: ___ Renewal: ___ PC Approval Date:	CC Approval Date:
Community Development Director Approval Date:	Initial:
Expiration Date:	Denial Date:
Fee Paid: \$	Receipt #:

**NOTE:** The conditional use approval process requires a minimum of two public hearings. To meet scheduling, workload, and legal posting requirements, this permit may require a minimum of 60 days to process.

**Project Name:** Modified CUP Application

**Project Address or Area:** 340 South Main Street, Coalville Utah 84017

<b>Name of Owner:</b>	<u>ECSC Properties LLC (formerly ZipHoldings LLC), Eric Cylvick, Member/Manager</u>		
<b>Address of Owner:</b>	<u>340 South Main Street, Coalville Utah 84017</u>		
<b>Phone:</b>	<u>[REDACTED]</u>	<b>Cell:</b>	<u>[REDACTED]</u>
<b>Email:</b>	<u>[REDACTED]</u>	<b>Fax:</b>	<u>[REDACTED]</u>

**Name of Applicant:** Eric Cylvick

**Address of Applicant:** [REDACTED]

**Phone:** same **Cell:** \_\_\_\_\_  
**Email:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Please include two sets of the following information with the application:**

1- 8 Unchanged from previous CUP

- \_\_\_ 1. If the proposed conditional use would require any alteration of the building or site, or construction of a new building, please include the following:
  - \_\_\_ a. A legal description of the subject property.

- \_\_\_ b. A map of the site showing the existing conditions prior to the demolition of any structures and any grading, with north arrow and scale.
  - \_\_\_ c. A vicinity map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale.
  - \_\_\_ d. The boundaries of the site, any easements of record or known prescriptive easements, existing public utility facilities, roads, fences, irrigation ditches, and drainage facilities.
  - \_\_\_ e. Topography with contours shown at intervals of five (5) feet or less, one hundred (100) year floodplain, or ordinary high water mark and high ground water areas, known spring and seep areas, ditches or canals, and wetlands.
  - \_\_\_ f. Existing vegetation, type and location, soil classification and load carrying capacity information.
  - \_\_\_ g. Site plan of the proposed conditional use showing building locations, proposed road locations, parking areas, trails and sidewalks and other circulation features at proposed finish grade.
  - \_\_\_ h. Proposed grading, drainage, and erosion control plans.
  - \_\_\_ i. Proposed location of all site improvements such as arenas, barns, plazas, tennis courts, swimming pools, and similar improvements.
  - \_\_\_ j. Proposed utility plan including easements for new utility services or relocated utility services.
  - \_\_\_ k. Proposed landscape and irrigation plans.
  - \_\_\_ l. Designations of proposed ownership of areas shown on site plan as common area or dedicated open space.
  - \_\_\_ m. Architectural elevation drawings of proposed buildings.
  - \_\_\_ n. Proposed lighting and signage plans.
  - \_\_\_ o. Proposed location of a common satellite receiving station or other antennae.
- \_\_\_ 2. A preliminary title report showing the title to the property and listing all encumbrances, covenants, easements, and other matters affecting title and a legal description of the site.
- \_\_\_ 3. Copies of any covenants or easements that are referred to in the title report.

- \_\_\_ 4. A development schedule indicating phased development, if any, and the estimated completion date for the project.
- \_\_\_ 5. Stamped and addressed envelopes for all property owners within three hundred (300) feet of the perimeter of the site or lot line with their current mailing addresses as shown from the most recently available county assessment rolls.
- \_\_\_ 6. Answers to questions on this form.
- \_\_\_ 7. If applicable, a signed, notarized statement of consent authorizing applicant to act as an agent.
- \_\_\_ 8. If this Conditional Use Approval is required as part of a Temporary Use, Sign, Subdivision, or Master Planned Development, please attach a copy of the applicable applications.
- \_\_\_ 9. **Filing fee of ( \$250 + Notification and Publications Costs ) due at time of application.**

**Notice:** Additional information may be required by the project planner to ensure adequate information is provided for staff analysis.

All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

**If you have any questions regarding the requirements of this application, please contact the Community Development Director prior to submitting the petition.**

**County tax parcel ("Sidwell") maps and names of property owners are available at:**

Summit County Recorder's Office  
60 North Main Street  
Coalville, Utah 84017

**File the complete application at:**

Coalville City Hall  
10 North Main Street  
Coalville, Utah 84017

Signature of Property Owner or Authorized Agent: \_\_\_\_\_

Date: 2/2/2021

**Please Answer the Following Questions. Use an Additional Sheet if Necessary.**

Please describe your project:

Requesting to modify our CUP to read "Design, Development, Light Manufacturing and Distribution of Rides and Devices". This will enable us to continue to innovate and develop new products in a variety of fields.

List the primary street accesses to this property: 340 South Main Street, Coalville Utah 84017

If applicable, what is the anticipated operating/delivery hours associated with the proposed use?

Unchanged

What are the land uses adjacent to the property (abutting and across-the-street properties)?

Residential, Agricultural

Have you discussed the project with nearby property owners? If so, what responses have you received?

We are not intending any changes to our existing operation. I have spoken several times with Doug and Robin Wilde and they have no issues with our operation and say we have been good neighbors.

If applicable, list the primary exterior construction materials you will use as part of this project.

Unchanged

How many parking stalls will be provided as part of the project?

Unchanged

How many employees do you expect to have on-site during the highest shift?

Unchanged

Where applicable, how many seats will be provided as part of the conditional use?

Unchanged

What is the gross floor area of the proposed building?

Unchanged



"Exhibit G"  
City Council March 26, 2018

JUB COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

JUB ENGINEERS, INC.

**DATE:** March 26, 2018

**TO:** Coalville City Council

**CC:** Mayor Trever Johnson; Zane DeWeese, Public Works Director;  
Sheldon Smith, City Attorney;

**FROM:** Shane McFarland P.E., City Engineer  
Derek Moss, AICP, City Planner

**SUBJECT:** Conditional Use Permit Application

**Application Information:**

**Applicant:** Zipholdings      **Applicant Address, Parcel Number:** 340 S. Main Street, CT-362-1 and CT-362-E

**Applicable Ordinances:** Title 10 Chapter 15: Commercial Districts and 10-15-110: Uses Not Listed

**Decision to be Made:** The Planning Commission recommends conditions for the use of the building and the City Council is the authority to approve, approve with conditions, or deny the conditional use permit.

**Background:** The applicant submitted an application for a conditional use permit to operate their zip line distribution, related rescue products, related R&D of said products, and MIRRA training at 340 S. Main Street Coalville, UT. Details of the operations of the business and intended use of portions of the building have been provided in Addendum 1 of the application.

**Staff Comments:** The current zoning of the property located at 340 S. Main Street in Coalville, Utah (Parcels CT-362-1 and CT-362-E) is Community Commercial. The permitted and conditional uses in this zone can be found in Title 10, Chapter 15 of the Coalville City Corporation Codes and Ordinances. Adjacent parcels are zoned Community Commercial, Agriculture, and Medium Density Residential. There are no known building or zoning violations on file, however this should be verified with the City Recorder. There are currently no known variances or special permits issued for use of the site or building.

According to 10-15-110, staff have the authority to identify and categorize the unlisted use based on substantial similarity to character, origin, and impact of uses listed in Chapter 15. The applicant has proposed various uses of the building, all of which are similar in character and impact to uses that are either permitted or conditional, including Office, Storage, and Automobile Service and Repair.

Staff have characterized the use as substantially similar to the aforementioned conditional uses and recommended conditions to the Planning Commission (based on the Standards for Review found in 10-3-120-E-10) (see below in the Planning Commission Recommendation).

In summary, the planned use of the building does not appear to introduce additional impacts to surrounding property owners and is consistent with the Community Commercial (CC) Zone.

**Planning Commission Recommendation:** The Planning Commission, on March 19, 2018 recommended approval of the conditional use permit with the conditions provided by staff, which are:

1. *Provide sufficient parking for employees and customers. For customers and participants of training courses, limit access to the building to the front, main entrance only.* The Applicant should demonstrate sufficient parking stalls for employees in addition to customers of training courses and similar activities held at the facility. The Applicant should demonstrate how customers will access the main building entrance in a safe manner, away from open bays and other assembly and training activities.
2. *Provide a clear separation of uses for assembly, R&D, and similar from participants of training courses and other customers.* The Applicant should demonstrate that although some out-of-classroom, field training will take place on site, that this training would take place in areas designated as such and not in areas where other assembly and R&D take place or are currently taking place.

**Follow-up Staff Comments:** After further review and discussion during the Planning Commission meeting, the Applicant has demonstrated the manner by which uses will be separated once employees and customers enter the building. Therefore, the following conditions are recommended with these minor changes (see below) which we feel captures the intent of the use of the building and the concerns raised by staff and the Planning Commission:

1. *Provide sufficient parking for employees and customers. ~~For customers and participants of training courses, limit access to the building to the front, main entrance only.~~*
2. *Provide a clear separation of uses for assembly, R&D, and similar from participants of training courses and other customers.*

Of note, the Applicant has demonstrated that all vehicular parking on the property shall be limited to the improved parking area located on the east side of the building and overflow parking shall be located on the south side of the building near the secondary building entrance. (See attachment)

The Applicant has also demonstrated that training will take place on site and that this training would take place in areas designated as such and not in areas where other assembly and R&D take place or would currently be taking place.

If you have any questions feel free to contact us.

**Addendum 1 to Conditional Use Permit Application for 340 South Main Street, Coalville, Utah**

**ZipHoldings, LLC**

This Addendum is included to provide further details supporting the application for a Conditional Use Permit pertaining to 340 South Main Street, Coalville, Utah by ZipHoldings LLC. Zip Holdings LLC will own the property and will lease it to Terra-Nova LLC of Utah (dba, Zip Rider), their 100% owned operating entity. Together, these entities will be referred below as the "Applicant".

Applicant believes that, although Applicant's product is not automotive-related, Applicant's (or Applicant's affiliate's) proposed uses of the property is substantially similar to prior uses of the property, and in fact "cleaner" and quieter. No changes to the site are proposed other than an internal renovation of the existing building and minor repairs to that building. No "hazardous materials" other than common paint and related products, cleaning and office supplies will be used on the property.

Since 2002, Applicant has designed and built the world's largest and most sophisticated zip line systems and related rescue products, and most recently, the Emergency Egress System for the United Launch Alliance for NASA's upcoming manned space missions. The Emergency Egress System they designed and built at Cape Canaveral allows for up to 20 astronauts and crew members to evacuate the Crew Access Tower (CAT) in under 60 seconds. Many of their products are represented in a Promo Video on their home page at <https://ziprider.com/>. They have 17 US and European patents on proprietary technology which were designed locally in Wanship. They currently operate their business using three locations in Wanship: 35 West 2100 South, 2086 and 2090 South State Road 32. The intention is to consolidate all operations at 340 South Main St. From there the company will distribute ZipRider, ZipTour, and ZipRescue products. They are also in the process of developing new products and services: ZipEvac, Terra-Swing, and MIRRA (Mountain Industrial Rescue and Rope Access) training.

Below are elements of Applicant's intended use that Applicant believes are relevant for consideration in connection with this application:

1. Applicant would utilize the entire lower office space and eventually the upstairs office space for rescue training classes.
2. Pre-fabricated parts and components of Applicant's systems would be delivered to the property, and Applicant will thereafter assemble the systems on, and ship the systems from, the property. The main section of the building, which is open in plan, would be used for finished goods handling, staging, inventory, shipping and receiving, testing, R&D.
3. The north end of the main section of the building would be dedicated to Applicant's upcoming MIRRA (Mountain Industrial Rescue and Rope Access) training center, which would be the first Rope Access Training Facility specializing in ski area lift evacuation techniques and training. Once this training center is built and fully functional, Ski Patrol Supervisors from the US and Canada would be on-site from time to time for intensive lift evacuation training and certifications. They would take this training back to their prospective resorts and communities and use that knowledge to train their respective staffs. Many MIRRA customers would likely utilize the motel across the highway and the restaurants in Coalville. This will be the first and only training facility in the USA dedicated to mountain rescue training.
4. Although Applicant does not currently manufacture or fabricate any parts or components of their systems themselves, ultimately, Applicant would plan to use the welding bay and painting bays in the future to fabricate and paint their components and similar items. Any

such use of the welding bay and the painting bays would be consistent with the prior uses of such bays.

5. All current and future uses will fully comply with all applicable zoning and other legal requirements.
6. The undeveloped sections at the rear of the 2.67-acre parcel would be used for additional non-motorized outdoor MIRRA training, as well as storage/parking for small, specialized equipment, and a handful of company vehicles and small trailers that are not in use when in between projects.
7. Initially, Applicant's business on the property would involve fewer than 10 employees. Obviously, Applicant fully expects its business to be very successful, which would create additional jobs requiring additional employees.
8. Generally, Applicant would be open for business during "customary" business hours (8 through 6); however, certain projects and deadlines may require activity on the property outside of those hours. The same applies to deliveries to the property.

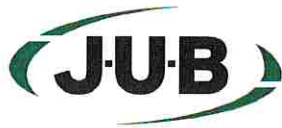
The property is zoned "Community Commercial", and is governed by Title 10, Chapter 15 of Coalville's Ordinances. Applicant's specific intended use of the property is not expressly listed in Chapter 15, and so Applicant has referred to Section 10-15-110 (entitled "Uses Not Listed"). This Section provides that the Zoning Administrator has the authority to identify and categorize an unlisted use based on substantial similarity of character, origin, impact, etc., with listed uses, and then treat the unlisted use as if it were a listed use. Applicant believes that its various intended uses of the property are substantially similar to a number of uses listed in Section 10-15 in terms of nature and extent of impacts (although, as noted above, Applicant believes that its use of the property would be less impactful than relatively "dirty" automotive uses, and will not involve retail customer traffic), including:

1. Automobile lube and oil center.
2. Automobile service and repair.
3. Tire store, sales and repair.
4. Building materials/hardware sales.
5. Office, Business or Professional (applies to Applicant's office uses).
6. Storage facilities.

Applicant thanks the Mayor, the Council, the Planning Commission and the Planning Staff for their consideration of this application. We believe that our proposed use of the property would add to the economic prosperity of Coalville with essentially no negative impacts, particularly in comparison to many of the uses listed in Section 10-15.

ZipHoldings LLC

2<sup>nd</sup> March 2018



"Exhibit B"  
Council 3/8/21

J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

**DATE:** March 5, 2021

**TO:** Coalville City Council  
Mayor Trevor Johnson; Zane DeWeese, Public Works Director;

**CC:** Sheldon Smith, City Attorney;

**FROM:** Paul Taylor P.E., City Engineer

**SUBJECT:** FEMA Floodplain Ordinance Revisions

**Decision to be Made:** The City Council is the authority over ordinances. They can either be approved or denied. The City Council is also the authority over accepting and adopting the floodplain mapping.

**Background:** In 2020, FEMA updated the Floodplain Mapping through Coalville. Prior to this time floodplain mapping through Coalville was prepared by utilizing general USGS Quad mapping and elevation information provided on the USGS Quad Maps. In many locations the contour accuracy on those maps is plus or minus 20 feet vertically. There are many areas on the previous mapping that were designated as floodplains that really were in no danger of flooding. There also were areas where flooding had a high likelihood of occurring, but these areas were not included in the flood plain.

With the advancement of technology, mapping has become significantly more detailed and accurate. Through a long process and utilizing this more accurate information, FEMA has updated the mapping to more accurately represent the risk of flooding along streams, channels and lakes in the area. In order to qualify for the National Flood Insurance Program, Coalville City is required to adopt the updated mapping and revise ordinances to reflect the more accurate mapping. It is required that the new mapping and associated ordinance updates be adopted and effective prior to March 23, 2021 in order for Coalville residents to obtain flood insurance under the National Flood Insurance Program.

**Staff Comments:** Prior to my arrival as the Coalville City Engineer, J-U-B staff as well as Coalville City staff were given the opportunity to review and comment on the proposed changes. We have reviewed the current ordinance and compared it to the recommended ordinance provided by the State of Utah Department of Public Safety Emergency Management Division. A copy of the current ordinance with highlighted proposed changes is attached.

**Recommendation:**

The Planning Commission reviewed the proposed ordinance changes at their meeting on February 16<sup>th</sup> and recommends that the City Council adopt the changes attached, provided that the City Attorney adequately addresses two concerns with the proposed penalty clause:

1. The penalty clause should make it clear that the costs incurred to repair damages as a result of any action that a property owner has taken that are in violation of this ordinance should be borne by the property owner.

2. There is concern that this suggested language might require a property owner that wants to modify his yard within the floodway to accommodate minor adjustments might be required to hire an engineer to study any potential impacts. Home owners ought to be allowed to make minor adjustments without having to do detailed studies to show they are not causing problems.

Staff recommends that the proposed ordinance revisions and associated floodplain mapping be adopted.

**FLOOD DAMAGE PREVENTION ORDINANCE**

**ARTICLE I**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore the City Council of \_\_\_\_\_ does or has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, does ordain as follows:

**SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of Coalville City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

**SECTION C. STATEMENT OF PURPOSE**

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric,

telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

**SECTION D. METHODS OF REDUCING FLOOD LOSSES**

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

## ARTICLE II

### DEFINITIONS

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

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

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

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

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

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

**Base Flood Elevation (BFE)** - is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

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

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

**DEVELOPMENT** - means any man-made change in improved and unimproved real estate,

including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**HISTORIC STRUCTURE** - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic

preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a) by an approved state program as determined by the Secretary of the Interior or;
  - b) directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed

on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** - means a vehicle which is:

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

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

**WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas..9

**ARTICLE III**  
**GENERAL PROVISIONS**

**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Coalville City, Utah.

**SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Coalville City," dated June 19, 2020, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

**SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

**SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

**SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

**SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

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

**SECTION H. SEVERABILITY**

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

## ARTICLE IV

### ADMINISTRATION

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The \_\_\_\_\_ is hereby appointed the Floodplain  
(professional title and/or name)  
Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

#### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is \_\_\_\_\_, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

### **SECTION C. PERMIT PROCEDURES**

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

#### **SECTION D. VARIANCE PROCEDURES**

1. The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
  - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - b) Variances shall only be issued upon:
    - 1) showing a good and sufficient cause;
    - 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c) Any application where a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - a) the criteria outlined in Article 4, Section D(1)-(9) are met, and
  - b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## ARTICLE V

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### **SECTION A. GENERAL STANDARDS**

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

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

#### **SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.
2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor

(including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Flood plain Administrator.

3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b) The bottom of all openings shall be no higher than one foot above grade.
- c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### 4. **Manufactured Homes** –

- a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
    - 1) the lowest floor of the manufactured home is at or above the base flood elevation, or
    - 2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a) be on the site for fewer than 180 consecutive days,
  - b) be fully licensed and ready for highway use, or
  - c) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
- 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
- 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions.18 which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
- 4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

#### **SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of **non-residential** structures;
  - a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
  - b) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

**CERTIFICATION**

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

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

**APPROVED;** \_\_\_\_\_  
(community official)

**PASSED:** \_\_\_\_\_  
(date)

I, the undersigned, \_\_\_\_\_, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Coalville City Council, at a regular meeting duly convened on \_\_\_\_\_.  
(date)

\_\_\_\_\_  
(Secretary or responsible person)

(SEAL)

### **SUGGESTED WORDING FOR PENALTY CLAUSE**

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions."

In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."

THEREFORE: The following is *suggested wording* for a penalty clause to be included and adopted with your Flood Damage Prevention Ordinance. Wording should be modified as necessary to reflect specific local/state statutory provisions.

### **PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ \_\_\_\_\_ or imprisoned for not more than \_\_\_\_ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the \_\_\_\_\_  
(community)  
from taking such other lawful action as is necessary to prevent or remedy any violation.

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Notes from Planning Commission review:

1. The penalty clause should make it clear that the costs incurred to repair damages as a result of any action that a property owner has taken that are in violation of this ordinance should be borne by the property owner.
2. There is concern that this suggested language might require a property owner that wants to modify his yard within the floodway to accommodate minor adjustments might be required

to hire an engineer to study any potential impacts. Home owners ought to be allowed to make minor adjustments without having to do detailed studies to show they are not causing problems.

"Exhibit C"  
Council 3/8/21



# Staff Report

Coalville City  
Project Coordinator

To: Coalville City Council and Mayor  
From: Don Sargent, City Project Coordinator  
Date of Meeting: March 8, 2021  
Re: City Code Amendment – ALJ Hearing Officer Program Ordinance  
Action: Public Hearing

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## ALJ Ordinance Review, Discussion and Possible Adoption

### REQUEST

The purpose of this public hearing is to review, discussion and possibly adopt an Administrative Law Judge (ALJ) Code Enforcement and Variance Hearing Program for the City.

This item is scheduled for a public hearing.

### BACKGROUND

The City Council directed Staff to research and draft an administrative code enforcement and variance hearing program to address code violations and variance requests more efficiently and consistently in the City.

On February 16, 2021, the Planning Commission held a work session and conducted a public hearing on the proposed ALJ Ordinance and unanimously recommended approval of the ordinance to the City Council with several revisions.

*Attachment A* includes the recommended ALJ Hearing Officer Program ordinance language (final formatting of the document to be completed prior to publishing). The recommended revisions by the Planning Commission are shown as highlighted strikethrough and underlined changes.

### ANALYSIS

Code enforcement is an essential public function to protect the public's health, safety, and quality of life. Granting of variances or special exceptions to the Code are also essential public functions to provide relief from particular unforeseen requirements that create unreasonable hardships.

Enforcement of the Code has traditionally been a Staff function. However, due to work loads and other priorities, enforcement of the Code has not been applied as efficiently and consistently as needed. In addition, addressing variance requests to the Code through a Board of Adjustment has been inconsistent and unreliable as board membership is difficult to maintain and keep informed and up to date on the hearing process and procedures.

The proposed ALJ Hearing Officer Program provides for retaining an Administrative Law Judge to administer both code enforcement and variance requests in the City and applies a combination of judicial and administrative remedies that support the Coalville City Code.

### **RECOMMENDATION**

Staff recommends the City Council review and discuss the proposed ALJ Hearing Officer Program Ordinance, conduct a public hearing, and consider adopting the ordinance.

### **ATTACHMENT**

- A.** Recommended ALJ Hearing Program Ordinance

# **ATTACHMENT A**

## Recommended ALJ Hearing Program Ordinance

ORDINANCE # 2021-

AN ORDINANCE CREATING  
THE ADMINISTRATIVE CODE ENFORCEMENT  
AND VARIANCE HEARING OFFICER PROGRAM WITHIN COALVILLE CITY

Preamble

WHEREAS, the Coalville City Council has determined that administrative enforcement and administrative granting of variances to the Coalville City Code is in the best interests of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COALVILLE CITY COUNCIL AS FOLLOWS:

**Section 1. General Provisions and Definitions**

**1.1 Short Title**

This Chapter shall be known as the “Administrative Law Judge Code Enforcement and Variance Hearing Program” or “ALJ” Program” and shall be located in the Administration Title of the Coalville City Code.

**1.2 Purpose**

The Coalville City Council find that the enforcement of the Coalville City Code and applicable state statutes is an essential public function and is vital to the protection of the public’s health, safety, and quality of life.

The Coalville City Council also find that granting variances or special exceptions to the Coalville City Code is also an essential public function to provide relief from particular unforeseen applications of the requirements of Coalville City Code that create unreasonable hardships.

Therefore, the Coalville City Council hereby establishes this comprehensive code enforcement and variance hearing program that uses a combination of judicial and administrative remedies to gain compliance with City Code regulations.

**1.3 Scope**

The provisions of this Ordinance may be applied to all violations and particular variance requests of the Coalville City Code. It has been designed as an additional remedy for the City’s use in achieving compliance with its ordinances.

**1.4 Existing law continued**

The provisions of this Ordinance do not invalidate any other provision of the Coalville City Code or other City ordinances but shall be read in conjunction therewith as an additional remedy.

## 1.5 Civil liability

By establishing performance standards and obligations to act, it is the intent of the Coalville City Council that Coalville City employees and officers exercise discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

## 1.6 General rules of interpretation

For purposes of this Ordinance:

- 1.6.1 Any gender includes the other gender.
- 1.6.2 “Shall” is mandatory; “may” is permissive.
- 1.6.3 The singular number includes the plural and the plural the singular.
- 1.6.4 Words used in the present tense include the past and future tense, and vice versa.
- 1.6.5 Words and phrases used in this Ordinance and not specifically defined shall be construed according to the context and approved usage of the language.

## 1.7 Definitions applicable to Ordinance generally.

The following words and phrases whenever used in this Ordinance, shall be applied as defined in this section, unless a different meaning is specifically defined elsewhere in this Ordinance and specifically stated to apply:

- 1.7.1 “**Administrative Citation**” means a citation issued to a responsible person which gives a reasonable notice of a violation.
- 1.7.2 “**Administrative Code Enforcement Bond**” means a surety bond which guarantees abatement of a violation.
- 1.7.3 “**Administrative Code Enforcement Order**” means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil fees and administrative costs, or take any other action as authorized or required by this Ordinance and applicable state statutes.
- 1.7.4 “**Administrative Code Enforcement or Variance Hearing**” or “**Hearing**” means a hearing held pursuant to the procedures established by this Ordinance and at the request of a responsible person charged with a violation or is requesting a variance.

1.7.5 “**Administrative Law Judge**” means an individual appointed by the City Council to preside over administrative code enforcement and variance hearings.

1.7.6 “**City**” means Coalville City, Utah.

1.7.7 “**City Code**” or “**Code**” means the Coalville City Code.

1.7.8 “**City Council**” means the City Council of Coalville City.

1.7.9 “**Community Development Director or Planning Director**” means the Staff with overall administrative responsibility of the Planning, Building, and Engineering functions of the Code, under the direction of the Mayor and City Council.

7.10 “**Enforcement Official**” means any person authorized to enforce violations of any applicable laws including, but not limited to, code enforcement officers, Sheriff deputies, engineering inspectors, building inspectors, the Building Official, health inspectors, and health officials.

1.7.11 “**Financial Institution**” means any person that holds a recorded mortgage or deed of trust on a property.

1.7.12 “**Good Cause**” means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance, and acts of nature adverse to performing required acts.

1.7.13 “**Imminent Life Safety Hazard**” means any condition that creates a present, serious, and immediate danger to life, property, health, or public safety.

1.7.14 “**Legal Interest**” means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic’s lien, or other similar instrument that is recorded with the Coalville City or Summit County Recorder.

1.7.15 “**Notice of Compliance**” means a document issued by the City, representing that a property complies with the requirements outlined in the Notice of Violation, and that all outstanding civil fees and costs have been satisfied, (either by being paid in full, or a subsequent administrative or judicial decision has resolved the outstanding debt).

1.7.16 “**Notice of Violation**” means a written notice prepared by an enforcement official that informs a responsible person of code violations and requires them to take certain steps to correct the violations.

1.7.17 “**Person**” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business,

trust, organization, manager, lessee agent, sergeant, officer, or employee of any of them or any other entity that is recognized by law as the subject of rights or duties.

1.7.18 **“Property owner”** means the recorded owner of real property as shown on the records of the Coalville City or Summit County Recorder or Assessor.

1.7.19 **“Public Nuisance”** means any condition caused, maintained, or permitted to exist that constitutes a threat to the public’s health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community by any considerable number of persons.

1.7.20 **“Responsible Person”** means any person who is responsible for causing or maintaining a violation of the City Code or applicable state statutes. The property owner, tenant, person with a legal interest in the real property, or person in possession of the real property, or if a business, the business manager, or owner, shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a responsible person.

1.7.21 **“Written”** includes handwritten, typewritten, photocopied, computer printed, or facsimile.

## **1.8 Acts include causing, aiding, abetting.**

Whenever any act or omission is made unlawful in this Ordinance, it shall include causing, permitting, aiding, or abetting such act or omission.

## **1.9 Service Requirements - Service of Process**

Whenever notice is required to be given under this Ordinance for enforcement purposes, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:

1.9.1 Regular mail, postage prepaid, to the last known address of the property owner or other responsible person;

1.9.2 Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in 1.9.1.

1.9.3 Personal Service;

~~1.9.4 Publishing in a newspaper of general circulation once a week for a period of two weeks.~~

If providing service of process is not possible by at least one of the above methods, notice may be satisfied by publishing in a newspaper of general circulation once a week for a period of two weeks.

Service by regular mail in the manner set forth above shall be deemed served on the seventh (7<sup>th</sup>) calendar day after the date of mailing when mailed in the continental United States. Service by regular mail to all addresses outside of the United States shall be deemed served on the tenth (10<sup>th</sup>) calendar day after the date of mailing.

If service complies with the requirements of this section, it shall be deemed a valid service even if a person claims not to have received the service and it shall not affect the validity of any proceedings taken under this Ordinance.

The failure to serve all responsible persons shall not affect the validity of any proceedings.

### **1.10 General Enforcement Authority**

Whenever an enforcement official determines that a violation of the City Code or applicable state statutes has occurred or continues to exist, he or she may undertake any of the procedures herein. Any designated enforcement official shall have the authority to gain compliance with the provisions of the Coalville City Code and applicable state statutes subject to the provisions of this Ordinance. Such authority shall include the power to issue notices of violation and administrative citations, inspect public and private property, abate nuisances on public and private property, and to use any remedy available under this Ordinance or State law.

### **1.11 Adoption of Policy and procedures.**

The Administrative Law Judge shall approve the policy relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Administrative Code Enforcement and Variance Hearing Program. The City Council shall approve the policy for the appointment of the Administrative Law Judge, and the use of the administrative procedures herein by enforcement officials.

### **1.12 Authority to inspect.**

Enforcement officials are hereby authorized, in accordance with the applicable law, to enter upon any property or premises to ascertain whether the provisions of the City Code or applicable state statutes are being obeyed and to make any reasonable, lawful examination or survey necessary to determine compliance with the City Code or applicable state statutes. This may include the taking of photographs, samples, or other physical evidence. All on-site inspections, entries, examinations, and surveys shall be done in a reasonable manner by providing advanced notice, if possible, prior to entering the property. If a property owner or responsible person refuses to allow an enforcement official to enter the property, the enforcement official shall obtain a search warrant before entering the property.

**1.13 False information or refusal prohibited.**

It shall be unlawful for any person to willfully make a false statement or refuse to give his name or address with intent to deceive or interfere with an enforcement officer when in the performance of his official duties under the provisions of this Ordinance. A violation of this section shall be a class B misdemeanor.

**1.14 Failure to obey a subpoena.**

It shall be unlawful for any person to willfully refuse or fail to obey a subpoena issued for an administrative enforcement hearing. A violation of this section shall be a class B misdemeanor.

**Section 2. Administrative Code Enforcement Remedies & Procedures**

**2.1 Authority**

Any condition caused, maintained, or permitted to exist in violation of any provisions of the City Code or applicable state statutes may be abated by the City pursuant to the procedures set forth in this Ordinance.

**2.2 Notice of Violation**

**2.2.1 Declaration of Purpose.**

The Coalville City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and applicable state statutes that are found to exist on real property. The City Council further finds that one appropriate method of enforcement for these types of violations is the issuance and recordation of Notices of Violation. The procedures established in this section shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or applicable state statutes.

**2.2.2 Procedure.**

Whenever any enforcement official determines that a violation of the City Code or applicable state statutes has occurred or continues to exist, the enforcement official may issue a Notice of Violation to a responsible person. The Notice of Violation shall include the following information:

2.2.2.1 Name of property owner or responsible person,

2.2.2.2 Street address of violation,

2.2.2.3 Date the violation was observed,

- 2.2.2.4 All code sections violated and a description of the violation,
- 2.2.2.5 A statement explaining the type of remedial action required to permanently correct the outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action,
- 2.2.2.6 Specific date to correct the violations listed in the Notice of Violation,
- 2.2.2.7 Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the Notice of Violation(which may include, but is not limited to, criminal prosecution; civil fees; costs; and any other legal remedies),
- 2.2.2.8 The amount of any civil fees for each violation and a statement that the civil fees shall accrue daily, immediately upon expiration of the date to correct violations, until the violation is corrected,
- 2.2.2.9 That only one Notice of Violation is required for any 12-month period, and that civil fees begin immediately upon any subsequent violations of the Notice (The responsible person may request a hearing on the renewed violations by following the same procedure as provided for the original Notice), and
- 2.2.2.10 Procedures to request a hearing as provided in Section 2.4.3, and consequences for failure to request one.

The Notice of Violation shall be served by one of the methods of service listed in Section 1.9 herein.

More than one Notice of Violation may be issued against the same responsible person if it encompasses different dates, or different violations.

2.2.3 Failure to bring property into compliance.

- 2.2.3.1 If a responsible person fails to bring a violation into compliance before the date given to correct the violation, civil fees shall be owed to the City for every day of each violation and continuing violation.
- 2.2.3.2 Failure to comply with the Notice of Violation is a class C misdemeanor.
- 2.2.3.3 Recording of Notice of Violation.

2.2.3.3.1 Once the enforcement official has issued a Notice of Violation to a responsible person, and the property remains in violation after the deadline established in the Notice of Violation, and no request for a hearing has been filed, the enforcement official may record a Notice of Violation with the Coalville City Recorder's Office.

2.2.3.3.2 If a hearing is requested and held, and the Notice of Violation is upheld; the enforcement official may record the Notice of Violation with the Coalville City Recorder's Office.

2.2.3.3.3 The recordation shall include the name of the property owner or responsible person, the parcel number, the legal description of the parcel, and a copy of the Notice of Violation.

2.2.3.3.4 The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

2.2.3.3.5 A notice of the recordation shall be served on the responsible person or property owner pursuant to any of the methods of service set forth in section 1.9.

#### 2.2.4 Inspections.

At the time that the Notice of Violation is issued, the enforcement official may require that the responsible person request an inspection when a violation is brought into compliance. If this is done, it shall be the duty of the responsible person served with the Notice of Violation to request the inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil fees accumulate daily until the property has been inspected and a Notice of Compliance is issued. Re-inspection costs may be assessed if more than one inspection is requested or necessary.

#### 2.2.5 Failure to Request Hearing.

The failure of any person to file a request for an administrative code enforcement hearing within ten (10) calendar days of being served with a Notice of Violation shall constitute a waiver of the right to a hearing and a waiver of the right to appeal and shall not affect the validity of a recorded Notice of Violation.

#### 2.2.6 Notice of Compliance – Procedures.

2.2.5.1 If an inspection is required by the enforcement official, it shall be the duty of the responsible person to request such inspection.

2.2.5.2 Upon receipt of a request for inspection, the enforcement official shall inspect the property as soon as practicable to determine whether the violations have been corrected, whether all necessary permits have been issued and final inspections have been performed as required by applicable code.

2.2.5.3 The enforcement official shall serve a Notice of Compliance to the responsible person in the manner provided in section 1.9, so long as the enforcement official determines that:

2.2.5.3.1 All violations listed in the Notice of Violation have been corrected.

2.2.5.3.2 All necessary permits have been issued:

2.2.5.3.3 All assessed civil fees have been paid or satisfied:  
and

2.2.5.3.4 All assessed administrative fees and costs have been paid or satisfied.

2.2.5.4 If the enforcement official denies a request to issue a Notice of Compliance, the enforcement official shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in section 1.9.

2.2.5.5 The enforcement official or responsible person shall record the Notice of Compliance with the Coalville City Recorder's Office if a Notice of Violation was previously recorded. Recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

#### 2.2.7 Prohibition against Issuance of Permits.

From the time that any Notice of Violation is given, the City may withhold permits for any alteration, repair, construction, or occupancy which pertains to any existing or new structures or signs on the property or any permits pertaining to the use and development of the real property or the structure where a violation is located. The City may withhold permits until a Notice of Compliance has been issued by the enforcement official. The City may not

withhold permits that are Necessary to obtain a Notice of Compliance or that are necessary to correct serious health and safety violations.

## **2.3 Administrative Citations**

### **2.3.1 Declaration of Purpose.**

2.3.1.1 The City Council finds that there is a need for an alternative method of enforcement for violations of the City Code and applicable state statutes. The City Council further finds that an appropriate method of enforcement is an Administrative Citation Program.

2.3.1.2 The procedures established in this Ordinance shall be an alternative and in addition to criminal, civil, or any other legal remedy established by law or City Code that may be pursued to address violations of the City Code or applicable state statutes.

### **2.3.2 Authority.**

2.3.2.1 Any person violating any provision on the City Code or applicable state statutes may be issued an Administrative Citation by an enforcement official as provided in this Ordinance.

2.3.2.2 A civil fee shall be assessed by means of an Administrative Citation issued by the enforcement official and shall be payable directly to the Coalville City Treasurer.

### **2.3.3 Procedures.**

2.3.3.1 Upon discovering any violation of the City Code or applicable state statute, an enforcement official may issue an Administrative Citation to a responsible person in the manner prescribed in this Ordinance. The Administrative Citation shall be issued on a form approved by the Administrative Law Judge.

2.3.3.2 If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an Administrative Citation to the business owner. If the enforcement official can only locate the manager of the business, the Administrative Citation may be given to the manager of the business. A copy of the Administrative Citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 1.9.

2.3.3.3 Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the Administrative Citation. If the responsible person refuses or fails to sign the Administrative Citation, the failure or

refusal to sign shall not affect the validity of the administrative citation and subsequent proceedings.

2.3.3.4 If the enforcement official is unable to locate the responsible person for the violation, then the Administrative Citation may be mailed to the responsible person in the manner prescribed in section 1.9 and be posted in a conspicuous place on or near the property.

2.3.3.5 The Administrative Citation shall also contain the signature of the enforcement official.

2.3.3.6 The failure of any person with a third party legal or other interest in the property to receive notice shall not affect the validity of any proceedings taken under this Ordinance.

#### 2.3.4 Contents of Administrative Citation.

2.3.4.1 The Administrative Citation shall refer to the date and location of the violation(s) and the approximate time the violation(s) were observed.

2.3.4.2 The Administrative Citation shall refer to the Code sections violated.

2.3.4.3 The Administrative Citation shall state the amount of the administrative civil fee imposed for the violation(s).

2.3.4.4 The Administrative Citation shall explain how the civil fee shall be paid, the time period by which the civil fee shall be paid, and the consequences of failure to pay the civil fee.

2.3.4.5 The Administrative Citation shall identify the right and the procedures to request a hearing.

2.3.4.6 The Administrative Citation shall contain the signature of the enforcement official and the signature of the responsible person.

#### 2.3.5 Civil Fees Assessed.

2.3.5.1 Civil fees shall be assessed immediately for each violation listed on the Administrative Citation. The fees shall be those established in the Coalville City Administrative Fee Schedule.

2.3.5.2 Payment of the fee shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City.

## 2.4 Administrative Code Enforcement Hearing Procedures

### 2.4.1 Declaration of Purpose.

The Coalville City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to the City Code. It is the purpose and intent of the City Council that any responsible person be afforded due process of law during the enforcement process. Due process of law includes notice, an opportunity to request and participate in the hearing and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action while providing due process.

### 2.4.2 Authority and scope of hearings.

The Administrative Law Judge shall approve a policy to regulate the hearing process for any violation of the City Code and applicable state statutes that are handled pursuant to this Ordinance.

### 2.4.3 Request for Administrative Code Enforcement Hearing.

2.4.3.1 A responsible person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the hearing request is filed within ten (10) calendar days from the date of service of one of the following notices:

2.4.3.1.1 Notice of Violation.

2.4.3.1.2 Administrative Citation.

2.4.3.2 The request for a hearing shall be made in writing and filed with the Administrative Law Judge. The request shall contain the complaint file number, the address of the violation, and the signature of the responsible person.

2.4.3.3 As soon as practicable after receiving the written request for a hearing, the Administrative Law Judge shall schedule an official date, time, and place for the hearing. The Administrative Law Judge shall notify the responsible person, enforcement official and any other applicable parties of the date, time, and place of the hearing by any of the methods listed in section 1.9 at least seven (7) calendar days prior to the date of the hearing.

2.4.3.4 Failure to request a hearing within ten (10) calendar days from the date of service of any of the notices in subsection 2.4.3.1 shall constitute a waiver of the right to a hearing.

2.4.3.5 If a responsible person fails to request a hearing after being issued a Notice of Violation or Administrative Citation as provided herein, such failure to request a hearing shall be considered a waiver by the responsible person of their right to said hearing and the following actions may be taken:

2.4.3.5.1 The corrective action detailed on the Notice of Violation or Administrative Citation may be considered an Administrative Code Enforcement Order pursuant to section 2.4.4; or

2.4.3.5.2 A default may be entered against the responsible person and the City may seek to have an Administrative Code Enforcement Order issued by the Administrative Law Judge without further notice to the responsible person; or

2.4.3.5.3 The enforcement official may request a default hearing before the Administrative Law Judge.

2.4.3.6 An emergency hearing may be requested by the enforcement official or responsible person during Special Events and on occasions that time is of particular essence and it is necessary to hold a hearing as soon as possible in order to address the concern or hold the responsible person accountable. Emergency hearings shall be held as soon as practicable upon receipt of an emergency hearing request. A request for such a hearing must specifically state why an emergency hearing is required.

#### 2.4.4 Default Hearings.

2.4.4.1 A default hearing may be requested by the enforcement official at any time in the enforcement process. If a default hearing is requested by the enforcement official, the Administrative Law Judge shall schedule the default hearing as soon as practicable and shall notify the responsible person, enforcement official and any other applicable parties of the date, time and place of the hearing by any of the methods listed in section 1.9 at least seven (7) calendar days prior to the date of the hearing.

2.4.4.2 A default hearing may be scheduled for any case that has outstanding or unpaid civil fees or costs due to the City, outstanding violation(s), or in the event that the enforcement official has any outstanding concerns.

2.4.4.3 At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists to do one or more of the following:

2.4.4.3.1 Waive or reduce the civil fees which have accumulated: or

2.4.4.3.2 Excuse the responsible person's failure to request a hearing within the (10) calendar day period.

2.4.4.4 If the responsible person fails to establish good cause to take one or more of the actions set forth in subsection 2.4.4.3, the Administrative Law Judge shall review the Notice of Violation or Administrative Citation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an Administrative Code Enforcement Order requiring abatement of the violations, the payment of all fees and any additional action. Civil fees shall run with respect to a Notice of Violation until the City issues a Notice of Compliance stating when the violations were actually abated.

#### 2.4.5 Procedures at Administrative Code Enforcement Hearing.

2.4.5.1 Administrative Code Enforcement Hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be required to be disclosed or released unless the complainant is a witness at the hearing. The policy and format of the hearing shall be approved by the Administrative Law Judge.

2.4.5.2 The City bears the burden of proof at an Administrative Code Enforcement Hearing to establish the existence of a violation of the City Code or applicable state statutes.

2.4.5.3 The standard of proof to be used by the Administrative Law Judge in deciding the issues at an Administrative Code Enforcement Hearing is whether a preponderance of the evidence shows that the violation exists or existed.

2.4.5.4 Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.

2.4.5.5 All hearings shall be open to the public and shall be recorded. At the discretion of the Administrative Law Judge, hearings may be held at the location of the violation.

2.4.5.6 The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, written notice of the attorney's name, address, and telephone number must be given to the City at least two (2) calendar days prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be assessed to the responsible person.

2.4.5.7 No new hearing shall be granted unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

2.4.5.8 The burden to prove any raised defense shall be upon the party raising any such defense.

2.4.5.9 After all applicable evidence, testimony and defense is presented, the enforcement official may present a request on behalf of the City regarding the type of fee or enforcement action that is appropriate, should the responsible person be found guilty of the violation. This request may include, but is not limited to, civil fees, restitution, community service, abatement, revocation, suspension or conditioning of a business license and any other fees incurred by the City during the enforcement process.

#### 2.4.6 Failure to attend Administrative Code Enforcement Hearing.

2.4.6.1 A responsible person who fails to appear at the Administrative Code Enforcement Hearing is deemed to waive the right to such hearing and will result in a default judgment for the City, provided that proper notice of the hearing has been provided.

### 2.5 **Administrative Law Judge**

#### 2.5.1 Appointment, Qualifications and Disqualification of Administrative Law Judge.

2.5.1.1 The City Council shall appoint Administrative Law Judge(s) to preside at Administrative Code Enforcement and Variance Hearings. An Administrative Law Judge shall have no personal, financial, or other conflict of interest in the matter for which the hearing is being held. The Administrative Law Judge may be discharged by the City Council prior to the expiration of any personal services contract between the City and the Administrative Law Judge for just cause.

2.5.1.2 The Administrative Law Judge is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. The policy for disqualification and replacement shall be approved by the Administrative Law Judge.

2.5.2 Powers of the Administrative Law Judge.

2.5.2.1 The Administrative Law Judge has the authority to hold hearings, determine if violations of the City Code exist, order compliance with the City Code, and enforce compliance on any matter as provided in this Ordinance.

2.5.2.2 If a person is found to be in violation through an Administrative Code Enforcement Hearing process, the Administrative Law Judge has the ability to require the responsible person to provide the City with applicable civil fees, restitution, community service, abatement, revocation or suspension of a business license and any other fees incurred by the City during the enforcement process.

2.5.2.3 The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing or if the Administrative Law Judge independently determines that due process has not been adequately afforded to any party.

2.5.2.4 The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful or necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall approve the policy relating to the issuance of subpoenas in Administrative Code Enforcement Hearings, including the form of the subpoena and related costs.

2.5.2.5 The Administrative Law Judge has continuing jurisdiction over the subject matter of an Administrative Code Enforcement Hearing for the purposes of granting a continuance; ordering compliance by issuing an Administrative Code Enforcement Order; ensuring compliance of that Administrative Code Enforcement Order, which includes the right to authorize the City to enter and abate a violation; modifying an Administrative Code Enforcement Order; or, where extraordinary circumstances exist, granting a new hearing.

2.5.2.6 The Administrative Law Judge has the authority to require a responsible person to post a Code Enforcement Performance Bond to ensure compliance with an Administrative Code Enforcement Order, but only if agreed to by the enforcement official handling the matter for the City.

2.5.2.7 An Administrative Law Judge shall not make determinations as to the existence of legal nonconforming rights. If a responsible person claims a legal nonconforming right as a defense, the Administrative Law Judge shall continue the Administrative Code Enforcement Hearing and

shall refer the matter to the Coalville City Board of Adjustment for a determination as to the existence of the nonconforming right. The decision shall be binding on the Administrative Law Judge. The responsible person shall bear the costs of the appeal.

## **2.6 Administrative Code Enforcement Order**

### **2.6.1 General.**

2.6.1.1 Subsequent to all evidence and testimony being presented in an Administrative Code Enforcement Hearing, the Administrative law Judge shall issue a written Administrative Code Enforcement Order that affirms, modifies, or rejects the Notice of Violation or Administrative Citation, and notify all parties of such written decision by any of the methods listed in section 1.9 within ten (10) calendar days of the hearing. The Administrative Law Judge may increase or decrease the total amount of civil fees and costs that are due pursuant to the City Fee Schedule and the procedures set forth in this Ordinance.

2.6.1.2 An Administrative Law Judge may issue an Administrative Code Enforcement Order that requires a responsible person to cease and desist from violating the City Code or applicable state statutes and take any necessary corrective action. This Administrative Code Enforcement Order may also include, but is not limited to, civil fees, restitution, community service, abatement, revocation, suspension or conditioning of a business license and any other fees incurred by the City during the enforcement process.

2.6.1.3 The Administrative Law Judge may issue an Administrative Code Enforcement Order for the City to enter the property to abate all violations.

2.6.1.4 As part of the Administrative Code Enforcement Order, the Administrative Law Judge may establish specific deadlines for the payment of fees and costs and condition the total or partial

assessment of civil fees on the responsible person's ability to complete compliance by specified deadlines.

2.6.1.5 As part of the Administrative Code Enforcement Order, the Administrative Law Judge may revoke, suspend, or condition a Coalville City Business License or liquor license.

2.6.1.6 An Administrative Law Judge may issue an Administrative Code Enforcement Order imposing civil fees. Such fees shall continue to accrue until the responsible person complies with the Administrative Code Enforcement Order and corrects the violation.

2.6.1.7 The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by the City to ensure compliance with the Administrative Code Enforcement Order.

2.6.1.8 The Administrative Law Judge may require the responsible person to post a Code Enforcement Performance Bond to ensure compliance with the Administrative Code Enforcement Order, but only if agreed to by the enforcement official handling the matter for the City.

2.6.1.9 The Administrative Code Enforcement Order shall become final on the date of the signing by the Administrative Law Judge.

2.6.1.10 A copy of the Administrative Code Enforcement Order shall be served by the Administrative Law Judge on all parties by any one of the methods listed in section 1.9. When required by this Ordinance, the enforcement official shall record the Administrative Code Enforcement Order with the Coalville City Recorder's Office.

2.6.2 Failure to comply with Administrative Code Enforcement Order.

2.6.2.1 Upon the failure of the responsible person to comply with the terms and deadlines set forth in the Administrative Code Enforcement Order, the City may use all appropriate legal means to recover the civil fees and administrative costs to obtain compliance. The failure of a responsible person to comply with the Administrative Code Enforcement Order shall be a class C misdemeanor.

2.6.2.2 After the Administrative Law Judge issues an Administrative Code Enforcement Order; the Administrative Law Judge or the enforcement official shall monitor the violations and determine compliance.

2.6.3 Appeal of Administrative Code Enforcement Hearing decision.

2.6.3.1 Any person adversely affected by an Administrative Code Enforcement Order made in the exercise of the provisions of this Ordinance may file a petition for review by the district court within thirty (30) calendar days after the decision is final.

2.6.3.2 No person may challenge in district court an Administrative Law Judge's decision until that person has exhausted his or her administrative remedies.

2.6.3.3 In the petition, the plaintiff may only allege that the Administrative Code Enforcement Order was arbitrary, capricious, or illegal.

2.6.3.3.1 Within one-hundred twenty (120) calendar days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including findings, orders, and if available, transcripts of hearings when necessary from the Administrative Law Judge. If the proceeding was tape recorded, a transcript of such tape recordings shall be deemed a true and correct transcript for purposes of this Ordinance. The Administrative Law Judge and the enforcement official shall not submit copies of files or transcript to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within one-hundred eighty (180)

calendar days after the petition for review was filed shall be grounds for dismissal of the petition.

2.6.3.3.2 If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

2.6.3.4 The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept or consider any evidence that is not part of the record of that decision unless that evidence was offered to the Administrative Law Judge and the district court determines that it was improperly excluded.

2.6.3.5 The district court shall:

2.6.3.5.1 Presume that the Administrative Law Judge's decision and Administrative Code Enforcement Order are valid;

2.6.3.5.2 Review the record to determine whether the decision and Administrative Code Enforcement Order were arbitrary, capricious, or illegal; and

2.6.3.5.3 Affirm the decision and Administrative Code Enforcement Order if they are supported by substantial evidence.

2.6.3.6 The filing of a petition does not stay execution of an Administrative Code Enforcement Order. Before filing a petition, a responsible person may request the Administrative Law Judge to stay an Administrative Code Enforcement Order. Upon receipt of a request to stay, the Administrative Law Judge may require the Administrative Code Enforcement Order to be stayed pending district court review.

#### 2.6.4 Settlement Agreements.

In lieu of an Administrative Code Enforcement Hearing, the responsible person and the City may enter into a stipulated settlement agreement, which must be signed by both parties. When this occurs, the agreement shall be entered as the Administrative Code Enforcement Order and shall be binding upon the responsible person. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

## 2.7 Administrative Civil Fees

### 2.7.1 Authority.

2.7.1.1 If a responsible person fails to correct a violation by the correction date listed in a Notice of Violation; civil fees shall be owed to the City as determined through the City's Administrative Fee Schedule.

2.7.1.2 Any person violating any provision of the City Code or applicable state statutes may be subject to the assessment of civil fees for each violation and each day that the violations existed as determined by an Administrative Law Judge under the authority of this Ordinance and in accordance with the City's Administrative Fee Schedule.

2.7.1.3 Interest may be assessed on all outstanding civil fee balances until paid in full.

2.7.1.4 Payment of any civil fee shall not excuse any failure to correct a violation or the reoccurrence of the violation, nor shall it bar further enforcement action by the City.

2.7.1.5 Civil fees and any other assessed fees shall be paid to the Coalville City Treasurer and be deposited into the City's General Fund to be used for any lawful public purpose.

### 2.7.2 Procedures for assessing Civil Fees.

2.7.2.1 If a responsible person fails to bring a violation into compliance within the allotted time from service of the Notice of Violation, civil fees shall be owed to the City for each day that each violation existed and for each subsequent continuing day of violation.

2.7.2.2 Civil fees are assessed and owing immediately for any violation of the City Code or applicable state statutes for an Administrative Citation.

### 2.7.3 Determination of Civil Fees.

2.7.3.1 Civil fees shall be assessed per violation per day pursuant to the City's Administrative Fee Schedule, as determined by the City Council.

2.7.3.2 Civil fees shall continue to accrue until the violations have been brought into compliance with the City Code or applicable state statutes.

### 2.7.4 Modification of Civil Fees.

The Administrative Law Judge may modify the civil fees on a finding of good cause on a case-by-case basis.

2.7.5 Failure to Pay Fees.

If fees are assessed, a specified date may be given by the Administrative Law Judge or the enforcement official to the responsible person to have the fees paid. The failure of any person to pay civil fees assessed within the specified time may result in the enforcement official pursuing any legal remedy to collect the civil fees.

**2.8 Costs**

2.8.1 Declaration of Purpose.

2.8.1.1 The City Council finds that there is a need to recover costs incurred by enforcement officials and other City personnel who spend considerable time inspecting and re-inspecting properties throughout the City to ensure compliance with the City Code or applicable state statutes.

2.8.1.2 The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspections, administrative time, Administrative Law Judge fees, title searches, and any additional actual costs incurred by the City for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial fees or fines for violations of the City Code or applicable state statutes.

2.8.2 Authority.

2.8.2.1 The enforcement official, or Administrative Law Judge has the authority to assess costs incurred in the administration of this Ordinance, such as for investigation of violations, preparation of hearings, attendance at hearings, abatements, and the collection process. The costs assessed shall be the amount set forth in the City's Administrative Fee Schedule.

2.8.2.2 In the case of a Notice of Violation, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the City's Administrative Fee Schedule.

2.8.3 Notification of assessment of re-inspection costs.

2.8.3.1 Notification of re-inspection costs shall be provided to the responsible person(s).

2.8.3.2 Re-inspection costs assessed or collected pursuant to this Ordinance shall not be included in any other costs assessed.

2.8.3.3 The failure of any responsible person to receive notice of the re-inspection costs shall not affect the validity of any other fees imposed under this Ordinance.

2.8.4 Failure to timely pay costs.

The failure of any person to pay assessed costs by the deadline specified may result in a late fee pursuant to the City's Administrative Fee Schedule.

## **2.9 Civil violations - Injunctions**

In addition to any other remedy provided under the City Code or applicable state statutes, including criminal prosecution or administrative remedies, all provisions of the City Code may be enforced by injunction issued in the Third District Court upon a suit brought by the City.

## **Section 3. Administrative Variances of City Code Regulations**

### **3.1 General**

Where the Administrative Law Judge finds that extraordinary hardships or practical difficulties may result from strict compliance with the City Code regulations or the purposes of the regulations may be served to a greater extent by an alternative proposal, the Administrative Law Judge may approve variances to the development standards and subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Further, the Administrative Law Judge shall not approve variances unless it shall make findings based upon the evidence presented that the requirements outlined in the Code have been satisfied.

#### **3.1.1 Authority.**

The Administrative Law Judge is authorized to hear and decide variances to the provisions of the City Code as provided in this section.

3.1.1.1 Any variances or special exceptions to the Code shall be granted only by the Administrative Law Judge under the provisions of Section 3, herein, prior to the issuance of any conditional use, master planned development, subdivision approval or any other development approval. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance, special exception, or denial by the Administrative Law Judge.

#### **3.1.2 Conditions.**

In approving variances, the Administrative Law Judge may require any conditions that will, in his or her judgment, support the objectives of the standards or requirements of the regulations.

### **3.2 Variance Request Procedures**

This section sets forth the procedures for considering and approving a variance to the provisions of the Code. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of the Code that create unreasonable hardships.

- 3.2.1 A petition for any a variance shall be submitted on an application form provided by the City and approved or denied in accordance with the Utah Code and Section 3 herein.
- 3.2.2 A property owner, or the owner's agent, may request a variance to the provisions of the Code as provided in Subsection 3.3 below.
- 3.2.3 A complete application shall be submitted to City Officials, fulfilling all requirements, fees, and requests presented therein.
- 3.2.4 City Staff will review the application and determine its completeness as to whether all objective based application criteria have been met.
- 3.2.5 After the application is determined to be complete, the City shall schedule a Public Hearing before the Administrative Law Judge and follow procedures set forth in Section 10-3-050 of the Development Code.
- 3.2.6 Notice of the Hearing shall follow the procedures set forth in Section 10-3-060 of the Development Code.
- 3.2.7 A staff report evaluating the application shall be prepared by the Community Development Department before the Public Hearing takes place.
- 3.2.8 The Administrative Law Judge shall conduct the public hearing following the guidelines and procedures set forth in Section 10-3-050 of the Development Code, specifically 10-3-050A-5. As well as approve, approve with conditions, or deny the variance request pursuant to the standards set forth in Section 3.2 below.
- 3.2.9 After the Administrative Law Judge makes a decision, the Community Development Department shall comply with the Notice of Decision procedure in Section 10-3-050A-6 of the Development Code.
- 3.2.10 Record of all variances shall be maintained as set forth in Section 10-3-050A-4 of the Development Code.

### **3.3 Approval Standards**

In accordance with the Utah Code, the following standards shall apply to a variance.

- 3.2.1 The Administrative Law Judge may grant a variance only if:
  - 3.2.1.1 Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Code;
  - 3.2.1.2 There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
  - 3.2.1.3 Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
  - 3.2.1.4 The variance will not substantially affect the General Plan;

- 3.2.1.5 The variance will not affect the health, safety, and welfare of the general public; and
- 3.2.1.6 The spirit of the Code is observed, and substantial justice done.
- 3.2.2 The Administrative Law Judge may *not* find an unreasonable hardship unless:
  - 3.2.2.1 The alleged hardship is located on or associated with the property for which the variance is sought;
  - 3.2.2.2 The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
  - 3.2.2.3 The alleged hardship is not self-imposed or economic.
- 3.2.3 The Administrative Law Judge may find that special circumstances exist only if the special circumstances:
  - 3.2.3.1 relate to the hardship complained of; and
  - 3.2.3.2 deprive the property of privileges granted to other properties in the same zoning district.
- 3.2.4 Other standards of approval include the following:
  - 3.2.4.1 The applicant shall bear the burden of proving that all the conditions justifying a variance have been met.
  - 3.2.4.2 The Administrative Law Judge may not grant a use variance.
- 3.2.5 In granting a variance, the Administrative Law Judge may impose additional requirements on an applicant that will:
  - 3.2.5.1 Mitigate any harmful effects of the variance; or
  - 3.2.5.1 Serve the purpose of the standard or requirement that is waived or modified.
- 3.2.6 The Administrative Law Judge may grant a more restrictive variance than that requested, when the record supports the applicant's right to relief, but not to the extent requested.

### **3.4 Appeal of Decision**

Any person adversely affected by a decision of the Administrative Law Judge regarding a variance may only appeal such decision to the District Court as provided in Utah State Code (10-9a-801).

**3.5 Effect of Approval**

A variance shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by the Code.

**3.6 Amendments**

The procedure for amending any variance decision shall be the same as the original procedure set forth in this Section.

**3.7 Expiration**

Variations shall not expire but shall run with the land.

**Section 4. Severability.** If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause or application hereof. To this end, the provisions and sections of this Ordinance are declared to be severable.

**Section 5. Effective date.** The City legislative body herewith finds that for the immediate preservation of the peace, health and safety of the City and the inhabitants thereof, this Ordinance shall be effective on \_\_\_\_\_ 2021.

**APPROVED, ADOPTED, AND PASSED and ordered published by the Coalville City Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

**CITY COUNCIL COALVILLE CITY, STATE OF UTAH**

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

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Council Member Blonquist voted: \_\_\_\_\_**  
**Council Member Geary voted: \_\_\_\_\_**  
**Council Member Winters voted: \_\_\_\_\_**  
**Council Member Rowser voted: \_\_\_\_\_**  
**Council Member Robbins voted: \_\_\_\_\_**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**

**RESOLUTION NO. 2021-3 FEE SCHEDULE FOR**  
**COALVILLE CITY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

WHEREAS, Coalville City has adopted a Development (Zoning) Ordinance, Subdivision Ordinance and Ordinances for other purposes in Coalville City, and,

WHEREAS, these ordinances contemplate and provide that the City shall fix fees for the filing of various applications, permits and for purposes required in the implementation of the ordinances and other purposes set forth in Coalville City ordinances/resolutions, and

WHEREAS, by Resolution No. 1998-5, the City adopted fee schedules for certain applications and permits filed and issued pursuant to the Development Ordinance adopted by the City, and

WHEREAS, by Resolution No. 2006-7, the City adopted revised fee schedules, and

WHEREAS, by Resolution No. 2010-2, the City adopted revised fee schedules, and

WHEREAS, by Resolution No. 2011-1, the City adopted revised fee schedules, and

WHEREAS, by Resolution No. 2015-1 the City adopted revised fee schedules,

WHEREAS, by Resolution No. 2021-1 the City adopted revised fee schedules,

WHEREAS, certain changes are to be made in the fee schedule and the City desires to adopt a resolution providing a fee schedule which shall supersede and replace the fee schedule promulgated by Resolution No. 2021-1, updated to show the current fees,

**WHEREAS**, following discussion and analysis of the City Council the following resolution relating to a revised fee schedule for Coalville City was approved at its regular City Council Meeting held March 8, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the attached fee schedule for Coalville City is hereby adopted:

Note: This fee schedule may be periodically updated and/or revised by a resolution of the City Council as deemed necessary. Any fees not updated herein will remain as set by previous resolutions.

This resolution replaces, Resolution No. 2021-1 and shall be and become effective on the 15<sup>th</sup> day after the date of publication in the Summit County News.

DATED this 8th day of March, 2021.

Council Member Blonquist  
Council Member Winters  
Council Member Rowser  
Council Member Robbins  
Council Member Geary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



"Exhibit D"  
Council 3/8/21

# Staff Report

Coalville City  
Project Coordinator

To: Coalville City Mayor and Council  
From: Don Sargent, City Project Coordinator  
Date of Meeting: March 8, 2021  
Re: Coalville City Fee Schedule Updates  
Action: Review, Discussion and Possible Adoption

---

## Complete Fee Schedule Updates

### REQUEST

The purpose of this agenda item is to continue the review and discussion of proposed updates to the overall city fee schedule for possible adoption by resolution. The city council previously adopted updates to the development review fees in the schedule.

### BACKGROUND

Following several work sessions, the city council adopted updates to the development review fee portion of the city fee schedule on January 25, 2021. Staff was directed to address possible updates of the remaining fees in the schedule and present an overview to the city council.

At the city council meeting held on February 8, 2021, the City Council provided additional direction to Staff for updates to the complete fee schedule for possible adoption as one resolution.

### ANALYSIS

**Attachment A** includes the existing 2015 city fee schedule with revised fees shown as strikethrough and underlined in the schedule for update consideration.

**Attachment B** includes a clean copy of the overall updated fee schedule with several proposed clarifying revisions to the previously adopted Development Review Fee portion of the schedule.

### RECOMMENDATION

Staff recommends the City Council review and discuss the fee schedule, make any required changes, and consider adoption of the complete fee schedule by resolution. A draft resolution will be presented at the meeting.

### ATTACHMENTS

- A. Existing 2015 City Fee Schedule (with track changes)
- B. Proposed Overall Updated Fee Schedule

# **ATTACHMENT A**

Existing 2015 Coalville City Fee Schedule (with track changes)

**RESOLUTION NO. 2015-1**  
**FEE SCHEDULE FOR COALVILLE CITY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

WHEREAS, Coalville City has adopted a Development (Zoning) Ordinance and Subdivision Ordinance, and,

WHEREAS, these ordinances contemplate and provide that the City shall fix fees for the filing of various applications and permits and for purposes required in the implementation of the ordinances, and

WHEREAS, by Resolution No. 1998-5, the City adopted fee schedules for certain applications and permits filed and issued pursuant to the Development Ordinance adopted by the City, and

WHEREAS, by Resolution No. 2006-7, the City adopted revised fee schedules, and

WHEREAS, by Resolution No. 2010-2, the City adopted revised fee schedules, and

WHEREAS, by Resolution No. 2011-1, the City adopted revised fee schedules, and

WHEREAS, certain changes are to be made in the fee schedule and the City desires to adopt a resolution providing a fee schedule which shall supersede and replace the fee schedule promulgated by Resolution No. 2011-1, updated to show the current fees,

WHEREAS, following the holding of a public hearing as required by law, the City Council approved the following resolution relating to a revised fee schedule for Coalville City at its regular City Council Meeting held March 9, 2015.

**NOW, THEREFORE, BE IT RESOLVED** that the following fee schedule is hereby adopted:

**APPLICATIONS**

**APPLICATION TYPE**

**FEE AMOUNT**

Annexation

~~Annexation~~ ————— ~~\$1,250, plus notification and publication costs~~

## Existing 2015 Fee Schedule (with track changes)

### Appeals Fees

Appeals to the Board of Adjustment ————— \$200, plus notification and publication costs

Re-application Fees Original Fees

### Building Permit

Application Fee \$200

Demolition Fee \$200

Violation Double filing fee when fee is required and \$10/day fine up to the day of initial corrective action or acceptable response made thereto

Plan Check Fees 65% of Building Permit Fee

Electrical, Mechanical & HVAC Permit \$101 unless Commercial

Use of Outside Consultants for Plan Reviews, Inspections, or both Actual cost plus application fee

### Public Street Vacation

Public Street Vacation ————— \$625 + notification &

Commented [DS1]: Fees previously updated

### Code Enforcement

Administrative Code Enforcement Fees Double filing fee (when fee is required) and \$25/day fine (up to the day of initial corrective action and/or acceptable response is made to the City).

Daily Violation Fee \$25

## Existing 2015 Fee Schedule (with track changes)

Minimum Fee for Noncompliance \_\_\_\_\_ \$50

Maximum Fee for Daily Violations \_\_\_\_\_ \$1,000

### ADMINISTRATIVE CODE ENFORCEMENT FEES

#### 1) Community Development (Planning)

- a. Sign violation: \$100
- b. Re-inspection: \$100
- c. Setback violation: \$200
- d. Development activity without a permit: \$250
- e. Prohibited land use: \$500
- f. Junk ordinance: \$500
- g. Any other violation not listed: \$250

#### 2) Engineering and Public Works

- a. Re-inspection: \$100
- b. Tracking mud on the street: \$200
- c. Steel tracked equipment driven on a public street: \$500
- d. Failure to maintain sediment/erosion control: \$100
- e. Illegal excavation, grading, or placement of fill on private property: \$500
- f. Illegal driveway encroachment: \$200
- g. Illegal excavation in City right-of-way: \$500
- h. Snow deposited on a public street: \$50
- i. Other violations not listed: \$250

#### 3) Building

- a. Building Violations: Double filing fee and \$25/day fine until corrective action is taken

4) Daily non-compliance fines for all violations: \$25/day up to the initial corrective action and/or acceptable response is made to the City.

## Existing 2015 Fee Schedule (with track changes)

### Beer and Liquor License

Beer and Liquor License	\$200
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### Grammar Requests

(8	Copies made at City facility <sup>1/2</sup> -X-11)	\$ .25 per single page
(11-X-17)		\$ .50 per single page

GRAMA FEE SCHEDULE AND PROCESS FOR GRAMA REQUESTS

Process:

- A person making a request for a Coalville City record shall complete the "Request for Record – Utah Government Records Access and Management Act" prior to reviewing and/or receiving copies of records. In his/her discretion, the record custodian may accept the record request in a different format so long as the request contains the person's name, mailing address, and daytime telephone number, if available, and a description of the record requested that identifies the record with reasonable specificity.
- The record request shall be submitted at Coalville City Hall.
- Upon receipt of the "Request for Record," a response to the request shall be provided to the requestor within ten (10) business days unless:
  - the requester has demonstrated that the record request benefits the public rather than the person (in which case response shall be within five (5) business days); or
  - "extraordinary circumstances" pursuant to Utah Code Annotated §63G-2-204(5) exists, which allows the City to delay approval or denial for an additional period of time.

Fees:

- The costs for processing GRAMA requests and/or copies are set forth in the below GRAMA fee schedule.
- Coalville City requires payment of past fees and future estimated fees prior to processing a request if:
  - fees are expected to exceed \$50.00; or
  - the requester had not paid fees from previous requests.
- If the requester simply wants to inspect a record, they may do so at no charge, however, staff time for compiling the request or for costs of any copies requested thereafter, shall apply.
- Fee Waivers: Coalville City may fulfill a record request without charge and is encouraged to do so when it determines that:
  - Releasing the record primarily benefits the public rather than a person;
  - The individual requesting the record is the subject of the record; or
  - The requester's rights are directly implicated by the information in the record, and the requester is impecunious.
- Fee Waiver Appeals: A person who believes that there has been an unreasonable denial of a fee waiver may appeal the denial in the same manner as a person who appeals the inspection of a public record under UCA §63G-2-205 by filing a notice of appeal within 30 days.

## Existing 2015 Fee Schedule (with track changes)

### GRAMA Fee Schedule

<u>Copies</u>	<u>Fee</u>	<u>Additional Information</u>
<u>8 1/2" x 11" non-color copies</u>	<u>\$.50 / sheet</u>	
<u>8 1/2" x 11" color copies</u>	<u>\$1.00 / sheet</u>	
<u>11" x 17" non-color copies</u>	<u>\$1.00 / sheet</u>	
<u>11" x 17" color copies</u>	<u>\$2.00 / sheet</u>	
<u>Other sized copies</u>	<u>Actual cost to reproduce</u>	
<u>Copies of videos</u>	<u>\$15.00 / video recording</u>	
<u>Copies of audio</u>	<u>\$15.00 / audio recording</u>	
<u>USB drives</u>	<u>\$15.00/ 8 GB drive</u>	
<u>Other media</u>	<u>Actual costs</u>	
<u>Services</u>		
<u>Notary Services</u>	<u>\$5.00 / signature to notarize</u>	
<u>Certification of a document</u>	<u>\$2.00 / certification</u>	
<u>Records delivered by facsimile</u>	<u>\$.75 / page + plus telephone charges for long distance over 10 pages</u>	
<u>Mailing and shipping costs</u>	<u>\$2.00 for staff mail preparation time, plus actual mailing costs if greater than \$2.00</u>	<u>Actual mailing costs are those for U.S. Postal Service or an authorized delivery service such as UPS, FedEx, etc.</u>
<u>Staff time required to search, compile, and otherwise prepare to provide a record</u>	<u>Actual cost, not to exceed the hourly rate (not to include benefits) of the lowest paid employee who, in the discretion of the City, has the necessary skill and training to perform the request.</u>	<u>The first 15 minutes of staff time shall be at no charge.  Staff time for photocopying, faxing, and providing documents in electronic format (i.e. video, audio or USB drive) is included in the cost of those items.</u>

Existing 2015 Fee Schedule (with track changes)

**Business License**

New License	\$20 – \$50 base fee + other applicable fees
Temporary Use and Signs	\$25 signs up one week before & down 48 hours after event
Renewal	\$20 – \$50 base fee + other applicable fees
Agriculture Services, Fishing, Hunting, Trapping, Mining & Quarry	\$25 + fee for employees
Construction Related Activities	General contractor, \$50 + fee for employees; sub-contractor, \$30 + fee for employees
Manufacturing Activities	\$50 + fee for employees
Transportation, Communications and Utilities	\$25 + fee for employees
Wholesale Trade	\$50 + fee for employees
Retail Trade	Grocery, towing, gas & oil,

## Existing 2015 Fee Schedule (with track changes)

	hardware, software, towing, equipment, rental, prescription drugs, \$25 + fee for employees
<del>Eating and Drinking Establishments</del>	<del>\$25 + fee for employees</del>
Rental Units	Motel, Hotel, RV Parks, Rentals, etc. \$20 + \$10 per unit storage units \$20 + \$5 per unit
<del>Pawn Brokers</del>	<del>\$50 + fee for employees</del>
<del>Finance, Insurance &amp; Real Estate Services</del>	<del>\$50 + fee for employees</del>
<del>Other Professional Services</del>	<del>\$50 + fee for employees</del>
<del>Other Services</del>	<del>\$30 + fee for employees</del>
<del>Home Occupations</del>	<del>Minor: \$25 + fee for employees; Major: \$35 + fee for employees</del>
<del>Temporary Retail Sales</del>	<del>\$25 + fee for employees</del>
Special Sales Events & Promotions	<del>N/A</del> <u>\$50</u>
Non-Profit Special Events	<del>N/A</del> <u>\$50</u>
Solicitors, Peddlers, Vendors, Transient Sales	<del>Requires Notification</del> <u>\$25</u>
Motion Picture Productions	<del>\$500</del> <u>\$1,000</u>
<u>Food Trucks</u>	<u>\$25</u>

## Existing 2015 Fee Schedule (with track changes)

### Business License Application Fees

**Commented [DS2]:** Fee amounts shown are on current business license application form

<b>Application</b>		
<b>I. Please select each of the following, which pertain to your business.</b>		
		<i>Total</i>
<u>1) Professional Services : (Doctors, Architects, Engineers, Dentists, Lawyers, Bankers, etc.)</u>	<u>\$ 50.00</u>	
<u>2) All Other Services</u>	<u>\$ 30.00</u>	
<u>3) Prepared Food Distribution</u>	<u>\$ 25.00</u>	
<u>4) Grocery Distribution</u>	<u>\$ 25.00</u>	
<u>5) Hardware - Software</u>	<u>\$ 25.00</u>	
<u>6) Oil and Fuel Products</u>	<u>\$ 25.00</u>	
<u>7) Towing Services</u>	<u>\$ 25.00</u>	
<u>8) Rental Equipment</u>	<u>\$ 25.00</u>	
<u>9) Prescription Drugs</u>	<u>\$ 25.00</u>	
<u>10) Gaming Machines - Vending Machines</u>	<u>\$ 25.00</u>	
<u>11) Tanning Booths</u>	<u>\$ 25.00</u>	
<u>12) Sale of Alcoholic Beverages</u>	<u>\$200.00</u>	
<u>13) General Contractors</u>	<u>\$50.00</u>	
<u>14) Sub-Contractors</u>	<u>\$30.00</u>	
<u>15) Units: (Motels, Hotels, Mobile Home Parks RV Parks, and Rental Units)</u> <u>\$20 Base Fee + \$10 Per Unit</u>		
<u>16) Storage Units: \$20 Base Fee +\$5 Per Unit</u>		
<u>17) Major Home Occupation</u>	<u>\$35.00</u>	
<u>18) Minor Home Occupation</u>	<u>\$25.00</u>	
<u>19) Solicitors, Peddlers, Vendors, and Transient Sales</u>	<u>\$25.00</u>	
<u>20) Food Trucks</u>	<u>\$25.00</u>	
<u>21) All Other Business Not Described Herein</u>	<u>\$25.00</u>	
<b>II. Number of Employees (Owner/ Manager Exempt)</b>		
<b>Average number of employees at place of business each regular working day</b>		
<u>1 to 3</u>	<u>\$25.00</u>	
<u>4 to 20</u>	<u>\$40.00</u>	
<u>21 to 50</u>	<u>\$60.00</u>	
<u>50 and over</u>	<u>\$80.00</u>	
<b>III. Special licenses</b>		
<u>Auction License - Each Time</u>	<u>\$50.00</u>	
<u>Special Sales, Event &amp; Promotions</u>	<u>\$50.00</u>	
<u>Non-Profit Special Events</u>	<u>\$50.00</u>	
<u>Motion Picture Productions</u>	<u>\$1,000.00</u>	

## Existing 2015 Fee Schedule (with track changes)

### Excavation Fees

Application Fee	\$50
Basic Permit/no asphalt disturbance	\$50
Permit for Penetration of Asphalt	\$1,300 with \$650 refunded after work is accepted
Per pothole utilizing soft dig methods	\$50

## Existing 2015 Fee Schedule (with track changes)

ROW excavation	\$50 per pothole \$100 per site + \$0.50 per square foot
<b>Asphalt Cuts</b>	
i. Asphalt < 3 years old	\$500 + 0.50 per square foot
ii. Asphalt 3 years old or older	\$250 + 0.25 per square foot
ROW or Roadway crossings using no trench methods	\$100 per crossing + 0.10 per linear foot
Sidewalk, Curb and Gutter, misc. concrete	\$100 + 0.15 per square foot
All are Non-Refundable	

### Bonding Requirements

- Cash Bond \$1,500 for summer work; held by City and refundable one (1) year after final inspection
- Cash Bond \$2,000 for winter work; held by City and refundable two (2) years after final inspection
- For projects where surface repair is estimated to exceed \$2,000 a cash or surety bond for 125% of the estimated cost
- For utility companies with bonding in place; proof of that bonding and contractor's access to the bonding is satisfactory

### Digging without a permit

Doubling of original fee that would have been required

### Planning Fees

Pre-application Fees ————— Minimum of \$200, is applied toward application fees

### Subdivision

Concept Conference ————— Subdivision/MPD: \$25/lot or unit commercial/

## Existing 2015 Fee Schedule (with track changes)

	Light Industrial/public: \$50/1000 sq. ft. + notification and publication costs **
Minor Subdivision	\$600 only one process + notification and publication costs **
Preliminary Plan	Subdivision/MPD: \$125/ lot or unit; Comm./Light: \$150/1000 sq. ft.; Multi- Family Unit \$175 per unit + notification and publication costs **
Final Plat	Subdivision/MPD: \$100/ lot or unit; Comm./Light/ Public: \$100/1000 sq. ft.; Multi-Family Unit \$100 per unit + plus notification and publication costs **
Plat Amendment	\$500 + notification and publication costs **
Lot Line Adjustment	\$250 + notification and publication costs **
Revision to Conditions of Final Plat	\$250 **
Extension of Approval	\$150
Recording Fees	Summit County fees at Recorder's Office
Subdivision Inspection Fee	1.5% cost of public improvements or if hiring outside consultant, any additional cost incurred by the City
Modification to an MPD	\$100 per unit **
Agriculture Protection Area Request	\$100 + notification and publication costs **

## Existing 2015 Fee Schedule (with track changes)

### Conditional Use/Telecommunications

Conditional Use Permit	\$250 + notification and publication costs
Conditional Use Major Home Occupation	\$75 + notification & publication cost
Conditional Use Business in Existing Bldg.	\$125 + notification & publication cost
Beekeeping/Special Conditional Use	\$25 and shall be paid at the time of application for a conditional use permit. After three (3) years the applicant will have to re-apply to extend the permit. No additional fees will be assessed to renew the permit.
Telecommunications Approval	cost of building permit

### Zone Changes

Zone Changes	\$500 + notification and publication costs
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### Board of Adjustment

Board of Adjustment	\$200 + notification & publication cost
Public Notice Publishing	\$25/publication + actual cost
Public Notice Mailing	\$2/envelope

Commented [DS3]: Fees previously updated

### Other

Development Code Amendments	\$250
Development Code Book	\$50 (special request)
General Plan Amendment	\$500 + notification and publication costs

## Existing 2015 Fee Schedule (with track changes)

General Plan Book	\$25 (special request)
Maps	\$10 (color) 11X17
Zoning/Subdivision Ordinance Book	\$50 (development code)
City Standards and Specifications	\$40

### Sign Review

Sign Review	\$75 + other applicable fees
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Commented [D54]: Fees previously updated

### Sewer Fees

Connection	\$1,500 (Impact Fees may be Applicable)
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### Water Fees

Connection	$\frac{3}{4}$ inch connection is \$1,350 1 inch connection is \$1,850 2 inch connection is \$3,200
Reconnect Fee	\$35
Deposit for Connection	\$200

## Existing 2015 Fee Schedule (with track changes)

### CEMETERY FEES

#### 1) Grave Purchase:

- a. \$300 per grave (Coalville City Resident)
- b. \$600 per grave (Summit County Resident)
- c. \$900 per grave (Non-City or County Resident)

#### 2) Opening and Closing Fee:

- a. \$350 (Monday-Friday for Coalville City Resident)
- b. \$450 (Monday-Friday for Summit County Resident)
- c. \$550 (Monday-Friday for Non-City or County Resident)
- d. \$400 (Saturday for Coalville City Resident)
- e. \$500 (Saturday for Summit County Resident)
- f. \$600 (Saturday for Non-City or County Resident)
- g. One-half of the above fee for cremations and infants (age 8 and under child size vault)
- h. \$100 (additional fee if procession reaches the cemetery at 2:00 PM or later)
- i. \$1,000 for Disinterment
- j. \$25 for Cemetery Certificate Transfer

Note: No burials on Sundays or Holidays

### SPECIAL SERVICES

**Professional Consultant Fees:** In the event it is necessary for the City to obtain the services of a planner, engineer, attorney, or other outside professional consultant to review an application, the applicant shall pay the actual cost in excess of the application fees incurred by the City for such services.

**Pre-Application Fees:** In the event an applicant requests a Staff review and/or Planning Commission Work Session prior to filing a formal application, a \$200 minimum fee shall be required. If a formal application is filed following the Staff review and/or Planning Work Session, the \$200 will be applied toward the application fee.

**Note:** This development and inspection fee schedule may be periodically updated

# Existing 2015 Fee Schedule (with track changes)

and/or revised by a resolution of the City Council as deemed necessary to cover the cost of reviewing and processing applications, inspecting development projects and enforcing the building and development codes;

§ 2.

Note: The fees for reviewing preliminary plats, final plats, and site plans cover the cost of reviewing two submittals for each stage in the process. Any additional submittals will be assessed a review fee on an hourly basis at the non-negotiable hourly rate of the City Engineer and City Planner. Review costs can be kept to a minimum if the engineer for the developer is thorough in the original plat and plan preparation, is thoroughly familiar with the subdivision ordinance and associated checklists, and is responsive to the review comments. All review costs associated with each subdivision shall be paid in full prior to approval by the governing body.

Commented [D55]: Fees previously updated

This resolution supersedes and replaces Resolution No. 2011-1 and shall be and become Effective on the date set forth below.


DATED this 9th day of March, 2015  
Council Member Anson  
Council Member Richins  
Council Member Coleman  
Council Member Robbins  
Council Member Judd

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ATT

  
City Recorder I

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Mayor

# **ATTACHMENT B**

Proposed Overall Coalville City Updated Fee Schedule

**RESOLUTION NO. 2021-3**  
**COALVILLE CITY FEE SCHEDULE**

**COMMUNITY DEVELOPMENT (PLANNING) FEES**

- 1) **Annexation:** \$1,500 + \$10/acre
- 2) **Administrative Appeal:** \$400
- 3) **~~Board of Adjustment~~ALJ Variance Hearing Application:** \$400
- 4) **Conditional Use Permit:** \$500
- 5) **Condominium Plat:** (same as subdivision fees)
- 6) **Development Agreement:** \$1,000
- 7) **Development Agreement Amendment:** \$500 (minor) \$750 (major)
- 8) **Zone Map Amendment:** \$1,000
- 9) **Development Code Text Amendment:** \$1,000
- 10) **Concept Plan:** \$25 per lot or unit/~~\$300~~\$50 per 1,000 sq. ft. (non-residential)
- 11) **Preliminary Subdivision Plat/Site Plan:** \$250 per lot or unit/\$100 per 1,000 sq. ft. (non-residential)
- 12) **Final Subdivision Plat/Site Plan:** \$125 per lot or unit/\$75 per 1,000 sq. ft. (non-residential)
- 13) **General Plan Amendment:** \$1,000
- 14) **Lot Line Adjustment:** \$400
- 15) **Lot of Record Determination:** \$50 / parcel
- 16) **Subdivision Plat/Site Plan Amendment**
  - a. Administrative process (if no public hearing is held): \$500
  - b. Public process (if a public hearing is held): \$750
- 15) **Public Hearing Notification and Publication:** \$2.00/individual notice and actual cost of newspaper publication.
- 16) **Sign Permit:** \$75/sign
- 17) **Pre-Application Fees:** In the event an applicant requests a Staff review and/or Planning Commission Work Session prior to filing a formal application, a \$200 minimum fee shall be required. If a formal application is filed following the Staff review and/or Planning Work Session, the \$200 will be applied toward the application fee.

**Note: Non-residential square feet are calculated from gross building area (exterior wall to exterior wall).**



## Proposed Overall Updated Fee Schedule

7) **Construction Water Use Fees:** This fee is for the sale of water via a fire hydrant connection for the purpose of construction uses. The sale must be approved by the Coalville City Public Works Director (PWD). The PWD will also determine the connection site for the point of sale and reserve the right to stop the sale of water at any time for any reason. Sale of water is dependent upon the availability and, day to day city water operations. All connections to a truck, trailer or other means of transporting water must be approved by a public works employee. Water will be metered and charged per/gal. A fee will be assessed for connection and inspection.

**a. Water Meter Connections:**

- i. \$100.00 during public works normal working hours
- ii. \$150.00 after public works normal working hours

**b. Water Rates:**

- i. \$3.50 per 100/gal or 0.035 cents per/gal
- ii. \$4.50 per 100/gal or 0.045 cents per/gal after public works normal working hours
- iii. 1000 gallons or less will be charged \$35.00 per/load

Note: Water may not be sold by individual Coalville City water users or businesses to any outside entity.

## Proposed Overall Updated Fee Schedule

### **BUILDING PERMIT FEES**

**(fees are based on cost per square foot)**

#### **1) Building Valuations**

- a. Agricultural Buildings:** \$20 per square foot
- b. Commercial Structures per the International Building Code (IBC):** Cost per square foot as reported in the Building Safety Journal published by the International Code Council (ICC) and outlined in the table listed below:

Proposed Overall Updated Fee Schedule

Coalville City Valuation per Square Foot for Building Permit Calculations <sup>a. b. c. d. e.</sup>  
Calendar Year 2021

Occupancy Group (2015 International Building Code)	Type of Construction (2015 International Building Code)								
	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	\$226.92	\$219.10	\$213.80	\$205.04	\$192.95	\$187.36	\$198.56	\$176.18	\$169.73
A-1 Assembly, theaters, without stage	\$207.97	\$200.15	\$194.85	\$186.09	\$174.15	\$168.55	\$179.61	\$157.38	\$150.92
A-2 Assembly, nightclubs	\$177.49	\$172.34	\$167.98	\$161.18	\$151.95	\$147.76	\$155.52	\$137.58	\$132.93
A-2 Assembly, restaurants, bars, banquet halls	\$176.49	\$171.34	\$165.98	\$160.18	\$149.95	\$146.76	\$154.52	\$135.58	\$131.93
A-3 Assembly, churches	\$209.94	\$202.13	\$196.83	\$188.07	\$176.32	\$170.72	\$181.59	\$159.54	\$153.09
A-3 Assembly, general, community halls, libraries, museums	\$175.12	\$167.31	\$161.01	\$153.25	\$140.50	\$135.90	\$146.77	\$123.72	\$118.27
A-4 Assembly, arenas	\$206.97	\$199.15	\$192.85	\$185.09	\$172.15	\$167.55	\$178.61	\$155.38	\$149.92
B Business	\$181.12	\$174.43	\$168.67	\$160.26	\$146.18	\$140.70	\$153.97	\$128.34	\$122.72
E Educational	\$192.29	\$185.47	\$180.15	\$172.12	\$160.72	\$152.55	\$166.18	\$140.46	\$136.18
F-1 Factory and industrial, moderate hazard	\$108.53	\$103.54	\$97.56	\$93.81	\$84.17	\$80.36	\$89.86	\$70.57	\$66.08
F-2 Factory and industrial, low hazard	\$107.53	\$102.54	\$97.56	\$92.81	\$84.17	\$79.36	\$88.86	\$70.57	\$65.08
H-1 High Hazard, explosives	\$101.60	\$96.60	\$91.63	\$86.88	\$78.44	\$73.62	\$82.93	\$64.84	N.P.
H234 High Hazard	\$101.60	\$96.60	\$91.63	\$86.88	\$78.74	\$73.62	\$82.93	\$64.84	\$59.35
H-5 HPM	\$181.12	\$174.43	\$168.67	\$160.26	\$146.18	\$140.70	\$153.97	\$128.34	\$122.72
1-1 Institutional, supervised environment	\$180.72	\$174.14	\$169.28	\$161.12	\$149.06	\$145.04	\$161.12	\$133.69	\$129.43
1-2 Institutional, hospitals	\$304.80	\$298.11	\$292.36	\$283.95	\$268.92	N.P.	\$277.65	\$251.09	N.P.
1-2 Institutional, nursing homes	\$211.20	\$204.51	\$198.75	\$190.34	\$177.26	N.P.	\$184.05	\$159.42	N.P.

## Proposed Overall Updated Fee Schedule

1-3 Institutional, restrained	\$206.08	\$199.38	\$193.63	\$185.22	\$172.62	\$166.14	\$178.93	\$154.78	\$146.16
1-4 Institutional, day care facilities	\$180.732	\$174.14	\$169.28	\$161.12	\$149.06	\$145.04	\$161.12	\$133.69	\$129.43
M Mercantile	\$132.23	\$127.09	\$121.73	\$115.92	\$106.18	\$102.99	\$110.26	\$91.82	\$88.16
R-1 Residential, hotels	\$182.28	\$175.70	\$170.83	\$162.68	\$150.87	\$146.84	\$162.68	\$135.49	\$131.23
R-2 Residential, multiple family	\$152.86	\$146.27	\$141.41	\$133.25	\$122.04	\$118.01	\$133.25	\$106.66	\$102.41
R-3 Residential, one- and two-family	\$143.93	\$139.97	\$136.51	\$132.83	\$127.95	\$124.61	\$130.57	\$119.73	\$112.65
R-4 Residential, care/assisted living facilities	\$180.72	\$174.14	\$169.28	\$161.12	\$149.06	\$145.04	\$161.12	\$133.69	\$129.43
S-1 Storage, moderate hazard	\$100.60	\$95.60	\$89.63	\$85.88	\$76.44	\$72.62	\$81.93	\$62.84	\$58.35
S-2 Storage, low hazard	\$99.60	\$94.60	\$89.63	\$84.88	\$76.44	\$71.62	\$80.93	\$62.84	\$57.35
U Utility, miscellaneous	\$77.82	\$73.48	\$69.04	\$65.52	\$59.23	\$55.31	\$62.58	\$46.83	\$44.63

- a. Private Garages use Utility, miscellaneous
- b. Unfinished basements (all use groups) = \$15.00 per sq. ft.
- c. For shell only buildings deduct 20 percent
- d. N.P. = not permitted
- e. Data obtained from valuation tables published by the International Code Council (ICC)

## Proposed Overall Updated Fee Schedule

- c. Residential Structures per the International Residential Code (IRC):** Cost per square foot is based on the table listed below:

**Residences (single family and townhouses)**

250 — 1300 =	\$98.95
1301 — 1400 =	\$99.94
1401 — 1500 =	\$100.93
1501 — 1600 =	\$101.92
1601 — 1700 =	\$102.91
1701 — 1800 =	\$103.90
1801 — 1900 =	\$104.89
1901 — 2000 =	\$105.88
2001 — 2100 =	\$106.87
2101 — 2200 =	\$107.86
2201 — 2300 =	\$108.55
2301 — 2400 =	\$109.83
2401 — 2500 =	\$110.82
2501 — 2600 =	\$111.81
2601 — 2700 =	\$112.80
2701 — 2800 =	\$113.79
2801 — 2900 =	\$114.78
2901 — 3000 =	\$115.77
3001 & up =	\$116.76

- d. Garages:** \$37.87 per square foot

- e. Decks:** \$5 per square foot

### 2) Building Fees

- a. Agricultural Buildings:** \$6 per \$1,000 of valuation or fraction thereof
- b. Commercial Structures built per the IBC:** Fees calculated at a rate of 0.0075 (3/4 of 1%) of the construction valuation
- i. **Minimum fee:** \$25
- c. Residential Structures built per the IRC:** Fees calculated at a rate of 0.0075 (3/4 of 1%) of the construction valuation.
- i. **Minimum fee:** \$25

### 3) Plan Review Fees

- a. Agricultural Buildings:** No fee
- b. Commercial Structures:** 65% of building permit fee
- c. Residential Structures:** 65% of building permit fee
- d. Detached garages with no living space, decks/porches for existing structures, and accessory buildings:** 15% of building permit fee

### 4) Plumbing Permit Fees

- a. Permit Issuance Fee:** \$10
- b. System Fee (does not include \$10 issuance fee):**
- i. **Agricultural Buildings:** \$0.025 per square foot

## Proposed Overall Updated Fee Schedule

- ii. **Commercial Structures per the International Plumbing Code (IPC):** \$0.03 per square foot
- iii. **Residential Structures per the IRC:** \$0.025 per square foot

### 5) Mechanical Permit Fees

- a. **Permit Issuance Fee:** \$10
- b. **System Fee (does not include \$10 issuance fee):**
  - i. **Agricultural Buildings:** \$0.025 per square foot
  - ii. **Commercial Structures per the International Mechanical Code (IMC):** \$0.03 per square foot
  - iii. **Residential Structures per the IRC:** \$0.025 per square foot

### 6) Electrical Permit Fees

- a. **Permit Issuance Fee:** \$10
- b. **System Fee (does not include \$10 issuance fee):**
  - i. **Agricultural Buildings:** \$0.025 per square foot
  - ii. **Commercial Structures per the National Electric Code (NEC):** \$0.035 per square foot
  - iii. **Residential Structures per the IRC:** \$0.03 per square foot

### 7) Alternative Energy Permits: These permits are separate from the permits issued for new construction. These permits include, but are not limited to, hot water, photovoltaic, geothermal, and wind generated power.

- a. **Photovoltaic System:** \$350 (private) \$700 (commercial)
- b. **Geo-Thermal:** \$250 (private) \$500 (commercial)
- c. **Solar Hot Water:** \$125 (private) \$250 (commercial)
- d. **Wind Generator:** \$125 (private) \$250 (commercial)
- e. **Permit Issuance:** 10% of review fee

### 8) Utah State Surcharge: A 1% surcharge on all permits to be collected and remitted to the State of Utah as per UCA 15A-1-209., as amended

### 9) Other Inspections and Fees

- a. **Inspections outside of normal office hours:** \$100 per hour (minimum of one hour)  
**Re-Inspection fee assessed under the provisions of Chapter 1 of both the IBC and IRC:** \$100 per occurrence
- b. **Inspections and permits for which no fee is specifically indicated:** \$100
- c. **Additional plan review required by changes, additions, or revisions to approved plans:** \$100 per hour (minimum of one hour)
- d. **Violations:** Double filing fee and \$25/day fine until corrective action is taken
- e. **Initial Building Permit Application Fee:** \$200 (fee credited to final fee amount if permit is issued)

### 10) Demolition Permit: \$200

**PROVISIONS APPLICABLE TO COMMUNITY DEVELOPMENT, ENGINEERING, PUBLIC WORKS, AND BUILDING FEES**

**1) Refunds of Fees**

*Community Development, Engineering and Public Works Fees*

A refund may be given in an amount not to exceed fifty percent (50%) of the application fee or fees paid, when the application is withdrawn, in writing, prior to any of the following:

- a. Issuance of any notice of public hearing or prior to begin placed on agenda of the Planning Commission, Board of Adjustment, or City Council.
- b. Completion of the review of any documents or plans submitted with the application.
- c. An inspection or site visit requested by the applicant or performed by Staff.

*Building Fees*

A refund may be given in an amount not to exceed eighty percent (80%) of the building permit fees paid, at the discretion of the Building Official if work has not commenced on the permitted project and more than six months has not passed since the granting of the permit. Plan review fees are not refundable.

**2) Special Services**

Professional Consultant Fees: In the event it is necessary for the City to obtain the services of a planner, engineer, attorney, or other outside professional consultant to review an application, the applicant shall pay the actual hourly review cost incurred by the City for such services.

Special Circumstances: If an application requires specialized review, evaluation, or research for a unique or special circumstance(s), the applicant shall pay the hourly review costs of city staff or outside professional consultants to conduct the additional review.

**3) Hourly Review Costs**

Hourly review costs include the review of applications by city staff at current hourly rates at the time of review. Hourly review costs also include fees to review an application by an outside professional consultant.

Hourly Review Costs Paid Prior to City Action: Any hourly review costs to date, including outside professional consultant fees, shall be paid to the city by the applicant prior to any work session, public hearing, or other action taken by the city on the application.

**4) Double Fees**

Any person, firm, corporation, or any other entity who commences any development activity before obtaining the necessary permits shall be subject to double permit fees for the specified application. The payment of such double fee shall not relieve anyone from fully complying with the requirements of applicable codes and ordinances in the execution of the work nor from any other penalties prescribed herein.

Coalville City shall have the right to issue a stop work order if development activity is commenced or continued without obtaining the necessary permits.

## Proposed Overall Updated Fee Schedule

"Development Activity" as used herein includes any of the following activities requiring a permit:

- a. Change in use.
- b. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
- c. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface.
- d. Erection of a sign.
- e. Alteration of a historic property for which authorization is required under this title.
- f. Any activity increasing the need for parking or generating additional traffic.
- g. Construction, elimination, or alteration of a driveway within a public road right-of-way.
- h. Demolition of existing structures.

### **5) Review and Revision of Fee Schedule**

The City shall review the fee schedule every two (2) years and revise the fee schedule as necessary to ensure that the fees cover the actual cost of processing applications but in no case exceeds that amount.

## Proposed Overall Updated Fee Schedule

### ADMINISTRATIVE CODE ENFORCEMENT FEES

#### 1) Community Development (Planning)

- a. Sign violation: \$100
- b. Re-inspection: \$100
- c. Setback violation: \$200
- d. Development activity without a permit: \$250
- e. Prohibited land use: \$500
- f. Junk ordinance: \$500
- g. Any other violation not listed: \$250

#### 2) Engineering and Public Works

- a. Re-inspection: \$100
- b. Tracking mud on the street: \$200
- c. Steel tracked equipment driven on a public street: \$500
- d. Failure to maintain sediment/erosion control: \$100
- e. Illegal excavation, grading, or placement of fill on private property: \$500
- f. Illegal driveway encroachment: \$200
- g. Illegal excavation in City right-of-way: \$500
- h. Snow deposited on a public street: \$50
- i. Other violations not listed: \$250

#### 3) Building

- a. **Building Violations:** Double filing fee and \$25/day fine until corrective action is taken.

#### 4) **Daily Non-Compliance Fines for all Violations:** \$25/day up to the initial corrective action and/or acceptable response is made to the City.

**GRAMA FEE SCHEDULE AND PROCESS FOR GRAMA REQUESTS**

**Process:**

- 1) A person making a request for a Coalville City record shall complete the “Request for Record – Utah Government Records Access and Management Act” prior to reviewing and/or receiving copies of records. In his/her discretion, the record custodian may accept the record request in a different format so long as the request contains the person’s name, mailing address, and daytime telephone number, if available, and a description of the record requested that identifies the record with reasonable specificity.
- 2) The record request shall be submitted at Coalville City Hall or on the State Open Records Portal.
- 3) Upon receipt of the “Request for Record,” a response to the request shall be provided to the requestor within ten (10) business days unless:
  - a. the requester has demonstrated that the record request benefits the public rather than the person (in which case response shall be within five (5) business days); or
  - b. “extraordinary circumstances” pursuant to Utah Code Annotated §63G-2-204(5) exists, which allows the City to delay approval or denial for an additional period of time.

**Fees:**

- 1) The costs for processing GRAMA requests and/or copies are set forth in the below GRAMA fee schedule.
- 2) Coalville City requires payment of past fees and future estimated fees prior to processing a request if:
  - a. fees are expected to exceed \$50.00; or
  - b. the requester had not paid fees from previous requests.
- 3) If the requester simply wants to inspect a record, they may do so at no charge, however, staff time for compiling the request or for costs of any copies requested thereafter, shall apply.
- 4) Fee Waivers: Coalville City may fulfill a record request without charge and is encouraged to do so when it determines that:
  - a. Releasing the record primarily benefits the public rather than a person;
  - b. The individual requesting the record is the subject of the record; or
  - c. The requester’s rights are directly implicated by the information in the record, and the requester is impecunious.
- 5) Fee Waiver Appeals: A person who believes that there has been an unreasonable denial of a fee waiver may appeal the denial in the same manner as a person who appeals the inspection of a public record under UCA §63G-2-205 by filing a notice of appeal within 30 days.

## Proposed Overall Updated Fee Schedule

### GRAMA Fee Schedule

<b>Copies</b>	<b>Fee</b>	<b>Additional Information</b>
8 1/2" x 11" non-color copies	\$.50 / sheet	
8 1/2" x 11" color copies	\$1.00 / sheet	
11" x 17" non-color copies	\$1.00 / sheet	
11" x 17" color copies	\$2.00 / sheet	
Other sized copies	Actual cost to reproduce	
Copies of videos	\$15.00 / video recording	
Copies of audio	\$15.00 / audio recording	
USB drives	\$15.00/ 8 GB drive	
Other media	Actual costs	
<b>Services</b>		
Notary Services	\$5.00 / signature to notarize	
Certification of a document	\$2.00 / certification	
Records delivered by facsimile	\$.75 / page + plus telephone charges for long distance over 10 pages	
Mailing and shipping costs	\$2.00 for staff mail preparation time, plus actual mailing costs if greater than \$2.00	Actual mailing costs are those for U.S. Postal Service or an authorized delivery service such as UPS, FedEx, etc.
Staff time required to search, compile, and otherwise prepare to provide a record	Actual cost, not to exceed the hourly rate (not to include benefits) of the lowest paid employee who, in the discretion of the City, has the necessary skill and training to perform the request.	The first 15 minutes of staff time shall be at no charge.  Staff time for photocopying, faxing, and providing documents in electronic format (i.e. video, audio or USB drive) is included in the cost of those items.

## Proposed Overall Updated Fee Schedule

### BUSINESS LICENSE FEES

#### Base Application Fees

- 1) **Professional Services:** \$50 (Doctors, Architects, Engineers, Dentists, Lawyers, Bankers, etc.)
- 2) **All Other Services:** \$30
- 3) **Prepared Food Distribution:** \$25
- 4) **Grocery Distribution:** \$25
- 5) **Hardware – Software:** \$25
- 6) **Oil and Fuel Products:** \$25
- 7) **Towing Services:** \$25
- 8) **Rental Equipment:** \$25
- 9) **Prescription Drugs:** \$25
- 10) **Gaming Machines/Vending Machines:** \$25
- 11) **Tanning Booths:** \$25
- 12) **Sale of Alcoholic Beverages:** \$200
- 13) **General Contractors:** \$50
- 14) **Sub-Contractors:** \$30
- 15) **Motel, Hotel, Mobile Home Park, RV Park, and Rental Units:** \$20 Base Fee + \$10 Per Unit
- 16) **Storage Units:** \$20 Base Fee + \$5 Per Unit
- 17) **Major Home Occupation:** \$35
- 18) **Minor Home Occupation:** \$25
- 19) **Solicitors, Peddlers, Vendors, and Transient Sales:** \$25
- 20) **Food Trucks:** \$25
- 21) **All Other Business Not Described Herein:** \$25

#### Number of Employees Fees (Owner/ Manager Exempt)

Average number of employees at place of business each regular working day:

- 1 to 3:** \$25.00
- 4 to 20:** \$40.00
- 21 to 50:** \$60.00
- 50 and over:** \$80.00

#### Special Licenses

- 1) **Auction License:** \$50 (each time)
- 2) **Special Sales Events & Promotions:** \$50
- 3) **Non-Profit Special Events:** \$50
- 4) **Motion Picture Productions:** \$1,000

## Proposed Overall Updated Fee Schedule

### SEWER AND WATER FEES

#### Sewer

- 1) **Connection Fees:** \$1,500 (impact fees may also be applicable)

#### Water

- 1) **Connection Fees:**
  - a.  $\frac{3}{4}$ -inch connection: \$1,350
  - b. 1-inch connection: \$1,850
  - c. 2-inch connection: \$3,200
- 2) **Reconnection Fee:** \$35
- 3) **Deposit Fee for Connection:** \$200

### CEMETERY FEES

- 1) **Grave Purchase:**
  - a. \$300 per grave (Coalville City Resident)
  - b. \$600 per grave (Summit County Resident)
  - c. \$900 per grave (Non-City or County Resident)
- 2) **Opening and Closing Fee:**
  - a. \$350 (Monday-Friday for Coalville City Resident)
  - b. \$450 (Monday-Friday for Summit County Resident)
  - c. \$550 (Monday-Friday for Non-City or County Resident)
  - d. \$400 (Saturday for Coalville City Resident)
  - e. \$500 (Saturday for Summit County Resident)
  - f. \$600 (Saturday for Non-City or County Resident)
  - g. One-half of the above fee for cremations and infants (age 8 and under child size vault)
  - h. \$100 (additional fee if procession reaches the cemetery at 2:00 PM or later)
  - i. \$1,000 for Disinterment
  - j. \$25 for Cemetery Certificate Transfer

**Note:** No burials on Sundays or Holidays