



City Council Meeting/Work Session

Tuesday, November 29, 2022 at 7:00 pm

Attendees: Mayor Bayley Hedglin, Councilmember Kim Henderson, Councilmember Ron Skinner, Councilmember Nathan Chamberlain, Councilmember Kevin Dunn, Councilmember George Rice, Acting City Manager Kaeden Kulow, City Recorder Melissa Gill, Deputy Recorder Megan Gallegos

Monticello City Council Meeting

Meeting Location: Hideout Community Center 648 S Main

- 1. Call to Order/Invocation - Opening Remarks**
- 2. Public Comment**
- 3. Consider Adoption of Amendments to Zoning Ordinance §10-1: General Provisions and Authorization to Send to Codifiers (action)**

Attachments:

- **10 Ch 1 General Final** (10_Ch_1-General_Final.docx)

- 4. Consider Adoption of Amendments to Zoning Ordinance §10-2: Supplementary Requirements and Procedures Applicable Within All Zones And Authorization to Send to Codifiers (action)**

Attachments:

- **10 Ch 2-Supp Final** (10_Ch_2-Supp_Final.docx)

- 5. Consider Adoption of Amendments to Zoning Ordinance §10-5: A-1 Agricultural Zone And Authorization to Send to Codifiers (action)**

Attachments:

- **10 Ch 5-A1 Final** (10_Ch_5-A1_Final.docx)

- 6. Consider Adoption of Amendments to Zoning Ordinance §10-6: R-1 Residential Zone And Authorization to Send to Codifiers (action)**

Attachments:

- **10 Ch 6-R1 Final** (10_Ch_6-R1_Final.docx)

- 7. Consider Adoption of Amendments to Zoning Ordinance §10-7: R-2 Residential Zone And Authorization to Send to Codifiers (action)**

Attachments:

- **10 Ch 7-R2 Final** (10_Ch_7-R2_Final.docx)

- 8. Consider Adoption of Amendments to Zoning Ordinance §10-8: C-1 Commercial Zone And Authorization to Send to Codifiers (action)**

Attachments:

- **10 Ch 8-C1 Final** (10_Ch_8-C1_Final.docx)

- 9. Consider Adoption of Amendments to Zoning Ordinance §10-9: C-2 Light Commercial Zone And Authorization to Send to Codifiers (action)**

Attachments:

- **10 Ch 9-C2 Final** (10_Ch_9-C2_Final.docx)

10. Consider Adoption of Amendments to Zoning Ordinance §10-10: I-1 Industrial Zone And Authorization to Send to Codifiers (action)

Attachments:

- **10 Ch 10-I1 Final** (10_Ch_10-I1_Final.docx)

11. Consider Adoption of Amendments to Zoning Ordinance §11-1-9: Subdivision Residential Infilling And Authorization to Send to Codifiers (action)

Attachments:

- **11 Ch 1-9-Residential Infilling** (11_Ch_1-9-Residential_Infilling.docx)

12. Consider Adoption of Nuisance Ordinance and Authorization to be Sent to Codifiers (Action)

Attachments:

- **Nuisance Ordinance - Final** (Nuisance_Ordinance_-_Final.docx)

13. Consider Approval for Financial Costs of Pavement Preservation Plan (discussion/action)

Roll Call Vote

Attachments:

- **Street Maintenance 2022-2023** (Street_Maintenance_2022-2023.pdf)

14. Consider Approval for Purchase of Golf Course Grounds Equipment (discussion/action)

Attachments:

- **Golf Course Equipment Quote** (Golf_Course_Equipment_Quote.pdf)

15. Yamaha Cart Lease Proposal (discussion/action)

Attachments:

- **Yamaha Cart Lease Proposals 2022** (Yamaha_Cart_Lease_Proposals_2022.pdf)

16. Review Capital Assets for Long Term Reports/Maintenance (discussion/action)

17. Audit Proposals (discussion/action)

Attachments:

- **City of Monticello audit proposal by Aycock & Miles** (City_of_Monticello_audit_proposal_by_Aycock__Miles.pdf)
- **Gilbert & Stewart CPA** (Gilbert__Stewart_CPA.pdf)
- **Monticello City Audit proposal** (Monticello_City_Audit_proposal.pdf)
- **Smuin, Rich and Marsing** (Smuin__Rich_and_Marsing.pdf)

18. Administrative Communications

19. Consider Upcoming Agenda Items (action)

Recommendation: Motion to add ____ to the next agenda. Consensus

20. Adjournment

AUDIO FILE

[https://soundcloud.com/user-250815044/2022-11-30-city-council?](https://soundcloud.com/user-250815044/2022-11-30-city-council?si=7955f3b871494cd7892a1351110ab117&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

[si=7955f3b871494cd7892a1351110ab117&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing](https://soundcloud.com/user-250815044/2022-11-30-city-council?si=7955f3b871494cd7892a1351110ab117&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

NOTICE OF SPECIAL ACCOMMODATIONS

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5. The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.

Contact: Melissa Gill, Recorder (melissa@monticelloutah.org 435-587-2271) | Agenda published on
11/25/2022 at 2:32 PM

TITLE 10 ZONING REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

SECTION:

- 10-1-1: Title, Intent And Purpose
- 10-1-2: Declaration
- 10-1-3: Interpretation
- 10-1-4: Definitions
- 10-1-5: Conflict
- 10-1-6: Severability
- 10-1-7: Responsibility For Violations
- 10-1-8: Penalty
- 10-1-9: Temporary Land Use Regulations

10-1-1: TITLE, INTENT AND PURPOSE:

A. This title shall be known as, and shall be entitled the AMENDED ZONING ORDINANCE OF THE CITY OF MONTICELLO, UTAH, dated >insert approval date<, and may be so cited and pleaded.

B. It is the intent and purpose of the city council of Monticello, Utah, to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by guiding development within said city in accordance with a comprehensive plan which plan has been designed:

1. To encourage and facilitate orderly growth and development in the area;
2. To promote safety from fires, floods, traffic hazards and other dangers;
3. To promote sanitation and health of the inhabitants;
4. To discourage undue scattering of population and unnecessary expenditures of the monies for excessive streets, water and sewer lines, and other public requirements;
5. To stabilize and improve property values;
6. To protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions;
7. To promote a more attractive and wholesome environment. It is also the intent and purpose of the city council of Monticello that the regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the purposes of this title. (Ord. 2012-01, 7-10-2012)

10-1-2: DECLARATION:

In establishing the zones, the boundaries thereof and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses and to the character of the zone with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 2012-01, 7-10-2012)

10-1-3: INTERPRETATION:

A. In interpreting and applying this title, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

B. Except as specifically herein provided, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with, abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, the provisions of this title shall control. (Ord. 2012-01, 7-10-2012)

10-1-4: DEFINITIONS:

It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood.

ACCESSORY BUILDING: See BUILDING, Accessory

ACCESSORY DWELLING UNIT: A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who:

- A. Owns real property adjoining the property that is the subject of a land use application of land use decision; or
- B. Will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AFFECTED ENTITY: A county, municipality, local district, special district under Utah Code Annotated Title 17D, Chapter 1, Special Service District Act, school district; interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act; specified public utility; a property owner; a property owners' association; or the Utah Department of Transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
- C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

AFFECTED OWNER; The owner of real property that is:

- A. A single project;
- B. The subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-60(5)(a); and
- C. Determined to be legally referable under Section 20A-7-602.8.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of crops on the premises.

APARTMENT HOUSE (MULTIPLE DWELLING): Any building or portion thereof which is designed, built, rented or leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

APPEAL AUTHORITY: "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

APPROVED WATER SYSTEM, PUBLIC WATER SYSTEM: The Monticello city water system.

BUILDABLE AREA: That portion of a lot or parcel which will fit the construction of a structure under the provisions of the building codes adopted by the city and this title, either without grading and excavation or with grading and excavation, as specified in this title.

BUILDING: Any structure built for the support, shelter or enclosure of a person, animals, chattels or property of any kind.

- A. Building, Accessory: A subordinate building, the use of which is incidental to that of the main building.
- B. Building Line: A line designating the minimum distance which buildings must set back from a street or lot or parcel line.
- C. Building, Main: The principal building upon a lot or parcel.

CARPORT: A structure for the shelter of automobiles that is not completely enclosed by walls.

CHARTER SCHOOL:

- A. An operating charter school;
- B. A charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- C. An entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

A Charter School does not include a therapeutic school.

CHILDCARE: Tending of children by family members or friends for which no compensation is received. Childcare services exempt from state regulation as specified in applicable Utah Code.

CITY ENGINEER: Until such time as the city hires a permanent registered engineer, the city engineer shall be a licensed surveyor, a registered engineer, or an engineering firm as designated by the city council on either a retainer or per job basis.

CIVIL ENGINEER: A professional engineer registered in the state of Utah to practice in the field of civil engineering work.

CLINIC: A building used for the diagnosis and treatment of ill, infirm, and injured persons which does not provide board, room or regular hospital care and services.

CLUB: A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but not including any building used principally to render a service usually and ordinarily carried on as a business.

COMMON AREA: An area designed to serve two (2) or more dwelling units which have convenient access to the area.

COMPREHENSIVE PLAN: A coordinated plan which has been prepared and adopted for the purpose of guiding development, including, but not limited to, a plan or plans of land use, circulation, housing and public facilities and grounds.

CONDITIONAL USE: A land use that, because of the unique characteristics or potential impact of the land use on city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONSTITUTIONAL TAKING: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

- A. Fifth or Fourteenth Amendment of the Constitution of the United States; or
- B. Utah Constitution Article I, Section 22.

CONVALESCENT HOME: See definition of Rest Home, Nursing Home, Convalescent Home.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

CURB CUT: A cut in the curb line for the passage of vehicles.

CUT: A process of excavation. See definition of Excavation.

DAYCARE, NURSERY, PRESCHOOL: A home or building in which children are tended or kept for compensation, and any similar use for which the State requires a license. Does not include overnight accommodations for children, as in a foster home or an orphanage.

DENSITY: Density of population, measured by the number of dwelling units per acre of land.

DESIGNATED FLOOD HAZARD AREA: Zone A on the flood hazard boundary map issued by the federal insurance administration for this community, dated December 24, 1976, with panel number H-01-02, community number 490212, and any officially published revision to this map.

DETACHED STRUCTURE: Any structure being secondary to the primary use of the parcel (i.e., a garage, storage sheds, barns, coops, etc.).

DEVELOPMENT ACTIVITY:

- A. Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- B. Any change in use of a building or structure that creates additional demand and need for public facilities; or
- C. Any change in the use of the land that creates additional demand and need for public facilities.

DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use of development of a specific area of land. A development agreement does not include an improvement completion assurance.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 or the Controlled Substances Act, 21 U.S.C. 802.

DRIVE-IN RETAIL: Any form of merchandising, serving or dispensing of goods in which the customer is served while in his automobile.

DWELLING: A building designed or used for residential occupancy, including single-family, two-family, multi-family, manufactured homes, modular homes, and apartment structure. A dwelling shall not include boarding, rooming, or lodging houses, tents, trailers, recreational vehicles (RVs), mobile home parks, motels and hotels, motor courts, motor lodges, cottage camps, or any short-term rentals or uses primarily for transient residential uses.

- A. Dwelling, Caretaker's: A dwelling which is occupied by a person whose function is to watch or take care of a business or industry which is located on the same premises as the dwelling.
- B. Dwelling, Primary: A single-family dwelling that is
 - 1. Detached, and
 - 2. Occupied as the primary residence of the owner of an internal accessory dwelling unit.
- A. Dwelling, Multiple-Family: A building containing three (3) or more separate dwelling units, each of which is designed for or occupied by one family.
- B. Dwelling, Single-Family: A building containing one dwelling unit which is designed for or occupied by one family.
- C. Dwelling, Two-Family: A building containing two (2) separate dwelling units, each of which is designed for or occupied by one family.
- D. Dwelling, Rental: A building or portion of a building that is
 - 1. Used or designated for use as a residence by one or more persons; and
 - 2. Available to be rented, loaned, leased, or hired out for a period of one month or longer; or
 - 3. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.
- E. Boarding House, Lodging House, Bed and Breakfast: A building containing not more than one kitchen where for compensation meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis as distinguished from a motel, cafe, or rooming house. These are considered short-term rental units if rented for less than 30 days.
- F. Live-Work Unit: A dwelling unit that is part of a commercial building and
 - 1. Is located behind or above the commercial floor space of the building;
 - 2. Has its own utility connections separate from the commercial use;

3. Has its own entry separate from the commercial space; and
4. Conforms to applicable building codes for use as a dwelling.

EASEMENT: A land use right offered for a specific purpose or use over, upon, or beneath the land; its location and extent being accurately described in the letting process or by separate document using metes and bounds; distinct from land ownership and granted to the public, a particular party or public utility.

EDUCATIONAL FACILITY: A school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities; A structure or facility that is:

- A. Located on the same property as a building described as an educational facility; and
- B. Used in support of the use of that building;
- C. A building or provide office and related space to a school district's administrative personnel;

An educational facility does not include land or structure including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is

- A. Not located on the same property as the building described as an educational facility; and
- B. Used in support of the purposes of a building described as an educational facility

An educational facility does not include a therapeutic school

EXCAVATION: Any act by which vegetation matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting from it.

FACILITY: A public service developed, owned and maintained by the city (i.e., water, sewer, etc.).

FAMILY: Related individuals living together in a single dwelling unit and maintaining a common household.

- A. A family may include an individual and up to four (4) unrelated persons.
- B. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club, or institutional group.

FENCE, SIGHT OBSCURING: A fence having a height of six feet (6') or more above grade, which permits vision through less than ten percent (10%) of each square foot that is more than eight inches (8") aboveground.

FILL: A deposit of earth material by artificial means.

FINAL PLAT: A permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.

FINAL PLAT, RECORD OF SURVEY MAP: A plat or plats of survey of land within a subdivision or other large scale development which has been prepared in accordance with applicable city standards and/or state statutes for the purpose of recording in the office of the county recorder.

FIRE AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

FLOOD PLAIN: Land that

- A. Is within the 100-year flood plain designated by the Federal Emergency Management Agency, or
- B. Has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

FLOOR AREA: The floor area of a building is the sum of the areas of headroom height on all floors of the building, including basements, mezzanines, and penthouses, measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied structures such as pipe trenches, exterior terraces, or steps, chimneys, roof overhangs, etc.

FOSTER HOME: A family dwelling that includes the care of non-related persons and is operated under state certification, license, or permit.

FRACTIONAL NUMBERS OF MEASUREMENTS: In determining the requirements of this title, whenever a fraction of a number or a unit is one-half ($1/2$) or more, and whenever a fraction of a number or a unit resulting from a computation is one-half ($1/2$) or more, said fraction shall be considered as a whole number or a unit. Where the fraction is less than one-half ($1/2$), said fraction shall not be included in determining requirements.

GARAGE, PRIVATE: A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

GENERAL PLAN: A document that a municipality adopts that sets forth general guidelines for proposed future development of land within the municipality.

GEOLOGIC HAZARD: Includes

- A. A surface fault rupture;
- B. Shallow groundwater;
- C. Liquefaction;
- D. A landslide;
- E. A debris flow;
- F. Unstable soil;
- G. A rock fall; or
- H. Any other geologic condition that presents a risk:
 - 1. To life;
 - 2. Of substantial loss of real property; or
 - 3. Of substantial damage to real property.

GRADE: The top of the foundation or stem wall must be a minimum of one foot (1') higher than the top of the curb. Grade shall be determined by:

- A. For buildings fronting one street only, the elevation of the top of the curb, at right angles to the midpoint of the foundation.
- B. For buildings fronting more than one street, the average of the elevations of the top of the curb, at right angles to the midpoint of the foundation.

GRADING: Any excavating or filling, or combination thereof, and shall include the conditions resulting from any excavation or fill.

HARD SURFACE: Hard surface is limited to concrete or asphalt only. Hard surface specifications are as approved by the city.

HEIGHT OF BUILDING: The vertical distance from the average grade to top of the building walls.

HILLSIDE AREA: Any lot or parcel with an average slope greater than eight percent (8%).

HOME OCCUPATION: Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

HOOKUP FEE: A fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

IDENTICAL PLANS: Building plans submitted to a municipality that:

- A. Are clearly marked as "identical plans";
- B. Are substantially identical to building plans that were previously submitted to and reviewed and proved by the municipality; and

- C. Describe a building that (1) Is located on land zoned the same as the land on which the building described in the previously approved plan is located; (2) Is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans; (3) Has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and (4) Does not require any additional engineering or analysis.

IMPACT FEE: A payment of money imposed under state Title 11, Chapter 36a, Impact Fees Act.

IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

- A. Recording a subdivision plat; or
- B. Development of a commercial, industrial, mixed use, or multi-family project.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

- A. Complies with the municipality's written standards for design, materials, and workmanship; and
- B. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVEMENT WARRANTY PERIOD: A period

- A. No later than one year after a municipality's acceptance of required landscaping; or
- B. No later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
 - 1. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - 2. Has substantial evidence, on record:
 - a. Of prior poor performance by the applicant; or
 - b. That the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that is essential for the public health and safety or that:

- A. Is required for human occupation; and
- B. An applicant must install
 - 1. In accordance with published installation and inspection specifications for public improvements; and

2. Whether the improvement is public or private, as a condition of:
 - a. Recording a subdivision plat;
 - b. Obtaining a building permit; or
 - c. Development of a commercial, industrial, mixed use, condominium, or multi-family project.

INTERNAL ACCESSORY DWELLING UNIT: An accessory dwelling unit created

- A. Within a primary dwelling;
- B. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
- C. For the purpose of offering a long-term rental of 30 consecutive days or longer.

INTERNAL LOT RESTRICTION: A platted note, platted demarcation, or platted designation that:

- A. Runs with the land; and
- B. Creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
- C. Designates a development condition that is enclosed within the perimeter of a lot described on the plat.

INTERVENING PROPERTY: Property located between an existing service facility and the property under development.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris and tires, construction waste, waste, iron, steel, and other old or scrap ferrous or nonferrous materials in sufficient quantity to pose a public health or safety hazard, or to be aesthetically unattractive, and shall also include inoperable, unlicensed, junked, dismantled, or wrecked automobiles, or parts thereof.

JUNKYARD: A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

KENNEL: Land or buildings used in the keeping of four (4) or more dogs over four (4) months old.

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: An application that is:

- A. Required by the municipality; and
- B. Submitted by a land use applicant to obtain a land use decision; and
- C. Does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY: A person, board, commission, agency, or body, including the city council, designated by the city council to act upon a land use application; or if the city council has not designated a person, board, commission, agency, or body, then the city council itself.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding:

- A. A land use permit;
- B. A land use application; or
- C. The enforcement of a land use regulation, land use permit, or development agreement.

LAND USE PERMIT: A permit issued by a land use authority.

LAND USE PLAN: A plan adopted and maintained by the City Council which shows how the land should be used; an element of the master plan.

LANDSCAPE PLAN, PLANTING PLAN: A plan showing the location and dimensions of plants, irrigation equipment, curbs, and other protective features around the edge of the planting beds and the location and species of plants to be planted.

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land including the adoption or amendment of a zoning map or the text of the zoning code. A Land Use Regulation does not include:

- A. A land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
- B. A temporary revision to an engineering specification that does not materially (1) Increase a land use applicant's cost of development compared to the existing specification; or (2) Impact a land use applicant's use of land.

LANDSCAPING: The use and integration of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, artworks, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement as determined by the planning commission or their authorized representative.

LEGISLATIVE BODY: The city council.

LIVESTOCK CORRAL: A place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

LIVING OPEN SPACE: That portion of the yard on a zoning lot which is not used by automotive vehicles, but reserved for outdoor living space, recreational space, and landscaping.

LODGING HOUSE: See definition of Boarding House, Lodging House.

LOT: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

- A. Lot, Corner: A lot situated at a junction of two (2) city streets or situated on a curved street or way, the radius of which is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.
- B. Lot, Interior: A lot other than a corner lot.
- C. Lot, Area: The total area measured on a horizontal plane included within the lot lines of the lot.
- D. Lot, Width: The distance across a lot of property, measured along a line parallel to the front lot line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

LOT LINE ADJUSTMENT: A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with state Section 10-9a-608:

- A. Whether or not the lots are located in the same subdivision; and
- B. With the consent of the owners of record.

Lot Line Adjustment does not mean a new boundary line that

- A. Creates an additional lot; or
- B. Constitutes a subdivision.

Lot Line Adjustment does not include a boundary line adjustment made by the Department of Transportation.

MANUFACTURED HOME: A transportable factory-built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act (HUD Code), in one or more sections, that:

- A. In the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and
- B. Is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

MAJOR TRANSIT INVESTMENT CORRIDOR: Public transit service that uses or occupies:

- A. Public transit right-of-way;
- B. Dedicated road right-of-way for the use of public transit, such as a bus rapid transit; or
- C. Fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and (1) A public transit district as defined in Section 17B-2a-802; or (2) An eligible political subdivision as defined in Section 59-12-2219.

METES AND BOUNDS: The description of a lot or parcel of land by courses and distances.

MOBILE HOME: A transportable factory-built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the National Manufactured Housing Construction and Safety Standards Act (HUD Code).

MOBILE HOME PARK: An area or tract of land used to accommodate mobile homes, regulations, and standards for which are found under chapter 13 of this title.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

MODULAR UNIT: A structure:

- A. Built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and
- B. The purpose of which is for human habitation, occupancy, or use.

MUNICIPAL UTILITY EASEMENT: An easement that:

- A. Is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;
- B. Is not a protected utility easement or a public utility easement as defined in state Section 54-3-27;
- C. The municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data line;
- D. Is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
- E. Is Used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or
- F. Is described in state Section 10-9a-529 and is used by a specified public utility.

NATURAL STATE: The description of a lot or parcel of land by courses and distances.

NOMINAL FEE: A fee that reasonably reimburses a municipality only for time spent and expenses incurred in

- A. Verifying that building plans are identical plans; and
- B. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

NONCOMPLYING STRUCTURE: A structure that:

- A. Legally existed before the structure's current land use designation; and
- B. Because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

NONCONFORMING BUILDING: A building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which existed on the effective date hereof.

NONCONFORMING USE: A use of land that:

- A. Legally existed before its current land use designation; and
- B. Has been maintained continuously since the time the land use ordinance governing the land changed; and
- C. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

OFF HIGHWAY VEHICLE (OHV): Including, but not limited to, all-terrain vehicle (ATV), side by side utility task vehicle (UTV), recreational off highway vehicle (ROV), golf cart, and the trailer used to transport such vehicle.

OFF SITE IMPROVEMENTS: Improvements, as required by this title, installed outside the perimeter of the subdivision which are designed and located to serve the needs of the subdivision or adjacent properties, lying between the subdivision and existing improvements.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that

- A. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- B. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- C. Has been adopted as an element of the municipality's general plan.

ON-SITE IMPROVEMENTS: Improvements, as required by this title, installed within or on the perimeter of the subdivision or development site.

OVERSIZED IMPROVEMENTS: Improvements with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision or development.

PARCEL: Any real property that is not a lot.

- A. Parcel, Corner: A parcel situated at a junction of two (2) city streets or situated on a curved street or way, the radius of which is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.
- B. Parcel, Interior: A parcel other than a corner parcel.
- C. Parcel, Area: The total area measured on a horizontal plane included within the parcel lines of the parcel.
- D. Parcel, Width: The distance across a parcel of property, measured along a line parallel to the front parcel line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

- A. None of the property identified in the agreement is a lot; or
- B. The adjustment is to the boundaries of a single person's parcels.

Parcel Boundary Adjustment does not mean an adjustment of a parcel boundary line that:

- A. Creates an additional parcel; or
- B. Constitutes a subdivision.

A Parcel Boundary Adjustment does not include a boundary line adjustment made by the Department of Transportation.

PARKING SPACE: Spaces within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle, not less than eighteen feet (18') in length and nine feet (9') in width. Exception: Spaces reserved for the disabled will be no less than twenty feet (20') in length and thirteen feet (13') in width.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PLAN FOR MODERATE INCOME HOUSING: A written document adopted by a municipality's legislative body that includes:

- A. An estimate of the existing supply of moderate income housing located within the municipality;

- B. An estimate of the need for moderate income housing in the municipality for the next five years;
- C. A survey of total residential land use;
- D. An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- E. A description of the municipality's program to encourage an adequate supply of moderate income housing.

PLAT: An instrument subdividing property into lots as depicted on a map or other graphical representation of land that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

POTENTIAL GEOLOGIC HAZARD AREA: An area that

- A. Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
- B. Has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

PRELIMINARY PLAT: A map or plan of a proposed land division, prepared in accordance with the regulations of this title.

PRIVATE DRIVE: An accessway from a city street or highway to private land that does not front a city street or highway. A private drive is owned and maintained by the landowner.

PUBLIC AGENCY: The federal government, state, county, municipality, school district, local district, special service district, or other political subdivision of the state; or a charter school.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

PUBLIC STREET: A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public land, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

RECEIVING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

RECREATIONAL VEHICLE: A vehicular unit other than a mobile home primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle; Recreation vehicle includes a travel trailer, camping trailer, motor home, fifth-wheel trailer, park model home RV, and a van designed for overnight use.

RECREATIONAL VEHICLE PARK: A minimum one and a half (1.5) acre area or tract of land used to accommodate two (2) or more recreational vehicles.

REMOVAL: The killing of vegetation by spraying, complete extraction or cutting of such vegetation to the ground, or down to trunks or stumps.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence

- A. In which more than one person with a disability resides; and
- B. Which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
- C. Which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

RESIDENTIAL UNIT: A residential structure or any portion of a residential structure that is occupied as a residence.

REST HOME, NURSING HOME, CONVALESCENT HOME, ASSISTED LIVING HOME: A building for the care and keeping of elderly or infirm people.

RESUBDIVISION: The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in section 11-2-6 of this code.

RETENTION BASIN: An area recessed or designed to receive and retain stormwater discharge or runoff.

RIPRAP: A loose assemblage of broken stone placed on the surface of the ground to prevent erosion.

ROUGH GRADE: The state of excavation at which grading is within four inches (4") of the final grade as shown on the approved grading plan.

RULES OF ORDER AND PROCEDURE: A set of rules that govern and prescribe in a public meeting:

- A. Parliamentary order and procedure;
- B. Ethical behavior; and
- C. Civil discourse.

SALVAGE YARD: See definition of Junkyard.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SENDING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

SETBACK: The shortest distance between the property line and the foundation wall, or main frame of the building.

SHORT-TERM RENTAL UNIT: The renting of any structure or building for the purpose of overnight occupancy for a period less than 30 days by the renter.

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flagpole.

- A. Sign, Accessory: An on premises sign which directs attention to a business or profession.
- B. Sign, Area Of: The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background material, whether painted or applied. Where a sign consists of individual letters attached to or painted on a building or wall or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.
- C. Sign, Nonaccessory; Billboard: A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

SINGLE-FAMILY LIMIT: No more than four (4) unrelated individuals may occupy each residential unit that is recognized by the City in a zone permitting occupancy by a single family.

SITE: Any lot or parcel of land.

SKETCH PLAN: A preliminary map or preapplication plat, showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.

SPECIAL DISTRICT: Any entity established under the authority of Utah Code Annotated title 17B, special districts, and any other governmental or quasi-governmental entity that is not a county, municipality, or school district.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1 of Utah Code.

STATE: Any department, division, or agency of the state.

STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct or other way, for the movement of vehicular traffic which is an existing state, county, or city roadway, or a street or way shown upon a plat, formerly approved, pursuant to law, or approved by official action; and includes the land between street lanes, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and other areas within the right of way. For the purpose of this title, streets shall be classified as follows:

- A. City Street: Any street within the city's incorporated boundary that is recognized and maintained by the city.
- B. Cul-De-Sac: A street open at one end with a designated vehicular turnaround area at the closed end.
- C. Dead End: A street open at one end with no turnaround.
- D. Major Highway: A major regional highway, including an expressway, freeway or interstate highway designed to carry vehicular traffic:
 - 1. Into, out of, or throughout the regional area (interregion); and
 - 2. From one political subdivision of the region to another, or from an interregional highway.
- E. Service Road: A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot or parcel will not have direct access to the major street.
- F. Stub: A street or road extending from within a subdivision and which terminates at the subdivision boundary with no provision for a vehicular turnaround. Stub streets are normally required to connect to street systems of adjacent developments.

STREET RIGHT OF WAY: That portion of land dedicated to public use for street and utility purposes.

SUBDIVIDER: Any person or legal entity laying out or making a land division for the purpose of sale, offering for sale or selling for himself or others, any subdivision or any part of it.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

A. "Subdivision" includes:

1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. Except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created.
3. A recorded document, executed by the landowner of record: (1) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or (2) joining a lot to a parcel;
4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if: (1) no new dwelling lot or housing unit will result from the adjustment; and (2) the adjustment will not violate any applicable land use ordinance; ~~or~~
5. A bona fide division ~~or partition~~ of land by deed or other instrument if the deed or other instrument states in writing that the division
6. Is in anticipation of future land use approvals on the parcel or parcels;
7. Does not confer any land use approvals, and
8. Has not been approved by the land use authority.
9. A parcel boundary adjustment;
10. A lot line adjustment;
11. A road, street, or highway dedications plat;
12. A deed or easement for a road, street, or highway purpose; or
13. Any other division of land authorized by law.

SUBDIVISION AMENDMENT: An amendment of a recorded subdivision in accordance with Section 10-9a-608 that:

- A. Vacates all or a portion of the subdivision;
- B. Alters the outside boundary of the subdivision;

- C. Changes the number of lots within the subdivision;
- D. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- E. Alters a common area or other common amenity within the subdivision

SUBSTANTIAL EVIDENCE: Evidence that (1) is beyond a scintilla and (2) a reasonable mind would accept as adequate to support a conclusion.

SUSPECT SOIL: Soil that has

- A. A High susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
- B. Bedrock units with high shrink or swell susceptibility; or
- C. Gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

THERAPEUTIC SCHOOL: A residential group living facility

- A. For four or more individuals who are not related to
 - 1. The owner of the facility or
 - 2. The primary service provider of the facility;
- B. That serves students who have a history of failing to function:
 - 1. At home,
 - 2. In a public school, or
 - 3. In a nonresidential private school; and
- C. That offers room and board, and
 - 1. An academic education integrated with a specialized structure and supervision; or
 - 2. Services or treatment related to a disability, emotional development, behavioral development, familial development, or a social development.

TINY HOME: Any single family dwelling smaller than 400 square feet, but larger than 200 square feet. Designed for long-term human occupancy, built as allowed by State adopted building code.

TRANSFERABLE DEVELOPMENT RIGHT: A right to develop and use land that originates by an ordinance and authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

UNINCORPORATED: The area outside of the incorporated area of a city or town.

VARIANCE: A waiver of specific regulations of this title granted by the board of adjustment in accordance with the provisions set forth in this code.

VICINITY PLAN: A map or chart, showing the relationship of streets and land within a proposed subdivision to the streets and lands in the surrounding area.

WATER INTEREST: Any right to the beneficial use of water, including

- A. Each of the rights listed in Section 73-1-11; and
- B. An ownership interest in the right to the beneficial use of water represented by (1) a contract or (2) a share in a water company, as defined in Section 73-3-3.5.

YARD: An open space on the same lot or parcel as a building, said space being unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

- A. Yard, Front: The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding nonenclosed steps. On a corner lot or parcel, the front yard may be applied to either street.
- B. Yard, Rear: The area between the rear line of the building (exclusive of steps) and the rear lot or parcel line, and extending for the entire width of the lot or parcel. In case of a corner lot or parcel where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.
- C. Yard, Required: The open space around buildings which is required by the terms of this title.
- D. Yard, Side: A yard between the building and the side line of the lot or parcel, and extending from the front yard to the rear yard. (Ord. 2012-01, 7-10-2012; amd. Ord. 2016-6, 6-28-2016)

ZONING MAP: A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

TITLE 10 ZONING REGULATIONS

CHAPTER 2 SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES

SECTION:

- 10-2-1: Lots To Have Frontage On City Street
- 10-2-2: Uses Prohibited In Zones Unless Expressly Permitted
- 10-2-3: Property Boundary Adjustment
- 10-2-4: Boundary Line Agreement
- 10-2-5: Off Street Parking Requirements
- 10-2-6: Signs
- 10-2-7: Parking And Storage Of Recreational Vehicles
- 10-2-8: Conditional Uses
- 10-2-9: Temporary Uses
- 10-2-10: Portable Storage Container Regulations
- 10-2-11: Chickens
- 10-2-12: Diagonal Parking
- 10-2-13: Fences on Property used for Residential Purposes
- 10-2-14: Fences on Property used for Commercial or Industrial Purposes
- 10-2-15: Solar Electricity Systems
- 10-2-16: Rental of Dwelling Units

10-2-1: LOTS AND PARCELS TO HAVE FRONTAGE ON CITY STREET

- A. Except as may be authorized through the approval of a large scale development, each lot or parcel shall abut upon a City maintained street.
 - 1. The length of said abutting side as measured at the setback line shall be not less than the minimum frontage requirement of the zone;
 - 2. The Planning Commission may authorize a reduction of the minimum frontage requirement subject to the following conditions:
 - a. The lot or parcel will abut the City maintained street for a minimum distance of thirty five feet (35');
 - b. The buildable portion of the lot or parcel shall comply with the minimum area, width and setback requirements of the zone;
 - c. The lot or parcel configuration created by the granting of the reduction will not result in an undue adverse condition for the proper development of adjacent properties;

- d. In the opinion of the Planning Commission, the reduction of the frontage requirement is necessary to more fully promote the effective and proper development of the city.
- B. All lots in an approved subdivision plat which have frontages of less than the minimum shall be considered as having qualified under the frontage reduction provisions of subsection 10-2-1A(2).
- C. Flag-shaped or panhandle shaped lots may be created in developments if all of the following requirements are met:
 - a. The lot has at least 25 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
 - b. The "handle" portion of the lot is at least 25 feet in width, and not more than 250 feet in length.
 - c. The body of the lot meets the lot area and lot width and setback requirements of the applicable zone.

10-2-2: USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by action of the appeal authority. The appeal authority shall not permit a use within a zone which is not expressly permitted by the terms of this title.

10-2-3: PROPERTY BOUNDARY ADJUSTMENT:

- A. To make a parcel boundary adjustment, a property owner shall execute a boundary adjustment through
 - 1. A quitclaim deed; or
 - 2. A boundary line agreement under section 10-2-4; and
 - 3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which each property is located.
- B. To make a lot line adjustment, a property owner shall obtain approval of the boundary adjustment under section 10-2-4; and execute a boundary adjustment through:
 - 1. A quit claim deed or
 - 2. A boundary line agreement; and
 - 3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which the property is located.
- C. A parcel boundary adjustment under subsection 10-2-4 is not subject to review of the city unless:

1. The parcel includes a dwelling;
 2. The city's approval is required under subsection 10-2-4(G);
 3. If the adjustment includes property that is not a lot.
- D. The recording of a boundary line agreement or other document used to adjust a mutual boundary line that is not subject to review by the city
1. Does not constitute a land use approval; and
 2. Does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.
- E. The city may withhold approval of a land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the city determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the city's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.

10-2-4: BOUNDARY LINE AGREEMENT:

- A. If property executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder in the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that lead to the boundary line agreement.
- B. Adjoining property owners executing a boundary line agreement described in this section shall ensure that the agreement includes:
1. A legal description of the agreed upon boundary line and each parcel or lot after the boundary line changed;
 2. The name and signature of each grantor that is party to the agreement;
 3. A sufficient acknowledgement for each grantor's signature;
 4. The address of each grantee for assessment purposes;
 5. A legal description of the parcel or lot each grantor owns before the boundary line is changed; and
 6. The date of the agreement if the date is not included in the acknowledgement in a form substantially similar to a quitclaim deed as described in section ---.
- C. If any of the property subject to the boundary line agreement is a lot, prepare an amended plat in accordance with city code 11-1-5 Subdivision Amendments before executing the boundary line agreement;

- D. If none of the property subject to the boundary line agreement is a lot, ensure that the boundary line agreement includes a statement citing the file number of a record of survey map in accordance with **section -----**, unless the statement is exempted by the City.
- E. A boundary line agreement described in subsection 1 that complies with subsection 2 presumptively:
1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and
 2. Relocates the parties' common boundary line for an exchange of consideration.
- F. Notwithstanding Title 11, Subdivisions, a boundary line agreement that only affects parcels is not subject to:
1. Any public notice, public hearing, or preliminary platting requirement;
 2. The review of a land use authority; or
 3. An engineering review or approval of the city, except as provided in subsection G(2)(e).
- G. City Planning & Zoning Administrator review and approval of boundary-line adjustment containing a dwelling.
1. The administrator shall review a boundary-line agreement containing a dwelling unit within fourteen (14) days of the date on which the property owner submits the boundary-line agreement for review.
 2. The administrator shall review the boundary-line agreement for compliance with the standards of the zone in which the property is located:
 - a. The adjusted boundary line reduces the frontage of the lot or parcel containing the dwelling to less than required for the zone; or
 - b. The adjusted boundary line reduces any setback of the lot or parcel containing the dwelling to less than required for the zone; or
 - c. The adjusted boundary line reduces the area of the lot or parcel containing the dwelling to less than required; or
 - d. The adjusted boundary line affects an existing or future city street; or
 - e. The adjusted boundary line affects drainage corridors or requires engineering review, regardless of whether a dwelling is present.
 - f. If the boundary-line agreement does not provide the administrator with sufficient information the administrator shall send a written notice to the property owner requesting the specific information needed. Said notice will be sent within the review period defined in subsection 3 of this section.

3. The administrator shall issue a written decision to the property owner within fourteen (14) days of the date on which the property owner submits the boundary-line agreement for review.
 - a. If the administrator fails to send a written notice within the time period described in subsection 3 of this section, the property owner may record the boundary-line agreement as if no review was required.

10-2-5: OFF STREET PARKING REQUIREMENTS:

- A. At the time any residence or any public or commercial building is erected, hard surfaced off street parking spaces of cement or asphalt shall be provided for automobiles on private property.
- B. B. At the time any residence or building is enlarged or increased in capacity or any use is established or changed, thereby creating the need for additional parking, off street hard surfaced parking spaces of cement or asphalt shall be provided on private property.
- C. Provision of off street parking shall be in accordance with the following requirements:
 1. Size:
 - a. The dimensions of each off street parking space or stall shall be at least nine feet by eighteen feet (9' x 18'), for diagonal or ninety degree (90°) spaces; or nine by twenty two feet (9 x 22') for parallel spaces, exclusive of access drives or aisles.
 - b. A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved shall be landscaped.
 2. Access To Individual Parking Spaces: Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a city street.
 - a. One-way driveways shall be a minimum of twelve feet (12') in width.
 - b. Two-way driveways shall be a minimum of twenty-five feet (25') in width.
 - c. All garage and carport spaces shall be set back a minimum of twenty feet (20') from the private access drive serving them.
 - d. Garage and carport spaces shall be counted as one parking space unless: a) such garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or b) the individual driveway to the garage or carport is at least twenty feet (20') in length, in which case such parking areas shall count as two (2) spaces. (Ord. 2012-01, 7-10-2012)
 3. Parking Spaces Required For Residential Areas: The number of off street parking spaces required for residential development shall be as follows:

- a. Single-Family Dwelling: Two (2) parking spaces per single- family dwelling. Tandem parking shall be allowed at single- family residences only.
- b. All Other Dwellings:
 - 1) All other dwellings, including townhouses and condominiums, shall have two (2) parking spaces per dwelling unit. Covered parking may be located within the side and rear setback areas. No street parking shall be counted toward meeting the parking requirement. Tandem parking shall not count toward the parking requirement. No parking area shall be located within the required front setback facing a city street. All parking shall be on site.
 - 2) Front yard setback from streets shall be twenty feet (20') minimum from property lines for garages or carports.
 - 3) In residential zones, no recreational vehicle shall be parked or stored unless it conforms to the requirements of section 10-2-3 of this chapter. (Corner lots are considered to have 2 front yard areas.) (Ord. 2016-6, 6-28-2016)
- 4. Parking Spaces Required For Nonresidential Areas: The number of off street parking spaces required for all nonresidential developments shall be as follows:
 - a. Business Or Professional Offices: One space for each two hundred fifty (250) square feet of gross floor area.
 - b. Churches, Sports Arenas, Auditoriums, Theaters, Assembly Halls, Lodge Halls, Or Other Meeting Rooms: One space for each four (4) fixed seats of maximum seating capacity, or one space for each thirty five (35) square feet of seating area within the main auditorium where there are no fixed seats. Eighteen (18) linear inches of bench shall be considered a fixed seat.
 - c. Stores, Appliance Stores And Lumberyards: One space for each six hundred (600) square feet of floor area.
 - d. Hospitals: Two (2) parking spaces for each bed.
 - e. Homes: One parking space for each five (5) beds.
 - f. Hotels, Motels, Motor Hotels: One space for each living or sleeping unit, plus two (2) spaces for resident manager or owner.
 - g. Retail Stores And Shops, Commercial Banks, Savings And Loan Offices, And Other Financial Institutions, General Retail Stores, Food Stores, Supermarkets, Drugstores And Other Similar Commercial Businesses: One space for each two hundred fifty (250) square feet of gross floor area.
 - h. Mortuaries And Funeral Homes: Five (5) spaces plus one space for each thirty five (35) square feet of assembly room floor area.
 - i. Automotive Repair And Supply: One space for each four hundred (400) square feet of gross floor area.
 - j. Bowling Alleys And Billiard Halls: Five (5) spaces for each alley, plus two (2) spaces for each billiard table contained therein.
 - k. Libraries: One space for each three hundred (300) square feet of gross floor area.

- l. Restaurants, Taverns, Lounges, Drive-In, Drive-Through, Take-Out Restaurants And Other Establishments Where Food Or Beverages Are Consumed: Ten (10) spaces minimum, or one space for each one hundred (100) square feet of gross floor area, whichever is greater.
- m. Day Nurseries In Commercial Zones, Including Preschools And Nursery Schools: One space for each staff member, plus one space for each five (5) children for which said establishment is licensed.
- n. Golf Courses: Six (6) spaces per hole.
- o. Skating Rinks, Ice Or Roller: One for each three hundred (300) square feet of gross floor area.
- p. Swimming Pools (Public): One space for each one hundred (100) square feet of water surface, or ten (10) stalls, whichever is greater.
- q. Tennis, Handball And Racquetball Courts (Commercial): Six (6) spaces minimum, or three (3) spaces per court, whichever is greater.
- r. Studios And Spas: One space for each two hundred fifty (250) square feet of gross floor area, or ten (10) spaces minimum, whichever is greater.
- s. Educational Uses:
 - 1) Elementary: Two (2) spaces per classroom.
 - 2) Senior and junior high schools: One space for each member of the faculty and one space for each six (6) regularly enrolled students.
 - 3) College, universities, trade schools: One space for each faculty member, plus one space for each three (3) students.
 - 4) Schools having an arena or auditorium shall meet this requirement or the requirements of subsection C.4.b of this section, whichever is greater.
- t. Veterinary Hospitals: Five (5) spaces for each doctor.
- u. Manufacturing Plants, Warehouses, Storage Buildings Or Structures Especially For Storage Purposes: One space for each one thousand (1,000) square feet of gross floor area and one space for each two hundred fifty (250) square feet of office or sales area.
- v. Service Commercial Businesses: Businesses such as electrical, plumbing, cabinets, printing and other similar shops shall have one space for each two hundred fifty (250) square feet of retail or office area and one space for each five hundred (500) square feet of additional building area.
- w. Outdoor Sales Lots For Autos, Mobile Homes And Recreational Vehicles: One space for each seven (7) vehicles or items of equipment to be displayed, plus two (2) spaces for manager and employee parking.
- x. Consideration By Planning Commission:
 - 1) Notwithstanding all provisions of this section the planning commission shall: Take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and
 - 2) Recommend to the City Council a requirement of that number of spaces it deems reasonably necessary in each instance for all

employees, business vehicles and equipment, customers, clients and patients of such nonresidential property.

- y. Reduction: Where the applicant can demonstrate that adequate off street parking exists, the city council, upon recommendation of the planning commission, may grant a parking reduction of up to twenty five percent (25%) of the listed parking requirement for new construction in the commercial zones.
- D. Parking On Unimproved Lots; Vehicle Display:
- 1. Parking of more than three (3) vehicles on any unimproved lot or parcel is prohibited.
 - 2. Parking of vehicles for display other than in designated and improved areas is prohibited.
- E. Parking Lot Lights: Parking lots used during hours of darkness shall be lighted by standards a maximum of sixteen feet (16') in height above grade and using indirect, hooded light sources.
- F. Development Standards: Every lot or parcel of land hereafter used as a parking lot shall:
- 1. Be paved with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the Planning Commission;
 - 2. Have appropriate bumper guards where needed as determined by the Planning Commission; and
 - 3. Lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises wherever those premises are used for residence or sleeping purposes.
- H. Optional Provisions; Shared Parking Facilities:
- 1. Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.
 - 2. Requests for shared parking are subject to the approval of the Planning Commission in accordance with the following guidelines:
 - a. Sufficient evidence shall be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
 - b. number of parking stalls which may be credited against the requirements for the uses involved will not exceed the number of spaces that may normally be required for any one of the uses sharing the parking.
 - c. Parking facilities should not be located further than two hundred fifty feet (250') from any use proposing to use such parking and should be contiguous to the businesses sharing the lot.

- d. A written agreement shall be executed by all parties concerned, assuring the continued availability of shared parking facilities in the event that one of the uses shall be sold or otherwise change ownership or management.
- I. Uses Not Specifically Identified Above: For all parking uses not listed above, the Planning Commission shall determine the number of spaces required based upon the nearest comparable use standard available. (Ord. 2012-01, 7-10-2012)
- J. Adjust Or Reduce Off Street Parking Requirements: The planning commission may approve substitute parking locations where sufficient off street parking is readily available within the vicinity and/or where acquisition of land for such use is not necessary to carry out the spirit of this title.

10-2-6: SIGNS:

A building permit shall be required for the placement, construction, and/or alterations of all signs, unless a sign qualifies as an exempt sign or an identified temporary sign. Nothing in this section shall be construed to limit a property owner's right to express a religious, political, or other protected right through speech.

A. Signs On Highway:

- 1. Height Limitations: There shall be a thirty-five foot (35') height limitation for all signs that front on a highway (including freestanding, wall and roof signs).
- 2. Size Limitations:
 - a. Three hundred twenty (320) square feet maximum per lot.
 - b. One hundred sixty (160) square feet per individual sign face.
 - c. Square footage is two (2) square feet for each linear foot of frontage along a public right of way, not to exceed three hundred twenty (320) square feet.

B. Signs On City Streets In Zones C-1, C-2, I-1:

- 1. Height Limitations: There shall be a twenty-foot (20') height limitation for all signs that front off a highway (including freestanding, wall and roof signs).
- 2. Size Limitations On City Streets: Size limitations for signs that do not front a highway are as follows:
 - a. One hundred sixty (160) square feet maximum per lot.
 - b. Maximum square footage is one square foot for each linear foot of frontage along a public right of way, not to exceed one hundred sixty (160) square feet.
 - c. The total square footage on a lot with two (2) tenants must be divided between the tenants with proportions decided by the tenants and/or landlords, and cannot exceed one hundred (100) square feet per individual sign face.
- 3. Projecting And Suspended Signs:

- a. Height limit will be a maximum of thirty-five feet (35') or the height of the wall of the building, whichever is lower.
 - b. There shall be an eight foot (8') minimum vertical clearance above sidewalks, walking areas, or rights of way, and thirty-six (36) square feet maximum size per sign face.
 - c. Owners of projecting signs over public rights of way must furnish proof of liability insurance for such signs before a permit will be issued.
- 4. Roof Signs:
 - a. Shall not exceed five feet (5') above the wall line or top of the exterior wall; unless
 - b. If the peak of the roof is over four feet (4') above the wall line, roof signs cannot exceed the height of the peak.
 - c. All roof signs must adhere to a thirty-five foot (35') overall height limitation.
- 5. Lighted Signs:
 - a. All lighted signs shall have stationary and constant lighting. Signs which use subtle lighting changes as part of a video screen, or electronic message center, are permitted.
 - b. Lighted signs adjacent to A-1, R-1 and R-2 zones shall be subdued and shall not be allowed to penetrate beyond the property in such a manner as to annoy or interfere with the adjacent residential properties. Any complaints concerning lighted signs adjacent to residential properties can be taken before the city council. The city council has the authority to dismiss unreasonable complaints or require the sign(s) to be shielded.

C. Signs in Residential Zones (R-1, R-2):

- 1. No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property, nameplates, institutional signs, or signs indicating the existence of:
 - a. An office of a professional person;
 - b. A home occupation; or
 - c. A guest apartment and/or bed and breakfast establishment.
- 2. Except for institutional signs as described below, no lighted signs will be permitted.
- 3. Residential signs, except for apartments and public and religious institutional signs, shall not exceed two (2) square feet in size.
 - a. Apartments and guest apartments may be allowed up to sixteen (16) square feet of signage if they have more than four (4) units; quadriplexes, triplexes and duplexes may be allowed up to eight (8) square feet of signage. (See exempt and temporary sign subsections 1 for exceptions to the square foot rule.)
 - b. Public, public educational, or religious institutional signs shall be located entirely upon the premises of that institution, shall not exceed an area of fifty (50) square feet per frontage, and will be permitted to have indirect lighting. If mounted on a building, these signs shall be flat wall signs and shall not project

above the roofline. If ground mounted, the top shall be no more than six feet (6') above ground level.

- c. Nonprofit, charitable, and private institutional signs in residential zones shall not exceed two (2) square feet.
- D. Flags: Flags other than government flags, i.e., country and state, shall be added toward the maximum allowable signage. Flagpoles that display government flags shall not exceed thirty-five feet (35') in height in commercial zones.
- E. Computations:
1. Height: The height of a sign shall be computed as the distance from the highest attached component of the sign to the nearest sidewalk, curb, or street crown, whichever is highest.
 2. Individual One Sided Sign: The area of the sign face that will encompass the extreme limits of the display, not including any supporting framework or other backdrop which is clearly incidental to the display, shall be measured.
 3. Multifaced Signs: The sign area shall be computed by adding together the area of all sign faces visible from any point. When two (2) identical sign faces are placed back to back and are part of the same sign structure, not more than forty two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.
- F. Number Of Freestanding Signs Per Lot or Parcel:
1. Primary Frontage: One freestanding sign per lot; one additional freestanding sign is permitted if property has more than two hundred feet (200') of frontage (exception: shopping center restrictions). Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.
 2. Secondary Frontage: One freestanding sign is allowed for each additional frontage and shall not be higher than fifty percent (50%) of the allowed height. Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.
- G. Setbacks:
1. Signs may not block traffic visibility.
 2. If a sign is located at an intersection, the following rules apply:
 - a. Signs located within a forty-five foot (45') triangle (measured 45 feet from the street corner both ways) must be under two and one-half feet (2 1/2') tall, or should have over eight feet (8') of clearance at the bottom of the sign.
 - b. This triangle shall be maintained in an open manner so as to provide proper clear view area.
 - c. All advertising signs shall be set back from city streets, a distance at least equal to the distance that buildings are located.

H. Shopping Centers; Office Building Complexes:

1. Only one freestanding sign is allowed for shopping centers and office building complexes which lease to three (3) or more businesses on one lot of record.
2. The group freestanding sign identifying the shopping center/office building complexes and its businesses may use all sign area allowed for that lot.
3. In addition, individual businesses may have one square foot of signage for each front line of the building, up to a maximum of one hundred twenty-eight (128) square feet.

I. Off Premises Signs:

1. Off premises signs shall be limited to Highways ~~666~~ 491 and 191 and regulated the same as on premises signs.
2. Off premises signs may not exceed a maximum of one hundred twenty-eight (128) square feet.

J. Prohibited Signs:

1. It is prohibited for signs erected after adoption hereof to be in noncompliance with the provisions herein.
2. Parked Vehicle Signs: Parked vehicles with a sign painted or placed on them for the express intent of directing attention to a business are prohibited. This does not include vehicles used regularly in the course of conducting daily business activities.
3. Signs On Public Rights Of Way: No private sign shall be placed on public rights of way.
4. Signs Attached To Public Property: No private sign shall be attached to public property or public utility poles.
5. Flashing Signs: Signs which use flashing, blinking, or strobing lights are prohibited.

K. Temporary Signs:

1. Temporary signs shall be figured in the total square footage allowed per lot or parcel.
2. Sign owners must designate areas where temporary signs will be displayed.
3. Temporary signs displayed outside of designated areas require a permit.
4. Temporary signs must be maintained and in good condition while being displayed.
5. Signs less than six (6) square feet in size and associated with an event do not require a permit.
6. Mobile Changeable Copy Signs: Mobile changeable copy signs shall not exceed thirty two (32) square feet and shall not be displayed for more than thirty (30) consecutive days.
7. Balloon Signs: Balloon signs may be displayed for up to thirty (30) days per lot or parcel, per year.
8. Construction Signs:

- a. No more than one construction sign identifying a project to be built and the project participants shall be allowed per lot or parcel..
 - b. Construction signs in residential zones shall not exceed six (6) square feet in area and five feet (5') in height.
 - c. In commercial zones, the sign area shall not exceed fifty (50) square feet and shall not exceed eight feet (8') in height.
 - d. Construction signs must not exceed the time period of construction and/or the day the business opens, whichever comes first, and shall be counted into the square footage of the total footage allowed for the lot or parcel..
 - e. An additional thirty two (32) square feet would be allowed in commercial zones for artist renditions of the project.
 - f. Proposed development signs may be allowed for ninety (90) days prior to groundbreaking. (Ord. 2012-01, 7-10-2012)
9. Political Campaign Signs:
- a. Political campaign signs shall pertain to a specific election.
 - b. They shall not be located closer than one hundred fifty feet (150') to any designated polling place and shall not exceed thirty two (32) square feet in area.
 - c. Political campaign signs shall be removed within one day after the election.
 - d. The candidate or persons responsible for the placement of the sign shall be responsible for its removal. (Ord. 2014-6, 10-14-2014, eff. 10-14-2014)
10. Real Estate Signs:
- a. In residential zones, real estate signs shall not exceed six (6) square feet in area and five feet (5') in height.
 - b. In commercial zones, real estate signs shall not exceed thirty two (32) square feet.
 - c. Real estate signs must be placed on the premises of the property being sold.
 - d. Only one sign per street frontage, per real estate company, is permitted.
- L. Exempt Signs: Sign permits are not required for the following signs unless the limitation and requirements of this section cannot be met:
- 1. Public Signs: Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty.
 - 2. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent type construction and made an integral part of the structure.
 - 3. Private Traffic Direction Signs: Signs directing traffic movement into a premises or within a premises, not exceeding two (2) square feet in area for each sign. Horizontal directional signs on paved areas and flush with paved areas are exempt from these standards. Only one exempt directional sign is allowed per frontage, per lot or parcel.
 - 4. Service Sign: A sign that is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the

public, such as direction to parking lots, location of restrooms, entrance and exits, etc. These signs shall not exceed two (2) square feet in size.

5. Nameplates: A nameplate shall contain only the name of a resident.
6. Temporary Decorations: Temporary decorations or displays clearly incidental and associated with national or local holiday celebrations for a period not to exceed ninety (90) days per year, per lot or parcel.
7. Nonbusiness Temporary Signs: Temporary signs not associated with a business may be displayed not more than thirty (30) days per year or exceed six (6) square feet in size.
8. Rear Entrance Signs: Rear entrance signs, when associated with pedestrian walk through buildings. These signs shall not exceed sixteen (16) square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.
9. Menu Signs: Menu signs at drive-in restaurants which are not readable from the nearest public right of way; and signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right of way.
10. Private Warning Or Instructional Signs: Private warning or instructional signs not exceeding two (2) square feet per sign.
11. Murals: Murals must be painted or attached to the wall of buildings and are exempt from the sign ordinance except for the lettering and logo portion of the mural.
12. Pennants, Window Dressings, Window Banners: Pennants, window dressings, window banners are exempt.

M. Design, Construction, Maintenance And Liability:

1. All signs shall be designed, constructed, and maintained to comply with applicable provisions of the building codes adopted by the city.
2. All signs shall be maintained and in good structural condition.
3. Sign owners are liable for their signs.
4. The city of Monticello, its officials, and other agents, shall in no way be liable for damages caused by signs.

N. Abandoned Signs: Any of the following criteria shall be used to determine abandonment:

1. A sign which identifies an establishment, service(s), goods or products no longer provided on the premises shall have its copy vacated within thirty (30) days of when the circumstance commenced. If the copy then remains vacant for six (6) months, the sign structure shall be removed by the owner within five (5) working days following expiration of the six (6) month period.
2. A sign which identifies a time, event, or purpose which passed or no longer applies shall be removed by the sign owner within three (3) working days from the time the event or purpose passed or no longer applies.
3. An off premises advertising sign which is vacant of copy or which advertises an establishment, service, goods, or product which no longer exists, shall be removed

by the sign owner within five (5) working days after remaining in the defined condition for one month.

4. When building mounted and painted wall signs or murals are removed, the face of the structure shall be treated to conform to surrounding building conditions. Such removal shall not leave evidence of the sign's existence.

O. Permit Procedures And Enforcement:

1. Permit Required: If a sign requiring a permit under the provisions of this title is to be placed, constructed, erected, or altered on a lot or parcel, the sign owner shall secure a building permit from the city prior to the construction, placement, erection, or alteration of such sign.
2. Applications: One application and permit may include multiple signs on the same lot or parcel. An application for construction, creation, or installation of a new sign, or for the structural alteration of an existing sign, shall be accompanied by detailed drawings to scale of all existing and proposed signs on a lot and must show:
 - a. The height of all signs on a lot;
 - b. The square footage of all individual signs on a lot;
 - c. The total combined square footage of all signs on a lot;
 - d. Site plan indicating length of street frontage, location of buildings, parking lots, driveways, landscaped areas, and all existing and proposed signs on the site;
 - e. Overall dimensions, design, structure, materials, proposed copy and illumination specifications of all signs;
 - f. Photographs of the lot.
3. Fees: Each application shall be accompanied by the applicable fee, which shall be established by resolution of the city council.
4. Action: Within five (5) days of the date the application is submitted, it shall be reviewed by the zoning administrator. If the applicant complies to all sign ordinance regulations, a permit will be issued. If the application is found to be incomplete, the applicant shall be notified of the deficiencies.
5. Inspections: The zoning administrator shall cause an inspection for each permit issued. If the signs do not comply, the applicant shall be notified and allowed thirty (30) days to correct the deficiencies. If the deficiencies are not corrected within thirty (30) days, the permit shall be rescinded.
6. Renewal Of Sign Permits: If sign owners comply with the provisions of this title and make no structural alterations or changes to their existing signs, the city shall automatically renew sign permits at the end of every year when the business license is renewed, without an additional sign permit fee, if the sign owner has not constructed, placed, erected, or structurally altered existing signage. A new application must be processed and an applicable fee shall be charged for signs constructed, placed, erected, or structurally altered.
7. Lapse Of Sign Permit: A sign permit shall lapse automatically if it is not renewed, if the business license for the premises lapses or is revoked, or if the sign is abandoned. If a sign permit elapses, a new permit and payment of applicable fees are required.

8. **Registration Of Existing Signs:** All signs existing at the time the ordinance codified herein is passed must be registered with the city by the sign owner within a two (2) year period and a permit obtained. Existing signs that do not comply with the ordinance codified herein will be issued a noncomplying sign permit.
 9. **Nonconforming Sign:** A nonconforming sign may not be moved to a new location, structurally altered, enlarged, or replaced unless it be made to comply with the provisions of this title. If a nonconforming sign changes ownership, the sign must comply with the provisions of this title within six (6) months of close of purchase.
 10. **Violations:** Any of the following shall be in violation of this title and subject to the enforcement remedies and penalties provided by this title, other applicable city ordinances, and state laws:
 - a. To install, create, erect, alter, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot or parcel on which the sign is located;
 - b. To install, create, erect, alter, or maintain any sign requiring a permit without such a permit;
 - c. To fail to remove any sign that is installed, created, erected, altered, or maintained in violation of this title, or for which the sign permit has lapsed; or
 - d. To continue any such violation. Each day of continued violation shall be considered a separate violation when applying the penalty portions of this title.
 11. **Notice, Action And Penalty:** The zoning administrator shall issue notice to sign owners who display signs without a permit and allow thirty (30) days from the date of notice for the deficiencies to be corrected. If the deficiencies are not corrected within the given time, the sign owner's business license may be revoked, a fine may be imposed, or the sign owner may be convicted of violating a class B misdemeanor.
 12. **Illegal And Nonmaintained Signs:** The zoning administrator shall issue written notice of violation to the sign owner, for any sign found unsafe, illegal, or not maintained.
 13. **Removal Of Signs:** If any unsafe sign is not repaired or made safe within five (5) days after the owner has been given notice, the zoning administrator shall have the sign removed. Within thirty (30) days after the owner has been given written notice of a sign which is found in violation of this title, is illegal, or not maintained, the zoning administrator shall have the sign removed. Costs incurred for removal of a sign will be the responsibility of the owner and shall be paid to the city within thirty (30) days.
- P. **Right Of Appeal:** Any person who has been ordered by the zoning administrator to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the board of adjustment. The board of adjustment shall have power to review and allow or disallow variances to the sign ordinance based on powers and duties defined in section 2-2-4 of this code. (Ord. 2012-01, 7-10-2012)

10-2-7: PARKING AND STORAGE OF RECREATIONAL VEHICLES:

- A. Intent: The intent of this section is to define locations for the parking and storage of recreational vehicles such that neighborhood quality and character are maintained.
1. "Recreational vehicle" as defined in section 10-1-4 of this title.
 2. "Residential areas" as used in this section means property located within a residential zone and property used for residential purposes located in any zone of the city.
 3. "Parking" as used in this section means the temporary parking of a recreational vehicle for a limited period of time as specified in subsection B or D of this section.
 4. "Storage" as used in this section means the parking of a recreational vehicle when it is not in use off site.
 5. Exemptions:
 - a. Pickup or light truck of ten thousand (10,000) pounds' gross weight or less with or without a mounted camper unit that is used primarily by the property owner or tenant for transportation purposes.
 - b. Travel trailer, camp trailer, or motor home when temporarily located on a lot or parcel on which a building is being constructed and said vehicle is connected to approved water and sewer facilities for a period of one year or less.
- B. Parking Restrictions:
1. No recreational vehicle may be parked upon a city street for longer than twenty four (24) consecutive hours.
 2. A recreational vehicle may not be parked on a city street in a manner that obstructs visibility from adjacent driveways or street corners.
 3. While parked on a city street no pop outs or other lateral extension of the recreational vehicle shall be deployed.
 4. No recreational vehicle parked on a city street may be used as a dwelling.
 5. A recreational vehicle may be parked in the front setback area of a residential dwelling for no more than fourteen (14) days per vehicle in any one calendar year, provided:
 - a. The recreational vehicle is parked on a driveway.
 - b. The residential parking requirement at subsection 10-2-5C of this chapter is still satisfied.
 - c. No portion of the recreational vehicle may extend into the city street or sidewalk.
 - d. No portion of the vehicle may extend beyond the property line of the lot or parcel upon which it is parked.
 - e. No effluent, petroleum product, or wastewater is discharged from the recreational vehicle.
- C. Storage Requirements:
1. No recreational vehicle may be stored upon a city street or sidewalk.

2. A recreational vehicle may be kept in a side or rear yard at the owner's residence, provided:
 - a. The vehicle is screened from adjacent properties by vegetation, or a fence built in compliance with section 10-2-13 of this chapter.
 - b. The vehicle is maintained in a clean, well kept condition that does not detract from the appearance of the surrounding area.
 - c. The vehicle is operational and currently registered and licensed.
 - d. No effluent, petroleum product, or wastewater is discharged from the vehicle.

D. Recreational Vehicle As A Temporary Dwelling Unit:

1. It is unlawful for any person to use any parked or stored recreational vehicle as a permanent dwelling.
2. A recreational vehicle may be used as a temporary dwelling when the vehicle is used by guests who travel in it, provided:
 - a. The recreational vehicle is situated on the host's property in conformance with subsection B4 or C of this section.
 - b. The vehicle is equipped for sleeping.
 - c. The stay does not exceed fourteen (14) days per vehicle in any one calendar year.
3. A stored recreational vehicle may be used for temporary sleeping space, provided:
 - a. The vehicle is stored on the owner's property in conformance with subsection C of this section.
 - b. The vehicle is equipped for sleeping.
 - c. No effluent or wastewater is discharged from the vehicle.
 - d. No portion of the vehicle may extend beyond the property line of the lot or parcel on which it is situated.
 - e. Use does not exceed thirty (30) days in any one calendar year. (Ord. 2016-6, 6-28-2016)

10-2-8: CONDITIONAL USES:

The City of Monticello's authority to approve or deny a conditional use is an administrative land use decision. The city will classify any use in a zoning district as either permitted or conditional use under this section.

A. A. The City May Issue A Conditional Use Permit When

1. The use complies with objective standards set forth in this section;
2. The use does not conflict with a provision of city code or other state or federal law;
3. If reasonable conditions are proposed or can be imposed to mitigate reasonably anticipated detrimental effects of the proposed used in accordance with applicable standards;

4. If the city imposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of a proposed conditional use; and
 5. Reasonable mitigation of anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effect.
- B. Conditional Use Standards Of Review: An applicant for a conditional use in the zone must demonstrate:
1. The proposed use complies with all applicable provisions of this chapter, state and federal law;
 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
 3. The use is not detrimental to the public health, safety and welfare;
 4. The use is consistent with the city general plan as amended;
 5. Traffic conditions are not adversely affected by the proposed use, including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 6. There is sufficient utility capacity;
 7. There is sufficient emergency vehicle access;
 8. The location and design of off street parking complies with off street parking standards;
 9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 10. Exterior lighting that complies with the lighting standards of the zone;
 11. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been reasonably mitigated and are appropriate to the topography of the site.
- C. Specific Review Criteria For Home Occupation Conditional Use:
- For a home occupation that falls solely under 10-2-8(C), Planning & Zoning Administrator may evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for a home occupation and may issue it without a requirement to go before the planning commission.
1. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling;
 2. The physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located, and does not depreciate surrounding residential values by creating a nuisance in a residential neighborhood including, but not limited to, generating increased traffic, excessive noise, offensive odors, etc;

3. The home occupation is conducted within the main residential dwelling and is carried on by residing members of the dwelling, except that individuals not residing in the dwelling may work at the home occupation, provided:
 - a. No more than one non-residing employee shall be allowed to work in the home occupation at any given time; and
 - b. The non-residing employee shall be given access to an on premises, hard surfaced parking space (see section 10-2-5, "Off Street Parking Requirements", of this chapter).
 4. Less than twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
 5. The home occupation may use an accessory building for business storage, provided the accessory building meets all city building and zoning codes including, but not limited to, setbacks designated for R-1 and R-2 residential zones (see sections 10-6-5 and 10-7-5 of this title) and separate metering of building is prohibited.
 6. The use of yard space for storage of business-related materials shall not be permitted.
 7. Signs designating the home occupation shall conform to section 10-2-6(C) of this title.
 8. Entrance to the home occupation shall be left to the discretion of the homeowner, and may be defined by a second small directional sign, limited to twelve inches by twelve inches (12" x 12") in size, at the predesignated entryway, except:
 - a. The structure and entrance shall be compatible with the objectives and characteristics of the zone in which the home occupation is located, and
 - b. When applicable, the entrance to the home occupation shall conform to regulations imposed by Utah state statute.
 9. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
 10. The home occupation shall be registered with the license division or department of the city
- D. Small Lots or Parcels: Where a tract of land at the time of the adoption hereof is at least one and eight-tenths (1.8) times as wide and one and eight-tenths (1.8) times as large in area as required for a lot or parcel in the zone, the board of adjustment may permit the division of tract into two (2) lots, provided:
1. Such division will not cause undue concentration of buildings;
 2. The characteristics of the zone in which the lot is located will be maintained;
 3. In the opinion of the board of adjustment, values in the area will be safeguarded.
- E. Utility Buildings And Structures Permitted: Water, sewer and electric buildings and structures may be constructed in all residential zones, subject to the approval of the board of adjustment. The planning commission may impose conditions which are reasonably necessary to protect surrounding property values and residential amenities.

F. Moved Buildings:

1. No permit for the moving within the city of any residential, commercial or industrial building which has had prior use shall be issued, as required under section 10-16-1 of this title without first filing an application with the zoning administrator. Said application shall contain the following information:
 - a. Location and address of the old and new site;
 - b. Plot plan of the new location showing adjacent lots or parcels on all sides of the property and indicating all structures and improvements on said lots or parcels;
 - c. Plans and specifications for the proposed improvements at the new location, including plans for landscaping treatment when required by the zoning administrator;
 - d. Certification by the zoning administrator that the structure is sound enough to be moved and that the condition, location and use of the building will comply with this title and all other applicable codes and ordinances;
 - e. Said building and the lot or parcel on which the building is to be located will conform to the requirements of this title and other applicable codes, ordinances and regulations;
 - f. Its location on the lot or parcel does not, in any substantial way, adversely affect buildings or uses in abutting properties;
 - g. All required dedications and improvements for streets, facilities and buildings shall be provided in conformity with the standards of the city;
 - h. That adequate provision has been made through the posting of a bond or other assurance that the building and grounds shall be brought up to the standards of a new building before it is occupied and that the vacated site shall be restored to a safe and sightly condition.
2. The requirements of this provision shall also apply to the moving of mobile homes, demountable homes, manufactured homes and similar movable structures, except when being moved from outside the city into a mobile home park.

G. Transitional Uses: Uses which are permitted on either portion of a lot or parcel which is divided by a zone boundary line, or which is coterminous with a zone boundary line, may be permitted to extend to the entire lot or parcel, but not more than one hundred feet (100') beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the planning commission must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

H. Applicant's Entitlement To Conditional Use Application Approval:

1. An applicant is entitled to approval of a conditional use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pay application fees, unless:
 - a. The land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the

- application and specifies the compelling, countervailing public interest in writing; or
- b. In the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner than would prohibit approval of the application as submitted.
2. The city shall process an application without regard to proceedings the city initiated to amend the city's ordinances as described in this title if:
 - a. 180 days have passed since the city initiated the proceedings; and
 - b. The proceedings have not resulted in an enactment that prohibits approval of the conditional use application as submitted.
 3. A conditional use application is considered submitted and complete when the applicant provides the application form that complies with the requirements of applicable ordinances and pays all applicable fees.
 4. The continuing validity of an approval of a conditional use permit is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

I. Permit Revocation:

1. The city council may revoke the conditional use permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The city council shall send notice of the revocation to the holder of the permit and the holder of the permit shall immediately cease any use of the property which was based on the conditional use permit.
2. If the city council revokes any permit under this section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the appeal with the city recorder within fifteen (15) days of the date of the notice that the city has revoked the conditional use permit.
3. Upon receipt of the appeal, the city council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the city recorder received the appeal. The city shall supply the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

J. Time Limit:

1. Action authorized by a conditional use permit must commence within one year of the time the permit is issued.
2. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit.
3. The planning commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must :

- a. Apply for an extension in writing before the expiration of the original permit;
- b. Submit the application to the city recorder; and
- c. Describe on the application the cause for requesting the extension.

10-2-9: TEMPORARY USES:

- A. Intent: The following regulations are provided to accommodate certain uses which are temporary or seasonal in nature.
- B. Permitted Temporary Uses: Certain uses may be permitted on a temporary basis in any zone when approved by the city council. Said temporary uses may include, but will not be limited to:
 - Carnivals and circuses.
 - Christmas tree sales lots.
 - Construction storage yards, when required in connection with a primary construction project.
 - Flower stands.
 - Music festivals.
 - Political rallies.
 - Promotional displays.
 - Rummage sales.
 - Tents for religious services.
- C. Concessions including, but not limited to, amusement devices, recreational buildings and refreshment stands, shall be permitted on a public park or playground when approved by the City Planning & Zoning Administrator.
- D. Application For Temporary Use:
 - 1. Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the city council. Said application shall contain the following information:
 - a. A description of the proposed use;
 - b. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property;
 - c. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking space to service the proposed use.
 - 2. Approval Required: The city council may approve said application provided the council finds:
 - a. The proposed use is listed as a permitted temporary use or, in the opinion of the city council, is similar to those uses permitted.
 - b. The proposed use will not create excessive traffic hazards or other unsafe conditions in the area and, if traffic control is required, it will be provided at the expense of the applicant.

- c. The proposed use shall not occupy the site for more than ten (10) days, except for Christmas tree lots which shall not occupy the site for more than forty (40) days, and construction storage yards which shall be removed within thirty (30) days following completion of the primary construction project for which the temporary permit was issued.
- d. The applicant will have sufficient liability insurance for the requested use or event.
- e. The applicant shall provide, at his own expense, for the restoration of the site to its original conditions, including cleanup and replacement of facilities as may be necessary.

E. City Council May Delegate Approval Responsibility; Exceptions:

- 1. The city council may authorize the zoning administrator to issue temporary use permits for certain temporary uses without council review. Where the request is for a temporary use which is not listed or where the characteristics of the proposed use are not in compliance with the above standards, the zoning administrator shall refer the application to the city council for its action.
- 2. In granting approval, the city council may attach additional conditions as it deems appropriate to ensure that the use will not pose any detriment to persons or property. The Council may also require a bond to ensure that necessary cleanup or restoration work will be performed. (Ord. 2012-01, 7-10-2012)

10-2-10: PORTABLE STORAGE CONTAINER REGULATIONS:

- A. Definition: A "portable storage container" includes any of the following types of buildings, structures, or vehicles:
 - 1. Metal shipping container of the type commonly marketed for storage and which can be delivered or removed by semitrailer, regardless of whether such structure is located on a foundation or slab.
 - 2. Semitrailer or other trailer whether such vehicle is parked on or off a City street, and which does not have a current Utah license and inspection.
 - 3. Box from a delivery truck when such has been removed from the chassis.
- B. Appropriate Use Of Portable Storage Containers: No portable storage container may be placed in any zone unless it meets the following criteria:
 - 1. The placement of the portable storage container cannot block traffic or interfere with access for public safety.
 - 2. Used containers must have all prior identifying markings removed.
 - 3. Advertising on such containers will be limited to the promotion of the commercial entity located on the same lot as the container and shall comply with the sign ordinance.
 - 4. The container must be maintained to match the commercial building decor located on the same lot or it must be hidden from view by a fence.

5. Semitrailers or other trailers used as storage containers must also have axles removed.
6. Permanent placement is allowed within residential zones when it is authorized by City permit.
 - a. Container cannot be placed in a front yard or within the twenty foot (20') side setback of a side yard that fronts on a street.
 - b. The placement of the portable storage container cannot block traffic or interfere with access for public safety or utilities.
 - c. Used containers must have all prior identifying markings removed.
 - d. The container must be maintained to match the residential building decor located on the same lot. or parcel.
 - e. Semitrailers or other trailers used as storage containers must also have axles removed.
7. Temporary placement is allowed for storage of tools, materials, and supplies at an active construction site in all zones, for a period not to exceed eight (8) months and when authorized by permit.
 - a. Placement of the portable storage container cannot block traffic or interfere with access for public safety.
 - b. Temporary placement is limited to one container per lot or parcel for any twelve (12) month period. (Ord. 2012-01, 7-10-2012)

C. Maximum Size:

1. The maximum size for any permitted portable storage container located in R-1, R-2, and C-2 Zones is three hundred sixty (360) square feet and cannot exceed ten feet (10') in height.
2. The maximum size for any permitted portable storage container located in C-1, I-1, and A-1 Zones is four hundred twenty-four (424) square feet, with the exception of residences located in C-1 and I-1 Zones; in which case, the maximum size for any permitted portable storage container is three hundred sixty (360) square feet.
3. Portable storage containers can be attached or detached from the main structure, provided that the location of the containers comply with setbacks for the zone in which the portable storage containers are placed. (Ord. 2018-4, 4-10-2018)

D. Permit Required: A permit is required for all portable storage containers.

1. Any portable storage container greater than or equal to two hundred (200) square feet is considered an accessory building and requires a separate building permit in addition to a portable storage container permit.
2. Any portable storage container less than two hundred (200) square feet requires only a portable storage container permit, unless electricity is proposed to be installed.

E. Prohibited Uses:

1. No modular home, house trailer, vehicle, or camp trailer can be used for storage, whether permanent or temporary.
2. All existing portable storage containers that do not meet the appropriate uses (above) will be removed at the owner's expense.
3. No person may dwell in a container, nor shall a container be otherwise used for human occupation.

10-2-11: CHICKENS:

This section shall provide residents of the community the opportunity to maintain up to ten (10) hen chickens as pets and for the purpose of producing eggs, subject to the described restrictions and regulations. The objective is to cultivate localized self-supporting and sustainable behavior for the betterment of the local, regional, and world community.

- A. General Conditions: In all A-1, R-1, R-2 Zones and planned unit developments in the City of Monticello, and only for those single-family residential uses in the commercial zones, up to and not exceeding more than ten (10) hen chickens for egg production as family food, shall be allowed.
- B. Prohibited Uses:
 1. No roosters shall be allowed in the R-1, R-2, and any commercial zone or in planned unit developments. If chickens are purchased as chicks and any are determined at a later date to be roosters, they shall be removed immediately upon determination of gender;
 2. Fighting chickens are not allowed;
 3. Hen chickens shall not be raised for slaughter for commercial purposes.
- C. Standards For Containment:
 1. Hens shall be securely fenced and confined to the rear yard of the property.
 2. Any permanent hen shelter must comply with the accessory structure requirements. (Ord. 2012-01, 7-10-2012)

10-2-12: DIAGONAL PARKING:

Diagonal parking will be permitted on any City street located in a C-1 or C-2 Zone so long as the following conditions are met:

- A. Size/Marking:
 1. The dimensions of each diagonal parking space shall be at least nine feet by eighteen feet (9' x 18'), and set at an angle of sixty degrees (60°) from the curb.
 2. All diagonal parking spaces must be clearly marked with approved white marking paint, and must be four inches (4") wide.

3. It is the responsibility of the property owner abutting the diagonal parking spaces to paint and maintain the markings of the parking spaces.

B. Street Width:

1. The City street where the diagonal parking will be located must be at least sixty feet (60') wide.

C. Setbacks:

1. Diagonal parking must be set back from any intersection not less than thirty feet (30').
2. No diagonal parking space is permitted to encroach into a driveway access.
3. Clear access to any fire hydrant shall be no less than three feet (3') on both sides of the fire hydrant. This clear space shall be striped as a no parking zone. (Ord. 2012-01, 7-10-2012)

10-2-13: FENCES ON PROPERTY USED FOR RESIDENTIAL PURPOSES:

A. Fences shall be erected on or within property lines.

B. Property owners shall be responsible for identifying property line locations

C. All heights of fences will be measured from the ground level.

D. Interior Lots or Parcels:

1. Fences shall have a maximum height of four feet (4') in the required yard that fronts on a street.
2. Side and back yard fences will have a maximum height of seven feet (7') provided that the seven foot high fence does not extend into the required yard that fronts a street.

E. Corner Lots or Parcels:

1. Corner lot or parcel fences must maintain a forty-five degree (45°) clear view of intersecting streets, at a height of no more than four feet (4').
2. The height of the fence in the front yard on a corner lot or parcel will have a maximum height of four feet (4'). A front yard on a corner lot or parcel is the yard that contains the formal public entrance to the main building.
3. Side and back yard fences will have a maximum height of seven feet (7') as long as it does not infringe upon the forty five degree (45°) clear view triangle space.

F. Clear View Of Intersecting Streets: In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot or parcel within a triangular area formed by the street property lines and a

line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-2-14: FENCES ON PROPERTY USED FOR COMMERCIAL OR INDUSTRIAL PURPOSES

- A. Fences shall be erected on or within property lines.
- B. Property owners shall be responsible for identifying property line locations
- C. All heights of fences will be measured from the ground level.

10-2-15: SOLAR ELECTRICITY SYSTEMS

The purpose of this section is to allow the use of solar electricity systems within the city provided that:

- A. A permit from the city is required prior to installation of any solar electricity system.
- B. Structurally attached solar panels are subject to all applicable building codes and ordinances.
- C. Solar electricity systems not mounted on a roof are prohibited within the setbacks required for the zone in which the solar installation will be erected.
- D. Solar electricity systems not mounted on a roof are prohibited to be higher than the maximum height allowed for a structure or building within the zone in which the solar installation will be erected.

10-2-16: RENTAL UNITS:

- A. Long-term rental unit means a building or structure that is used or designated for use as a residence by one or more persons, and is
 - 1. Available to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer; or
 - 2. Arranged, designated, or built to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer.
- B. Internal accessory dwelling units shall:
 - 1. Be designed in a manner that does not change the appearance of the primary dwelling unit;
 - 2. Include one additional on-site parking space regardless of whether the primary dwelling unit is existing or new construction;

3. Meet all applicable building codes;
4. Not be created in a primary dwelling unit served by a failing septic tank;
5. Not be created on a lot or parcel of land containing the primary dwelling unit if the lot or parcel of land is 6,000 square feet or less in size;
6. Not be created within a zoning district covering an area that is equivalent to 25% or less of the total area in the city that is zoned primarily for residential use;
7. Not require a separate city utility meter;
8. Replace existing parking spaces if the internal accessory unit is created within a garage or carport;.

C. Short-term units shall:

1. Meet all applicable building codes;
2. Conform to standards as defined by the city codes Title 4-2 Nuisances, Title 4-2A Noise Control, and Title 5-2 Animal Control;
3. Include in a clear and prominent location within each short-term unit:
 - a. A copy of the owner's business license;
 - b. The name, address, and phone number of the owner or property manager;
 - c. A statement of maximum occupancy for the short-term rental unit
4. Provide a minimum of four (4) off-street parking spaces with all-weather surface;
5. The owner of any short-term rental unit is required to collect and remit Transient Room Tax and any other tax deemed necessary by the State Tax Commission.

D. Business license required:

1. Owners of rental dwellings shall obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the long-term rental unit.
2. Owners of primary dwelling units containing an internal accessory dwelling shall obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory dwelling unit.
3. Owners of short-term rental units shall obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory unit.
4. One city license may include more than one long-term rental and internal accessory dwelling unit owned by the same individual but shall not include short-term rental units.
5. One city license may include more than one short-term rental unit owned by the same individual but shall not include other rental units or internal accessory dwelling units.
6. A person managing any rental unit who is not the owner of said unit, shall obtain a city property management license in advance of managing the rental units.

TITLE 10
ZONING REGULATIONS

CHAPTER 5
A-1 AGRICULTURAL ZONE

SECTION:

- 10-5-1: Regulations
- 10-5-2: Intent
- 10-5-3: Permitted Uses
- 10-5-4: Area And Frontage Requirements
- 10-5-5: Location Requirements
- 10-5-6: Height Of Buildings
- 10-5-7: Size Of Dwelling
- 10-5-8: Width Of Buildings
- 10-5-9: Yard Space For One Main Building Only
- 10-5-10: Every Dwelling To Be On A Lot or Parcel
- 10-5-11: Sale Or Lease Of Required Space Prohibited
- 10-5-12: Yards To Be Unobstructed; Exceptions
- 10-5-13: Accessory Buildings Prohibited As Living Quarters
- 10-5-14: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
- 10-5-15: Sewage Disposal
- 10-5-16: Water Connections
- 10-5-17: Drainage
- 10-5-18: Clear View Of Intersecting Streets
- 10-5-19: Effect Of Street Plan
- 10-5-20: Motor Vehicle Access
- 10-5-21: Landscaping Required
- 10-5-22: Pollution Prevention
- 10-5-23: Special Provisions

10-5-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-5-2: INTENT:

A-1 agricultural zone covers certain fringe areas of the city where residential areas may be integrated with the raising of livestock for family food production and for the pleasure of the people who reside on the premises. (Ord. 2012-01, 7-10-2012)

10-5-3: PERMITTED USES:

- A. The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

Accessory buildings.

Bunkhouses used by workers and staff.

Churches, not including temporary revival tents or buildings.

Fences, walls and hedges.

Foster care homes.

Grain bins and silos.

Household pets.

Landscape businesses, exclusive of gravel crushing and which do not violate dust, noise, or nuisance ordinances.

Machinery and equipment sheds used for storage of equipment in connection with agricultural activities performed on the premises.

Mobile home parks meeting the requirements of chapter 13 of this title.

Plant nursery.

Public agency arenas such as rodeo grounds, equestrian sports facilities, fairgrounds.

Public agency parks and playgrounds.

Public buildings and grounds, not including storage yards or repair shops.

Public, private and parochial schools and grounds.

Single- and two-family dwellings of conventional construction and manufactured homes.

The care and keeping of livestock and fowl. Also barns, corrals, pens and sheds for the care and keeping of the permitted animals and fowl.

The growing of field crops and fruit.

Veterinary clinics and animal boarding facilities. (Ord. 2012-01, 7-10-2012)

- B. The following uses are permitted when in compliance with the specified sections of Title 10, Zoning Regulations:

All signs shall conform with section 10-2-6 of this title.

Conditional uses shall conform with section 10-2-8 of this title.

Temporary uses shall conform with section 10-2-9 of this title.

Portable Storage Containers shall conform with section 10-2-10 of this title

Fences shall conform with section 10-2-14 of this title.

- C. The following uses are permitted as conditional uses.

Daycare, nursery, preschool.

Rest homes, nursing homes, convalescent homes, assisted living homes.

10-5-4: AREA AND FRONTAGE REQUIREMENTS:

- A. Area and width requirements for all uses shall be a minimum of one acre.

- B. Frontage at setback line shall be a minimum of one hundred twenty five feet (125'). (Ord. 2012-01, 7-10-2012)

10-5-5: LOCATION REQUIREMENTS:

A. Front Setback:

1. Main Setback: All dwellings and other structures shall be set back according to the special conditions noted below:
 - a. Where the legal property line of the lot or parcel is located at the back of street curb or back of pavement and there is no curb, the front setback shall be fifty feet (50') from the front lot or parcel line.
 - b. Where the legal property line of the lot or parcel is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot or parcel line.
 - c. Where the legal property line of the lot or parcel is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be twenty feet (20') from the front lot or parcel line.
 - d. Where the legal property line of the lot or parcel line is angular to the roadway and there is less than twenty feet (20') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.
2. Accessory Buildings: All accessory buildings shall be set back not less than twenty feet (20') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot or parcel, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lot or Parcel:

1. Main Buildings: All dwellings and other main buildings shall be set back at least twenty feet (20') from the side lot or parcel line.
2. Accessory Buildings: All accessory buildings shall be set back at least twenty feet (20') from the lot or parcel line.

C. Side Setback; Corner Lot or Parcel:

1. Side Abutting Street: All dwellings and other main and accessory buildings shall be set back at least fifty feet (50') from the side lot or parcel line which abuts on a street.
2. Interior Side: Same as required for interior lots or parcels.

D. Rear Setback; Interior Lot or Parcel:

1. Main Buildings: All dwellings or other main buildings shall be set back at least twenty feet (20') from the rear lot or parcel line.
2. Accessory Building: Same as required under side setbacks for interior lots.

E. Rear Setback; Corner Lot:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line, except
 - a. Where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot or parcel line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least thirty feet (30') from the rear lot or parcel line

10-5-6: HEIGHT OF BUILDINGS:

The maximum height of any building shall be measured from finished grade at the front of the building to the highest wall plate.

A. The maximum height of a dwelling building shall be as noted below:

1. Level lot or parcel: Thirty feet (30').
2. Uneven lot or parcel: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be thirty-three (33').

B. Minimum height of a dwelling building shall not be less than the height required by the applicable building code.

C. The maximum height of accessory buildings shall be no greater than forty-five feet (45') or two stories, whichever is the higher.

D. Additional Height Allowed For Public Buildings:

Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

10-5-7: SIZE OF DWELLING:

The ground floor area of any single-family dwelling shall be at least nine hundred (900) square feet of living area exclusive of open porches, carports, garages and similar add ons. (Ord. 2012-01, 7-10-2012)

10-5-8: WIDTH OF BUILDINGS:

The total length or total width of any dwelling or church shall be at least fourteen feet (14'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add on. (Ord. 2012-01, 7-10-2012)

10-5-9: YARD SPACE FOR ONE MAIN BUILDING ONLY:

No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot or parcel be considered as providing the yard or open space on the lot or parcel whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

10-5-10: EVERY DWELLING TO BE ON A LOT OR PARCEL:

Only one building which contains a dwelling shall be located and maintained on a lot or parcel as defined in this title, except bunkhouses and dwellings within a mobile home park or other large scale development. (Ord. 2012-01, 7-10-2012)

10-5-11: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot, parcel, or building may be sold or leased apart from such lot, parcel, or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-5-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky and unobstructed except:

- A. Permitted accessory buildings, and
- B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwallled stoops, porches and carports which may project up to three feet (3') into a required yard.

10-5-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters in any building or structure other than the main residential building and bunkhouse are prohibited. (Ord. 2012-01, 7-10-2012)

10-5-14: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

- A. The storage of junk, debris, or unlicensed inoperable vehicles shall in no circumstance become a nuisance (see Title 4 - Nuisance).
- B. Storage of one restorable vehicle may be permitted in the backyard for a period of six (6) months, on a case by case basis, at the discretion of the zoning administrator. Restoration work shall comply with applicable noise and nuisance ordinances.

10-5-15: SEWAGE DISPOSAL:

- A. Sewer connections shall comply with Title 8 of city code.
- B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-5-16: WATER CONNECTIONS:

- A. Where municipal water is available all dwellings shall be connected in accordance with Title 8 of city code.
- B. Where no municipal water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy shall be issued therefore.

10-5-17: DRAINAGE:

- A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.
- B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)
- C. Drainage corridors shall be protected in accordance with 10-12-2.

10-5-18: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-5-19: EFFECT OF STREET PLAN:

- A. Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)
- B. Before a building permit shall be issued for the building that abuts on a proposed street, the property owner shall
 1. Grant an easement for the proposed street to the city.
 2. Construct the street and underground utilities to the standards required by the city.
 3. Post a bond guaranteeing that all street and underground utility improvements will be completed to standards required by the city.

10-5-20: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

- A. No lot or parcel shall have more than two (2) driveways.
- B. Driveways shall not be closer to each other than twenty feet (20'). Where one driveway is shared by adjacent lots or parcels, a conditional use permit is required prior to constructing the driveway.
- C. On corner lots or parcels, no driveways shall be closer than twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.
- D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-5-21: LANDSCAPING REQUIRED:

Front yards and side yards of all dwellings and bunkhouses which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-5-22: POLLUTION PREVENTION:

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-5-23: SPECIAL PROVISIONS:

Special provisions shall apply in order to protect the intent of the zone.

- A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-5-15 of this title.
- B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

TITLE 10
ZONING REGULATIONS

CHAPTER 6
R-1 RESIDENTIAL ZONE

SECTIONS:

- 10-6-1: Regulations
- 10-6-2: Intent
- 10-6-3: Permitted Uses
- 10-6-4: Area And Frontage Requirements
- 10-6-5: Location Requirements
- 10-6-6: Height Of Buildings
- 10-6-7: Size Of Dwelling
- 10-6-8: Width Of Buildings
- 10-6-9: Yard Space For One Main Building Only
- 10-6-10: Every Dwelling To Be On A Lot Or Parcel
- 10-6-11: Sale Or Lease Of Required Space Prohibited
- 10-6-12: Yards To Be Unobstructed; Exceptions
- 10-6-13: Accessory Buildings Prohibited As Living Quarters
- 10-6-14: Storage Of Commercial Or Oversized Vehicles Prohibited
- 10-6-15: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
- 10-6-16: Sewage Disposal
- 10-6-17: Water Connections:
- 10-6-18: Drainage
- 10-6-19: Clear View Of Intersecting Streets
- 10-6-20: Effect Of Street Plan
- 10-6-21: Motor Vehicle Access
- 10-6-22: Landscaping Required
- 10-6-23: Pollution Prevention
- 10-6-24: Special Provisions

10-6-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-6-2: INTENT:

The R-1 residential zone has been established for the purpose of providing a place where single family detached dwellings can be constructed, having attractively landscaped yards and a favorable environment for family life. Uses such as multiple-family dwellings, apartment houses and commercial and industrial uses are not permitted in this zone. (Ord. 2012-01, 7-10-2012)

10-6-3: PERMITTED USES:

A. The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

- Accessory buildings
- Childcare
- Churches, not including temporary revival tents or buildings
- Daycare, Nursery, Preschool
- Foster homes
- Growing of fruit and gardens for household use.
- Household pets
- Public agency parks and playgrounds.
- Public, private and parochial schools and grounds.
- Single-family dwellings built to the IRC or HUD codes
- Utility lines
- Walls and hedges

B. The following uses are permitted when in compliance with the specified sections of Title 10, Zoning Regulations:

- Accessory signs conforming to section 10-2-6.
- Fences in conformance with section 10-2-13.
- Keeping of chickens as allowed in section 10-2-11.
- Long-term rental of dwelling units subject to the provisions of section 10-2-16.
- Portable storage containers conforming to section 10-2-10.
- Solar electricity systems conforming to section 10-2-15.
- Temporary uses subject to the provisions of section 10-2-9.

C. The following uses are permitted as conditional uses (see section 10-2-8).

- Home occupations.
- Machinery sheds used for storage of equipment used in connection with agricultural activities performed on the premises.
- Growing of field crops, garden produce, and fruit for sale or trade.
- Rest homes, nursing homes, convalescent homes, assisted living homes.
- Other uses that conform to 10-2-8 when approved by city council.

10-6-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows:

Main Use	Minimum Lot or Parcel Area	Minimum Frontage (at setback line)
Single family dwelling	5,445 square feet	60 feet
Churches	1 acre	125 feet
Other uses	1 acre	80 feet

(Ord. 2012-01, 7-10-2012)

10-6-5: LOCATION REQUIREMENTS:

A. Front Setback:

1. Main Setback: All dwellings and other structures shall be set back according to the special conditions noted below:
 - a. Where the legal property line of the residential lot or parcel is located at the back of street curb or back of pavement and there is no curb, the front setback shall be twenty feet (20') from the front lot or parcel line.
 - b. Where the legal property line of the residential lot or parcel is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot or parcel line.
 - c. Where the legal property line of the residential lot or parcel is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be ten feet (10') from the front lot or parcel line.
 - d. Where the legal property line of the residential lot or parcel line is angular to the roadway and there is less than ten feet (10') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.
2. Accessory Buildings: All accessory buildings shall be set back not less than ten feet (10') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are within the footprint of the main building shall be considered as part of the main building. Where no main building exists on a lot or parcel, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lots:

1. Main Buildings: All dwellings and other main buildings shall be set back at least eight feet (8') from the side lot or parcel line.
2. Accessory Buildings: All accessory buildings shall be set back at least five feet (5') from the lot or parcel line.

C. Side Setback; Corner Lot or Parcel:

1. Side Abutting A Street: All dwellings and other main and accessory buildings shall be set back at least twenty feet (20') from the side lot or parcel line which abuts on a street.
2. Interior Side: Same as required for interior lots or parcel.

D. Rear Setback; Interior Lots or Parcel:

1. Main Buildings: All dwellings or other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line.
2. Accessory building: Same as required under side setbacks; interior lots.

E. Rear Setback; Corner Lots or Parcel:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot or parcel line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least five feet (5') from the rear lot or parcel line.

F. Exception To Front And Side Setback Requirements:

The setback from the street for any dwelling located between two (2) existing dwellings may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord. 2012-01, 7-10-2012)

10-6-6: HEIGHT OF BUILDINGS:

The maximum height of a dwelling building shall be measured from finished grade at the front of the dwelling to the top of the roof.

A. The maximum height of a dwelling building shall be as noted below:

1. Level lot or parcel: Twenty-four feet (24').
2. Uneven lot or parcel: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be twenty feet (20').

B. Minimum height of a dwelling building:

No dwelling shall be erected which has a ceiling height of less than the height required by the applicable building code.

C. The maximum height of accessory buildings shall be no greater than twenty feet (20') or two stories, whichever is the higher.

D. Additional Height Allowed For Public Buildings:

Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

10-6-7: SIZE OF DWELLING:

The ground floor area of any single-family dwelling shall be at least nine hundred (900) square feet of living area exclusive of open porches, carports, garages and similar add-ons. (Ord. 2012-01, 7-10-2012)

10-6-8: WIDTH OF BUILDINGS:

The total length or total width of any dwelling or church shall be at least twenty feet (20'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar addition. (Ord. 2012-01, 7-10-2012)

10-6-9: YARD SPACE FOR ONE MAIN BUILDING ONLY:

- A. No required yard or other open space around an existing building, or which is hereafter provided around any building, that is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot or parcel be considered as providing the yard or open space on the lot or parcel whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)
- B. No required yard or other open space around an existing main building, or which is hereafter provided around any building that is needed to comply with provisions of this title, shall be used for parking or storage of operable vehicles unless in compliance with 10-2-1.

10-6-10: EVERY DWELLING TO BE ON A LOT OR PARCEL:

Only one building which contains a dwelling shall be located and maintained on a lot or parcel, except dwellings within a mobile home park, or other large scale development.

10-6-11: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot, parcel, or building may be sold or leased apart from such lot, parcel, or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-6-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky and unobstructed except:

- A. Permitted accessory buildings, and
- B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwallled stoops, porches and carports which may project up to three feet (3') into a required yard. (Ord. 2012-01, 7-10-2012)

10-6-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters in any building or structure other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)

10-6-15: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

- A. No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris, or inoperable vehicles;
- B. No land shall be used for such purposes, except as specifically provided by this title.
- C. Storage of one restorable vehicle may be permitted in the backyard for a period of six (6) months, on a case by case basis, at the discretion of the zoning administrator. Restoration work shall comply with applicable noise and nuisance ordinances.

10-6-16: SEWAGE DISPOSAL:

- A. Sewer connections shall comply with section 8-4-2.
- B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-6-17: WATER CONNECTIONS:

- A. Where municipal water is available all single family dwellings shall be connected in accordance with 8-4-2.
- B. Where no municipal water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy shall be issued therefore.

10-6-18: DRAINAGE:

- A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.
- B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)
- C. Drainage corridors shall be protected in accordance with 10-12-2.

10-6-19: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty-five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-6-20: EFFECT OF STREET PLAN:

Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)

10-6-21: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

- A. No lot or parcel shall have more than two (2) driveways.
- B. Driveways shall not be closer to each other than twenty feet (20').
- C. On corner lots or parcels, no driveways shall be closer than twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.
- D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-6-22: LANDSCAPING REQUIRED:

Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-6-23: POLLUTION PREVENTION:

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-6-24: SPECIAL PROVISIONS:

Special provisions shall apply in order to protect its essential characteristics.

- A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-6-19 of this title.
- B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

TITLE 10 ZONING REGULATIONS

CHAPTER 7 R-2 RESIDENTIAL ZONE

SECTION:

- 10-7-1: Regulations
- 10-7-2: Intent
- 10-7-3: Permitted Uses
- 10-7-4: Area And Frontage Requirements
- 10-7-5: Location Requirements
- 10-7-6: Height Of Buildings
- 10-7-7: Size Of Dwelling
- 10-7-8: Yard Space For One Main Building Only
- 10-7-9: Every Dwelling To Be On A Lot Or Parcel
- 10-7-10: Sale Or Lease Of Required Space Prohibited
- 10-7-11: Yards To Be Unobstructed; Exceptions
- 10-7-12: Accessory Buildings Prohibited As Living Quarters
- 10-7-13: Storage Of Commercial Or Oversized Vehicles Prohibited
- 10-7-14: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
- 10-7-15: Sewage Disposal
- 10-7-16: Water Connection
- 10-7-18: Clear View Of Intersecting Streets
- 10-7-19: Effect Of Street Plan
- 10-7-20: Motor Vehicle Access
- 10-7-21: Landscaping Required
- 10-7-22: Pollution Prevention
- 10-7-23: Special Provisions

10-7-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-7-2: INTENT:

The R-2 zone has been established for the purpose of providing a place where single-, two- and multiple-family dwellings and tiny homes can be constructed. (Ord. 2012-01, 7-10-2012)

10-7-3: PERMITTED USES:

- A. The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title:

Accessory Buildings

All uses permitted in the R-1 residential zone, section 10-6-3 of this title.

Single-family dwellings of conventional construction and manufactured homes

Multi-family dwellings, townhouses and condominiums.

Small homes erected on foundations

Boarding house, lodging house, bed and breakfast, rooming house

Childcare

Churches, not including temporary revival tents or buildings

Daycare, Nursery, Preschool

Foster care homes

Household pets

Mobile homes on foundations with tie down

Public agency parks and playgrounds

Utility lines and buildings

Walls and hedges

- B. The following uses are permitted when in conformance with the specified sections of Title 10, Zoning Regulations:

Accessory signs conforming to section 10-2-6

Fences in conformance with section 10-2-13

Keeping of chickens in conformance with section 10-2-11

Long-term rental of a dwelling unit as permitted in 10-2-16

Portable storage containers conforming to section 10-2-10.

Short-term rental units as permitted in 10-2-16

Solar electricity systems in conformance with 10-2-15

Temporary uses subject to the provisions of section 10-2-9

- C. The following uses are permitted as conditional uses (see section 10-2-8).

Home occupations

Machinery sheds used for storage of equipment used in connection with agricultural activities performed on the premises.

Growing of field crops, garden produce, and fruit for sale or trade.

Rest homes, nursing homes, convalescent homes, assisted living homes.

Other uses that conform to 10-2-8 when approved by city council.

10-7-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows

Main Use	Minimum Lot or Parcel Area	Minimum Frontage (At Setback Line)
Single-family dwelling	5,445 square feet	60 feet
Small home (Tiny home)	3,000 square feet	60 feet

Two-family dwelling	7,000 square feet	85 feet
Multiple-family dwelling	10,000 square feet for first 2 units plus 2,500 square feet for each additional unit	85 feet for first 2 units plus 7.5 feet width for each additional unit
Churches	1 acre	125 feet
Other uses	1 acre	80 feet

10-7-5: LOCATION REQUIREMENTS:

A. Front Setback:

1. All single-family, small homes, and two-family dwellings and other main buildings and structures shall be set back according to the special conditions noted below:
 - a. Where the legal property line of the residential lot or parcel is located at the back of street curb or back of pavement and there is no curb, the front setback shall be twenty feet (20') from the front lot or parcel line.
 - b. Where the legal property line of the residential lot or parcel is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot or parcel line.
 - c. Where the legal property line of the residential lot or parcel is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be ten feet (10') from the front lot or parcel line.
 - d. Where the legal property line of the residential lot or parcel line is angular to the roadway and there is less than ten feet (10') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.
2. All multi-family dwellings shall be set back not less than forty feet (40') back of curb.
3. Accessory Buildings: All accessory buildings shall be set back not less than ten feet (10') to the rear of the closest rear wall line of the main building and not less than ten feet (10') from any side wall of the main building. Accessory buildings which are located within the footprint of the main building shall be considered as part of the main building. Where no main building exists on a lot or parcel, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lot or Parcel:

1. Main Buildings: All dwellings and other main buildings shall be set back at least eight feet (8') from the side lot or parcel line.
2. Accessory Buildings: All accessory buildings shall be set back at least five feet (5') from the lot or parcel line.

3. All accessory buildings when adjoining an R-2 zone shall be set back twenty feet (20').

C. Side Setback; Corner Lot or Parcel:

1. Side Abutting Street: All dwellings and other main and accessory buildings shall be set back at least twenty feet (20') from the side lot or parcel line which abuts on a street.
2. Interior Side: Same as required for interior lots.

D. Rear Setback; Interior Lot or Parcel:

1. Main Buildings: All dwellings or other main buildings shall be set back at least thirty feet (30') from the rear lot line.
2. Accessory Building: Same as required under subsection B, "Side Setback; Interior Lots", of this section.
3. All accessory buildings when adjoining an R-2 zone shall be set back twenty feet (20').

E. Rear Setback; Corner Lot or Parcel:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot or parcel line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least five feet (5') from the rear lot or parcel line.

F. Exception To Front And Side Setback Requirements:

The setback from the street for any dwelling located between two (2) existing dwellings may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord. 2012-01, 7-10-2012)

10-7-6: HEIGHT OF BUILDINGS:

The maximum height of a dwelling building shall be measured from finished grade at the front of the dwelling to the top of the roof.

A. The maximum height of a dwelling building shall be as noted below:

1. Level lot or parcel: Twenty-four feet (24').
2. Uneven lot or parcel: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be twenty feet (20').

B. Minimum height of a dwelling building:

No dwelling shall be erected which has a ceiling height of less than ~~seven feet six inches (7'6")~~ the height required by the applicable building code.

C. The maximum height of accessory buildings shall be no greater than twenty feet (20') or two stories, whichever is the higher.

D. Additional Height Allowed For Public Buildings:

Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

10-7-7: SIZE OF DWELLING:

All area shall be exclusive of open porches, carports, garages, sheds and similar add-ons. This requirement shall not apply to mobile homes located within an approved mobile home park. (Ord. 2012-01, 7-10-2012)

A. The ground floor area of a single-family dwelling shall be not less than eight hundred (800) square feet.

B. The ground floor area of a small home shall be not less than six hundred (600) square feet and not more than eight hundred (800) square feet.

C. A two-family dwelling shall contain a ground floor area of one thousand two hundred (1,200) square feet.

D. A multiple-family dwelling shall contain a ground floor area of one thousand two hundred (1,200) square feet for the first two (2) units, plus six hundred (600) square feet of living area for each unit over two (2).

10-7-8: YARD SPACE FOR ONE MAIN BUILDING ONLY:

A. No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot or parcel be considered as providing the yard or open space on the lot or parcel whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

B. No required yard or other open space around an existing main building, or which is hereinafter provided around any building, that is needed to comply with provisions of this title, shall be used for parking or storage or operable vehicles unless in compliance with 10-2-5.

10-7-9: EVERY DWELLING TO BE ON A LOT OR PARCEL:

Only one building which contains a dwelling shall be located and maintained on a lot or parcel as defined in this title, except dwellings within a mobile home park, or other large scale development.

10-7-10: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or parcel or building may be sold or leased apart from such lot or building unless other space so complying is provided.

10-7-11: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky and unobstructed except:

- A. Permitted accessory buildings;
- B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwallled stoops, porches and carports which may project up to three feet (3') into a required yard;
- C. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses and cornices which may extend into a court not more than sixteen inches (16"). (Ord. 2012-01, 7-10-2012)

10-7-12: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS

Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)

10-7-13: STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:

- A. The storage and/or continuous parking of trucks, buses, or a combination of vehicles exceeding thirty-five feet (35') in length, or having a rated capacity of one ton or greater, and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted; provided, that construction equipment may be stored on a lot or parcel during construction of a building thereon for less than one year.
- B. Trucks and equipment parked in residential areas for more than three (3) days in any one month are not allowed. (Ord. 2012-01, 7-10-2012)
- C. Storage of recreational vehicles must conform with 10-2-7 of this title.

10-7-14: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

- A. No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris or inoperable vehicles;
- B. No land shall be used for such purposes, except as specifically provided by this title.
- C. Storage of one restorable vehicle may be permitted in the backyard for a period of six (6) months, on a case by case basis, at the discretion of the zoning administrator. Restoration work shall comply with applicable noise and nuisance ordinances.

10-7-15: SEWAGE DISPOSAL:

- A. Sewer connections shall comply with 8-4-2.
- B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-7-16: WATER CONNECTION:

- A. Where municipal water is available, all users in this zone shall be connected.
- B. Where no public water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy is issued.

10-7-17: DRAINAGE:

- A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.
- B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)
- C. Drainage corridors shall be protected in accordance with 10-12-2.

10-7-18: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty feet (40') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-7-19: EFFECT OF STREET PLAN:

Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future

street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)

10-7-20: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

- A. No lot or parcel shall have more than two (2) driveways.
- B. Driveways shall be not closer to each other than twenty feet (20').
- C. On corner lots or parcels, no driveways shall be closer than twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.
- D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-7-21: LANDSCAPING REQUIRED:

Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-7-22: POLLUTION PREVENTION:

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-7-23: SPECIAL PROVISIONS:

Special provisions shall apply in order to protect its essential characteristics.

- A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-6-19 of this title.
- B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

TITLE 10
ZONING REGULATIONS

CHAPTER 8
C-1 COMMERCIAL ZONE

SECTION:

- 10-8-1: Regulations
- 10-8-2: Intent
- 10-8-3: Permitted Uses
- 10-8-4: Area, Width And Location Requirements
- 10-8-5: Location Of Gasoline Pumps
- 10-8-6: Motor Vehicle Access
- 10-8-7: Pollution Prevention
- 10-8-8: Special Provisions

10-8-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-8-2: INTENT:

The intent of the C-1 commercial zone is to provide a centralized place where retail and service uses can be constructed and maintained which will serve the needs of the citizens of the city and surrounding areas. It is the further intent in establishing this zone to maintain the central business district as the "heart of the city" and, to these ends, to promote its development in step with the increase in population within the trading area. Uses which tend to create business dead spots, cause undue scattering of business, and generally tend to thwart the use of the land for its primary purpose have been excluded from this zone. (Ord. 2012-01, 7-10-2012)

10-8-3: PERMITTED USES:

- A. The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this title:

Accessory buildings and structures such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in this zone.

All R-1 uses that conform to section 10-6-3 of this title.

All R-2 uses that conform to section 10-7-3 of this title.

Automobile and truck repair establishments, provided all repair activities will be conducted within an enclosed structure and that there will be no outside storage of parts or nonoperative vehicles.

Automobile, motorcycle, ATV, and snowmobile sales and rental structures and lots (for both new and used units). Also, the related repair facilities when such facilities are included as an integral part of the sales structure and that there will be no outside storage of parts or nonoperative vehicles.

Automotive service establishments, including gasoline stations, car washes, parking lots and storage garages, and minor automotive repair establishments.

Cabinet, taxidermy, and welding and metalsmithing shops.

Convenience goods stores (minimarkets) for the sale of food and variety products.

Establishments for the sale of hardware, lumber, plumbing and heating equipment and similar building products. All storage activities shall be within a building or within an enclosure surrounded by a fence not less than six feet (6') in height.

General retail stores and shops providing goods and services for sale at retail in the customary manner.

Hotels and motels.

Laundries and dry cleaning establishments, and laundromats.

Live-work units.

Office buildings, medical clinics, banks, insurance, and financial services.

Personal service establishments, such as barber and beauty shops, reception centers, and similar establishments.

Public parks and buildings, not including storage yards or repair shops.

Recreational enterprises including bowling alleys, recreation centers, motion picture theaters (indoor only), athletic clubs, private clubs, sororities, and fraternal lodges.

Restaurants, food drive-ins, bars, taverns, pubs.

Shopping centers, supermarkets, clothing stores.

Veterinary clinics for the treatment of household pets and the enclosed temporary boarding of same while receiving care.

B. The following uses are permitted when in compliance with the specified sections of Title 10, Zoning Regulations:

All signs shall conform with section 10-2-6 of this title.

Conditional uses shall conform with section 10-2-8 of this title.

Temporary uses shall conform with section 10-2-9 of this title.

Portable Storage Containers shall conform with section 10-2-10 of this title.

Diagonal parking shall conform with section 10-2-12 of this title.

Fences shall conform with section 10-2-14 of this title.

Recreational vehicle (RV) parks that conform to Title 10 Chapter 15 of city code

10-8-4: AREA, WIDTH AND LOCATION REQUIREMENTS:

A. There shall be no area, width and location requirements for commercial buildings and structures constructed, provided

1. All buildings and structures conform with the building code adopted by the city; and
2. An area sufficient to accommodate parking, loading, unloading, and vehicular access shall be provided and maintained.

- B. No space needed to meet the parking or other requirements of this title may be sold or leased apart from such lot or parcel or building unless other space is provided to comply with section 10-8-4A.

10-8-5: LOCATION OF GASOLINE PUMPS:

- A. Gasoline pump islands shall be set back not less than twenty feet (20') from any property line.
- B. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy five by one hundred feet (75 x 100') in size.
- C. Canopies over pump islands may extend to within five feet (5') of the property lines. (Ord. 2012-01, 7-10-2012)

10-8-6: MOTOR VEHICLE ACCESS:

- A. Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:
 - 1. Access shall be by not more than two (2) driveways from any one street.
 - 2. Driveways shall be not closer to each other than twenty feet (20').
 - 3. On corner lots, no driveways shall be less than fifteen feet (15') to the point of intersection of the front property line with the side property line which abuts upon a street.
 - 4. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-8-7: POLLUTION PREVENTION:

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-8-8: SEWAGE DISPOSAL:

- A. Sewer connections shall comply with Title 8-4-2 of city code.
- B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-8-9: WATER CONNECTION:

All users shall be connected to the municipal water supply.

10-8-10: DRAINAGE:

- A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.
- B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)
- C. Drainage corridors shall be protected in accordance with 10-12-2.

10-8-11: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty feet (40') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-8-12: SPECIAL PROVISIONS:

- A. All material, merchandise and equipment (except vehicles in running order) shall be stored within an enclosed building or surrounded by a fence not less than six feet (6') in height.
- B. All display, sale and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including, but not limited to, automobile sales lots and automobile service stations.
- C. Temporary sales of Christmas trees and nursery stock shall be permitted outside a building unless otherwise prohibited under the terms of this title.
- D. No dust, odor, smoke, vibration or intermittent light, glare or noise shall be emitted which is discernible beyond the premises except for normal traffic movements.
- E. All off street parking shall be hard surfaced. See section 10-2-5, "Off Street Parking Requirements", of this title.
- F. All buildings located adjacent to a major street shall have at least one entranceway facing onto said street. (Ord. 2012-01, 7-10-2012)
- G. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.
- H. No accessory structures shall be used as living quarters.

TITLE 10 ZONING REGULATIONS

CHAPTER 9 C-2 LIGHT COMMERCIAL ZONE

SECTION:

- 10-9-1: Regulations
- 10-9-2: Intent
- 10-9-3: Permitted Uses
- 10-9-4: Area, Width And Location Requirements
- 10-9-5: Location of Gasoline Pumps
- 10-9-6: Motor Vehicle Access
- 10-9-7: Pollution Prevention
- 10-9-8: Sewage Disposal
- 10-9-9: Water Connection
- 10-9-10: Drainage
- 10-9-11: Clear View Of Intersecting Streets
- 10-9-12: Special Provisions

10-9-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-9-2: INTENT:

The intent of the C-2 light commercial zone is to provide a place where small-scale fabrication, repair services, offices, and limited commercial uses can be constructed and maintained which will serve the needs of the citizens of the city and surrounding areas. It is the further intent in establishing this zone to maintain a buffer zone between C-1 and R-1 and R-2 zones to promote its development in step with the increase in population within the trading area.

10-9-3: PERMITTED USES:

- A. The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title:

Accessory uses and structures provided they are incidental to and do not substantially alter the character of the permitted principal use or structure.

All R-1 uses that conform to section 10-6-3 of this title.

All R-2 uses that conform to section 10-7-3 of this title.

Automobile and truck repair establishments, provided all repair activities will be conducted within an enclosed structure and any outside storage of parts or nonoperative vehicles will be surrounded by a view-obscuring fence.

Automobile, motorcycle, ATV, and snowmobile sales and rental structures and lots (for both new and used units). Also, the related repair facilities when such facilities are included as an integral part of the sales structure and that any outside storage of parts or nonoperative vehicles will be surrounded by a view-obscuring fence.

Automotive service establishments, including gasoline stations, car washes, parking lots and storage garages.

Communications towers.

Convenience goods stores (minimarkets) for the sale of food and variety products.

Daycare, nursery, preschool.

Establishments for the sale of hardware, lumber, plumbing and heating equipment and similar building products. All storage activities shall be within a building or within an enclosure surrounded by a view-obscuring fence.

Funeral homes.

General retail stores and shops providing goods and services for sale at retail in the customary manner.

Hospitals

Hotels and motels.

Laundries and dry cleaning establishments, and laundromats.

Live-work units.

Office buildings, medical clinics, banks, insurance, and financial services.

Personal service establishments, such as barber and beauty shops, reception centers and similar establishments.

Public buildings and grounds, including shops and storage

Public parks and buildings.

Rest homes, nursing homes, convalescent homes, assisted living homes.

Restaurants, food drive-ins, bars, taverns, pubs.

Shopping centers, supermarkets, clothing stores.

Veterinary clinics for the treatment of household pets and the enclosed temporary boarding of same while receiving care.

B. The following uses are permitted when in compliance with the specified sections of Title 10, Zoning Regulations:

All signs shall conform with section 10-2-6 of this title.

Conditional uses shall conform with section 10-2-8 of this title.

Temporary uses shall conform with section 10-2-9 of this title.

Portable Storage Containers shall conform with section 10-2-10 of this title

Diagonal parking shall conform with section 10-2-12 of this title.

Fences shall conform with section 10-2-13 of this title.

10-9-4: AREA, WIDTH AND LOCATION REQUIREMENTS:

A. There shall be no area, width and location requirements for commercial buildings and structures, provided

1. All buildings and structures conform with the building code adopted by the city; and
 2. An area sufficient to accommodate parking, loading, unloading, and vehicular access shall be provided and maintained.
- B. No space needed to meet the parking or other requirements of this title may be sold or leased apart from such lot or parcel or building unless other space so complying is provided.

10-9-5: LOCATION OF GASOLINE PUMPS:

- A. Gasoline pump islands shall be set back not less than twenty feet (20') from any property line.
- B. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy five by one hundred feet (75 x 100') in size.
- C. Canopies over pump islands may extend to within five feet (5') of the property lines. (Ord. 2012-01, 7-10-2012)

10-9-6: MOTOR VEHICLE ACCESS:

- A. Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:
1. Access shall be by not more than two (2) driveways from any one street.
 2. Driveways shall be not closer to each other than twenty feet (20').
 3. On corner lots, no driveways shall be less than fifteen feet (15') to the point of intersection of the front property line with the side property line which abuts upon a street.
 4. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-9-7: POLLUTION PREVENTION:

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-9-8: SEWAGE DISPOSAL:

- A. Sewer connections shall comply with Title 8-4-2 of city code.
- B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-9-9: WATER CONNECTION:

All users shall be connected to the municipal water supply.

10-9-10: DRAINAGE:

- A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.
- B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)
- C. Drainage corridors shall be protected in accordance with 10-12-2.

10-9-11: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty feet (40') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-9-12: SPECIAL PROVISIONS:

- A. All material, merchandise and equipment (except vehicles in running order) shall be stored within an enclosed building or surrounded by a fence not less than six feet (6') in height.
- B. All display, sale and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including, but not limited to, automobile sales lots and automobile service stations.
- C. Temporary sales of Christmas trees and nursery stock shall be permitted outside a building unless otherwise prohibited under the terms of this title.
- D. No dust, odor, smoke, vibration or intermittent light, glare or noise shall be emitted which is discernible beyond the premises except for normal traffic movements.
- E. All off street parking shall be hard surfaced. See section 10-2-5, "Off Street Parking Requirements", of this title.
- F. All buildings located adjacent to a major street shall have at least one entranceway facing onto said street. (Ord. 2012-01, 7-10-2012)
- G. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.
- H. No accessory structures shall be used for living quarters

TITLE 10 ZONING REGULATIONS

CHAPTER 10 I-1 INDUSTRIAL ZONE

SECTION:

- 10-10-1: Regulations
- 10-10-2: Intent
- 10-10-3: Permitted Uses
- 10-10-4: Area, Frontage, Yard And Height Regulations
- 10-10-5: Yard Space For One Building Only
- 10-10-6: Sale Or Lease Of Required Space Prohibited
- 10-10-7: Accessory Buildings Prohibited As Living Quarters
- 10-10-8: Sewage Disposal
- 10-10-9: Water Connections
- 10-10-10: Drainage
- 10-10-11: Motor Vehicle Access
- 10-10-12: Pollution Prevention
- 10-10-13: Special Provisions

10-10-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-10-2: INTENT:

The intent in establishing the I-1 industrial zone is to provide a place for the operation of industry in a location where impacts on residential areas are minimized. (Ord. 2012-01, 7-10-2012)

10-10-3: PERMITTED USES:

- A. The following uses shall be authorized by a conditional use permit issued by the city:
 - Accessory buildings shall be permitted in this zone and may include, but are not limited to, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in this zone.
 - Automobile and truck repair establishments, and auto body repair shops.

Automobile, motorcycle, ATV, snowmobile sales and rental structures and lots (for both new and used units). Also, the related repair facilities when such facilities are included as an integral part of the sales structure.

Automotive service establishments, including gasoline stations, bulk petroleum storage, car washes, parking lots and storage garages.

Buildings exceeding thirty feet (30') in height.

Buildings over twenty-thousand square feet (20,000 sq ft) on the ground floor.

Care and keeping of livestock and fowl and the barns, corrals, pens and sheds for the care and keeping of permitted animals and fowl.

Communication towers.

Concrete mixing, gravel crushing, stonecutting, and rock, sand and gravel distribution.

Convenience goods stores (minimarkets) for the sale of food and variety products, provided such stores are part of gasoline stations.

Diagonal parking shall conform with section 10-2-12 of this title.

Establishments for the sale of hardware, lumber, plumbing and heating equipment and similar building products, and the storage of supplies and materials used in conjunction with such establishments.

Fences shall conform with section 10-10-13A of this title.

Growing of field crops and fruit and the machinery and equipment sheds used for storage of equipment in connection with agricultural activities performed on the premises.

Impound yards, automobile wrecking yards.

Iron and steel fabrication, metalworking and welding shops.

Junkyards, collecting of rags, paper, iron or scrap materials.

Landscaping businesses, plant nurseries and shops, including storage of equipment and materials.

Lumber and planing mills, cabinetry, and taxidermy, and the equipment and materials storage used in conjunction with these businesses.

Machine shops.

Metal casting.

Ore reduction and processing.

Portable Storage Containers shall conform with section 10-2-10 of this title.

Public buildings for mechanical uses, livestock impoundments, storage yards, and repair shops.

Sexually oriented business subject to Title 3 Chapter 11 of city code.

Signs shall conform with section 10-2-6 of this title.

Slaughter houses, meat packaging, and wholesale distribution of meat products.

Temporary uses shall conform with section 10-2-9 of this title.

Tire recycling and storage establishments.

Warehousing and storage.

B. All permitted uses shall comply with the special provisions at 10-10-13 of this title.

10-10-4: AREA, FRONTAGE, AND HEIGHT REGULATIONS:

There shall be no area, width, height, and location requirements for buildings and structures constructed in accordance with the building code except that an area sufficient to accommodate parking, loading, unloading and vehicular access shall be provided and maintained. (Ord. 2012-01, 7-10-2012)

10-10-5: YARD SPACE FOR ONE BUILDING ONLY:

No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

10-10-6: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard, area, coverage, parting or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-10-7: BUILDINGS PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters in any building are prohibited. (Ord. 2012-01, 7-10-2012)

10-10-8: SEWAGE DISPOSAL:

A. Sewer connections shall comply with Title 8 of city code.

B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-10-9: WATER CONNECTIONS:

- A. All potable water shall be provided by connections with the municipal water source where available and in accordance with Title 8 of city code.
- B. Where no public water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy is issued.

10-10-10: DRAINAGE:

- A. Drainage corridors shall be protected in accordance with 10-12-2 of city code.

10-10-11: MOTOR VEHICLE ACCESS:

- A. Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:
 - 1. Access shall be by not more than two (2) driveways from any one street.
 - 2. Driveways shall be not closer to each other than twenty feet (20').
 - 3. On corner lots, no driveways shall be less than fifteen feet (15') to the point of intersection of the front property line with the side property line which abuts upon a street.
 - 4. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-10-12: POLLUTION PREVENTION:

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-10-13: SPECIAL PROVISIONS:

- A. All material, merchandise, and equipment (except vehicles in running order) shall be stored within an enclosed building or within an enclosure surrounded by a fence not less than six feet (6') in height.
- B. All display, sale and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including, but not limited to, automobile sales lots and automobile service stations.
- C. Temporary sales of Christmas trees and nursery stock shall be permitted outside of a building unless otherwise prohibited under the terms of this title.
- D. All off street parking shall be hard surfaced.
- E. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.

- F. All gasoline service station pumps shall be set back at least twenty feet (20') from all property lines.
- G. For lots or parcels one (1) acre and less applicant shall provide the following information on a preliminary sketch:
 - 1. General topography and drainage direction arrows for the property.
 - 2. Drainage channels.
 - 3. All utility easements, both recorded and marked in the field by flagging.
 - 4. Marked up zoning map of area where the property is located and the location of any residential areas within fifty feet (50') of the property.
- H. For lots or parcels greater than one (1) acre applicant shall provide the following information on a preliminary civil engineering plan prepared by a civil engineer:
 - 1. Contour plan at a scale not greater than fifty feet (50') to the inch and at vertical intervals of not more than two feet (2').
 - 2. Drainage channels and direction arrows for the property.
 - 3. Layout of the building(s) with all setbacks
 - 4. Driveway access from a city street and internal traffic flow design.
 - 5. All utility easements, both recorded and marked in the field by flagging.
 - 6. Sewer and water from the building to their point of connection.

11-1-9: RESIDENTIAL INFILLING:

All subdivision codes must be adhered to and followed whenever a property owner splits one parcel of property into two (2) or more parcels.

A Exception to subdivision requirements, all requirements must be met in order to be considered residential infilling.

1 All created parcels must front an existing city street and have at least sixty feet (60') of frontage on said street.

2 All created parcels must meet the minimum square footage requirements of five thousand four hundred forty-five (5,445) square feet.

B If the creation of multiple parcels requires the creation of a new street or private drive to access any of the parcels, residential infilling will not be allowed, and the subdivision code must be followed.

C If no utilities are present on the existing city street on which the proposed infill would occur then the residential infilling will not be allowed, and the subdivision code must be followed.
(Ord. 2012-01, 7-10-2012)

Code 4-2-1-1: DEFINITIONS

NUISANCE: A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property

- A. The following are factors that may be considered but may not necessarily be dispositive in determining nuisances and is not an exclusive list:
 - 1) noise that by reason of time, nature, intensity or duration are out of character with the noise customarily heard in the surrounding area.
 - 2) Disturbing the peace of the surrounding properties by engaging in shouting, fighting, loud music, racing of cars or recreational vehicles on streets, or other similar activities after 10:00 p.m. or similar activities that results in law enforcement response and action.
 - 3) interference with the privacy of neighboring properties or trespassing onto surrounding property.
 - 4) the presence or release of noxious or offensive odors that passes onto the surrounding property.
 - 5) excessive foot or vehicular traffic after 10:00 p.m. or the repeated blocking of the streets or creation of excessive vehicle traffic to or from the property out of character with the traffic customary for the surrounding area.
 - 6) the collection or storage of materials, refuse, or equipment at a dwelling or dwelling accessory building or in the surrounding yard out of character with that customary for the surrounding area.
 - 7) the dilapidation of the structures on the property or of the yard in contrast to the character of the surrounding properties.
 - 8) the manufacture, distribution, possession, or presence of illegal substances on the property.
 - 9) water discharge, runoff, surface drainage, or animal waste that leaves the property or contaminates water ways or drainages.
- B. The following are factors which may weigh against the finding of a nuisance which may not necessarily be dispositive and is not an exclusive list:
 - 1) noise, dust, odors, exhaust, storage of equipment, and materials caused by the temporary process of construction on the property.
 - 2) Whether the activity on the property existed prior to the change in the character of the area.
 - 3) Temporary road closure that has been permitted by the appropriate entity.
 - 4) Allowed recreational activities at public or private parks that occur occasionally.

4-2-1-2: RESPONSIBLE PERSONS DEFINED

Where a nuisance exists upon property and is the outgrowth of the usual, natural, or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof.

4-2-1-3: DECLARATION OF SPECIFIC NUISANCES

The city may avail itself of all remedies available at law or in equity to abate any nuisance or public nuisance. Each of the following acts is hereby declared to be a nuisance and may be abated in as such:

- A. Any act which constitutes a nuisance or public nuisance under state law;
- B. The occupation of any building or structure for which a certificate of occupancy and land use compliance has not been issued; and
- C. The occupation or use of a building or structure with a greater density or intensity of use than is permitted in the certificate of occupancy and land use compliance.
- D. Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive water, chemical, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash,

natural watercourse, ditch, canal, or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.

- E. Befouling Culinary Water: Befouling in any spring, stream, well or water source supplying water for culinary purposes.

Other actions may be shown by evidence to constitute a nuisance resulting in a title violation as outlined in this chapter. The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this Chapter.

4-2-1-4: NUISANCE PROHIBITED

No responsible person or property owner shall allow a nuisance to exist or continue on their property.

4-2-2-1: DUTY OF MAINTENANCE OF PRIVATE PROPERTY

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

4-2-2-2: ENFORCEMENT ACTION

The provisions of this title shall be administered by Planning and Zoning Administrator, under the supervision of the City Council. The enforcement officer may investigate alleged violations of this title and may initiate enforcement actions if violations are found to exist. The enforcement officer shall be authorized to make examination and investigation of all real property in the city, as allowed by law, to determine whether the responsible person is complying with the provisions of this chapter. The City Council may, in its discretion, instruct the City Attorney to file such actions in court as are necessary upon a showing of a violation. The city's non-enforcement of any of the requirements of this chapter or conditions or rules imposed through this title shall not operate to waive or stop the city from pursuing subsequent enforcement actions. Permits issued in violation of this title shall have no force or effect.

A. Responsibility for Violation of Chapter: Anyone found to have committed a violation of this chapter or any condition or rules imposed through this title is a violating person and is responsible for correcting violations. In the event a violating person cannot be ascertained after the exercise of due diligence, the city may also institute proceedings as allowed by this section or law against the property on which the violation has been committed.

B. Finding of Violation: If, after investigating, the enforcement officer has determined that a violation exists, the enforcement officer may attempt to have the responsible person correct the violation in accordance with this section. The officer may pursue any remedy or combination of remedies available pursuant to this title, state law, or common law to correct the violation. Nothing in this section shall be interpreted to prohibit the city from engaging in its standard prosecution practices without first having to comply with the provisions of this section. In the event a responsible person cannot be ascertained, the city shall post notice on the property on which a title violation has been committed and may institute proceedings against the property or property owner itself as allowed by law.

C. Notice Of Violation:

1. Except as otherwise provided by city ordinance, whenever a violation is found to exist and the Enforcement Officer determines action should be taken, the Enforcement Officer shall first serve written notice to the responsible person before other remedies in this section are taken. The notice of violation shall contain:
 - i. The location of the violation, if the same is stationary;
 - ii. A description of what constitutes the violation;
 - iii. A list of the acts necessary to correct the violation ("corrective action");
 - iv. The warning period, including the completion date, in which the responsible person may

cure the violation before civil fines are assessed for the violation;

v. A statement of the actions the city will take if the violation is not corrected within the warning period; and

vi. A statement that the responsible person may enter into a voluntary correction agreement during the warning period to prevent further action by the city.

2. The written notice shall be delivered personally or sent via certified mail to the responsible person's address, as shown on the records of the city recorder, and to any other person who may be responsible for the violation.
3. The written notice shall serve to start any warning periods provided in this section, commencing upon receipt of notice. If the violation remains uncured once the warning period expires, the civil penalties shall begin to accrue in accordance with this section.
4. In cases where the enforcement officer determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this title, the enforcement officer may seek immediate enforcement under subsection F2 of this section without prior written notice.

D. Civil Fines:

1. Civil fines shall be assessed to the responsible person for uncorrected violations beginning on the day following the completion date (as stated in either the notice of violation or the voluntary correction agreement). The amount of such fine shall be fifty dollars (\$50.00) for each day the violation continues after the completion date.
2. Daily Violation: Each day a violation is continued or maintained after the completion date shall give rise to a separate civil fine. All applicable fines shall cease the following day after the enforcement officer receives written notice from the responsible person that the corrective action is complete. The City may waive any fees accrued if corrective action is completed. Within five (5) business days, the enforcement officer shall inspect and pass off the corrective action as completed, and, if not completed, fines shall be applied retroactively to the date notification was received and shall continue to accrue in accordance with this section.
3. The civil fine shall be cumulative. Payment of a civil fine pursuant to this section does not relieve the responsible person from the duty to correct the violation. The civil fine constitutes a personal obligation of the responsible person or a lien against the subject property, as the case requires. Any civil fine assessed must be paid to the city within thirty (30) calendar days of incurrence.
4. The city Planning & Zoning Administrator, upon approval by the city council, is authorized to take appropriate action to negotiate the amount of the civil fine, collect the fine, determine the time period in which the fine shall be paid, and take any other action necessary to resolve the fine.
5. Collection: The City is authorized to take appropriate action to collect the civil fines by any and all appropriate means, whether in personam or in rem. The city may collect reasonable attorney fees and costs incurred in collecting the civil fine where allowed by law. The city may collect pre- and post-judgment interest on such civil fines.
6. The incurrence of civil fines under this section shall not limit the available remedies of the city under this section.

E. Voluntary Corrective Action: The enforcement officer may allow the responsible person to take voluntary correction action. Voluntary correction action allows the responsible person to correct the violation within a specified time and according to specified conditions. If the responsible person completes the voluntary corrective action, the city will take no further actions against the responsible person, unless a violation recurs. This option is a

privilege and not a right, and, if the circumstances warrant, the enforcement officer may choose to correct the violation using one or more of the other procedures set forth in this title or law.

1. Contents of a written voluntary corrective action shall include the following:
 - i. The name and address of the responsible person;
 - ii. The street address of the title violation, or a description sufficient to identify the building, structure, premises or land upon or within which the violation exists;
 - iii. A description of the violation;
 - iv. The necessary corrective action to be taken, and a date or time by which correction or abatement must be completed ("completion date"). The completion date shall not be longer than six (6) months from the date the agreement is entered into;
 - v. An agreement by the responsible person that the city may inspect the premises as may be necessary to determine compliance with the voluntary corrective action
 - vi. An agreement by the responsible person that, if the terms of the agreement are not met, the city may:
 - a. Issue a civil fine or criminal citation;
 - b. Correct the violation, recover its costs and expenses, and place a lien on the property; and/or
 - c. Pursue any other legal remedy available;
 - vii. An agreement by the responsible person acknowledging that he/she waives the right to appeal the enforcement officer's finding that a violation exists and the right to appeal the specific corrective action required by the voluntary correction agreement; and
 - viii. An acknowledgement by the responsible person that failure to comply with the voluntary correction agreement may be grounds for criminal prosecution.
2. Extension of Time: The enforcement officer may grant an extension of time for correcting the violation for completion of the voluntary corrective action if the responsible person has shown due diligence and/or substantial progress in abating the violation but unforeseen circumstances render correction or abatement under the original conditions unattainable.
3. Temporary Stay: The enforcement officer will delay further enforcement actions and monetary fines will be temporarily suspended once a voluntary corrective action has been undertaken. However, the responsible person shall still be liable for any accrued fines.
4. Failure to Comply: Failure to complete the corrective action by the completion date shall constitute an additional violation and shall be handled in accordance with this section, except that no further notice need be given before enforcement proceedings are initiated. The city may proceed on the violation pertaining to failure to comply with the voluntary corrective action and/or the original violation. Monetary fines shall be imposed from either the date of the initial violation or the day following the failure to comply with the voluntary corrective action and shall continue to accrue thereafter as set forth in this Section.

F. Abatement By City:

1. Once the enforcement officer has exercised due diligence in obtaining compliance from the responsible person in accordance with this section and this title, and the responsible person fails to correct the violation, it shall then constitute a Class B misdemeanor. Upon conviction of the violating party of the violation a court may authorize the city to enter upon the subject property and remove, correct, or abate the condition which is subject to the violation. The city shall provide the court an itemized statement of all expenses incurred in the removal and any destruction and request payment within sixty (60) days as restitution in the court case. The court may authorize seizure of personal property as restitution.

2. Emergency Abatement: Whenever a violation constitutes an immediate and emergent threat to the public health, safety, or welfare, or to the environment, the city, when feasible and allowed by law, may summarily and without prior notice correct or abate the condition. Notice of such abatement, including the reason for it, shall be given to the responsible person as soon as reasonably possible after the correction or abatement.
3. Confiscation of Property: During an abatement proceeding, any personal property constituting a violation may be confiscated as part of the abatement process. Any property that has been confiscated will be held pending order of restitution. The owner may recover the property upon showing that the violation has been corrected or that substantial efforts, as determined by the enforcement officer, have been made to correct the violation; provided, however, that the property owner pay the cost of storage of the property. If, after ninety (90) days of the property being confiscated, the property owner fails to claim the confiscated property, and after the city complies with the requirements of Utah Code Annotated section 77-24a-5, as amended, the city may dispose of the property, including sale at auction, disposal, etc., and seek to collect the cost of storage from the property owner. The city may also pursue any other remedy as allowed by law.
4. Costs Declared Lien: Any and all costs incurred by the city in the abatement of a violation under the provisions of this title or other city ordinance shall constitute a lien against the property upon which such violation existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

G. Civil Enforcement: Appropriate actions and proceedings may be taken by the city in law or in equity to prevent any violation of this title, to prevent unlawful construction, to recover damages, including the cost, if any, of correcting the violation, to restrain, correct or abate a violation, and to prevent illegal occupancy of a building, structure or premises.

H. Nonexclusive Remedies, Building Permits, Etc.: The City may take any or all of the actions listed in this title to abate, enjoin or correct a violation, including against any person or entity that creates, causes, or allows a violation to exist, and to recover damages for violation of this title or other city zoning ordinances. The abatement of a violation does not prejudice the right of the city or any person to recover damages or penalties for its past existence. Notwithstanding the procedures outlined in this section, the city may also enforce this title and other violations as provided under State law.

4-2-2-3 REQUEST FOR HEARING

A Informal Hearing; Written Decision: At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice of a violation on property, the City Council shall conduct an informal hearing (which need not be reported), wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this Chapter. The City Council shall also permit the presentation of evidence and argument by the enforcement officer and other interested parties. Thereafter within not less than five (5) nor more than twenty-one (21) days, the City Council shall, over the signature of the Mayor, or such other member of the City Council as it may designate, render its written decision, a copy of which shall be mailed to or served upon the owner or any other person to whom the original notice was given by the enforcement officer.

B Notice Of Decision; Abatement By Owner Or Occupant: In the event the decision of the City Council upholds the determination, the notice originally given by the enforcement officer as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the violation, and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the enforcement officer.

C Time Period For Compliance: In the event that the decision of the City Council either overrules or modifies the determination, the written decision of the City Council shall inform the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the violation, if any. The owner or occupant shall be required to conform to the decision of the City Council within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision, unless additional time is authorized by the City Council.



CITY OF MONTICELLO

STREET MAINTENANCE 2022-2023

Mastic One Plexi Melt 33339-PM	50,400 lbs	21 pallets	\$30,598.00
MasticPatcher II Rental	4 weeks		\$6,400.00
Freight			\$1,800.00
Deery 103 UT Spec Plexi 80103UT-PM	31,360 lbs	16 pallets	\$18,816.00
Freight			\$1,800.00
<i>Mastic Patching and Crack Sealing material to be installed by Monticello PW Dept - Fall 2022 and Spring 2023</i>			
Total Sealant			\$59,414.00
Pavement Management Plan			\$ 15,800.00
Total Expense 2022-2023 budget			\$75,214.00

Chip Seals Planned in Summer of 2023 (tentative)

1 yd² \$ **4.90**

Street	From	TO	W '	L'	Square Yards	Estimate
100 NORTH	100 West	200 West	50	530	2,944	\$14,427.78
100 NORTH	100 West	Main Street	49	484.1	2,636	\$12,916.05
100 NORTH	300 West	400 West	39	622.6	2,698	\$13,219.24
100 NORTH	300 West	200 West	46	514.9	2,632	\$12,895.13
						\$0.00
CENTER ST	MAIN ST	300 WEST	59	1546	10,135	\$49,660.96
300 WEST	100 North	Center Street	48	514.8	2,745	\$13,452.13
						\$0.00
						\$0.00
100 West	Center St	100 North	60	505	3,367	\$16,496.67
100 West	200 North	100 North	60	512.4	3,416	\$16,739.71
100 West	400 North	200 North	40	1100.2	5,023	\$24,613.03
						\$0.00
200 North	100 West	Main Street	56	475.0	2,955	\$14,481.92
200 NORTH	150 West	100 West	56	267.3	1,663	\$8,149.98
200 NORTH	200 West	150 West	56	265.9	1,655	\$8,107.61

SubTotal Chip Seal 41,869 \$ 205,160.19

20% Contingency \$ 41,032.04

Total Chip Seals \$ 246,192.23

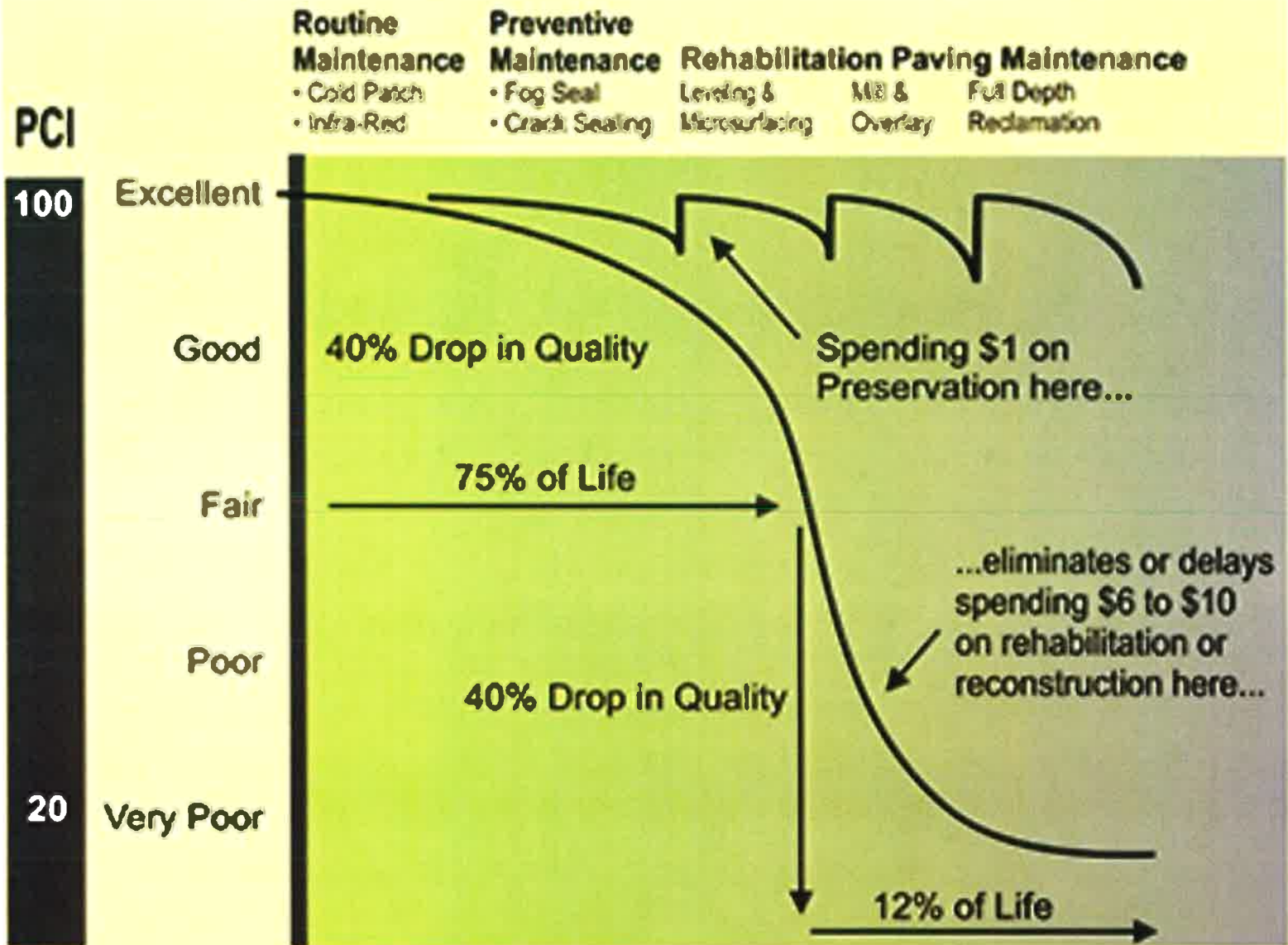
Transportation District Grant \$ 120,000.00

City Portion Budget 2023-2024 FY \$ 126,192.23

STREET BUDGET REVIEW

	2019 Actual	2020 Actual	2021 Actual	2021 Budget	2022 YTD	2022 Budget	2022 Revised	2023 Budget
4410.010 Streets Local Option Highway Tax SALARIES & WAGES	\$792	\$0	\$0	\$0	\$0	\$1,000	\$1,000	\$1,000
4410.110 Streets SALARIES & WAGES	\$58,262	\$54,363	\$61,509	\$58,000	\$26,881	\$57,496	\$57,496	\$58,000
4410.115 Streets <i>Cares Act</i> SALARIES & WAGES					\$0	\$0		\$0
4410.130 Streets EMPLOYEE BENEFITS	\$39,909	\$35,015	\$42,061	\$37,000	\$16,590	\$35,475	\$35,475	\$36,000
4410.140 Streets OTHER BENEFITS					\$0	\$0		\$0
4410.230 Streets TRAVEL & TRAINING	\$187	\$13	\$76	\$100	\$0	\$500	\$500	\$500
4410.250 Streets SUPP & MAINT - EQUIP	\$6,849	\$6,098	\$8,219	\$7,000	\$3,643	\$7,500	\$7,500	\$7,500
4410.252 Streets FUEL	\$5,730	\$4,211	\$6,052	\$4,500	\$1,844	\$6,000	\$6,000	\$6,000
4410.280 Streets UTILITIES	\$39,306	\$43,713	\$39,937	\$37,000	\$13,354	\$37,000	\$37,000	\$37,000
4410.310 Class C - PROFESSIONAL/TECHNICAL	\$134	\$0	\$100	\$200	\$203	\$200	\$200	\$200
4410.480 Class C - SIGNS	\$1,040	\$675	\$3,335	\$2,900	\$620	\$1,200	\$1,200	\$1,200
4410.481 Class C - HARDSURFACE MATERIAL	\$6,369	\$2,670	\$8,680	\$7,500	\$1,463	\$8,000	\$8,000	\$10,000
4410.482 Class C - BASE MATERIAL	\$0	\$470	\$256	\$1,000	\$150	\$1,000	\$1,000	\$6,000
4410.483 Class C - CRUMB RUBBER	\$4,233	\$2,800	\$5,328	\$5,500	\$0	\$6,000	\$6,000	\$6,000
4410.610 Streets MISCELLANEOUS	\$920	\$812	\$737	\$1,000	\$515	\$1,000	\$1,000	\$1,000
4410.740 Class C - SIDEWALK	\$0	\$0	\$0	\$0	\$6,022	\$0	\$6,500	\$5,000
4410.810 Streets Project Bond - Principal	\$100,000	\$100,000	\$0	\$0	\$0	\$0		\$130,000
4415.481 Class C Maintenance	\$1,421	\$16,808	\$11,505	\$10,000	\$0	\$65,000	\$18,000	
4415.740 Class C Capital outlay	\$0	\$0	\$0	\$0	\$0	\$45,000		
Total Highways		\$267,648	\$187,795	\$171,700	\$71,285	\$272,371	\$251,871	\$305,400
3375 Transportation District Grants		\$267,648	\$187,795		\$0	\$0		\$120,000
					\$71,285	\$272,371	\$251,871	\$185,400

3356 Class C Roads	\$116,289	\$124,496	\$0	\$115,000	\$0	\$120,000		\$120,000
PTIF 1710 C ROADS BALANCE at end of F.Y.	\$94,621	\$215,793	\$359,985		\$377,548			





November 10, 2022

Nathan Langston
Public Works Director
City of Monticello
P.O. Box 457
Monticello, UT 84535

RE: Monticello Pavement Management Plan

Dear Nathan:

We appreciate the opportunity to provide a proposal for the above-referenced project. It is our understanding the City of Monticello intends to create a management plan for paved city streets.

Jones & DeMille Engineering (JDE) has the necessary resources and expertise to complete this important project. The proposed scope of work and associated schedule and fees are as follows:

SCOPE OF WORK

- Up to three (3) coordination meetings
- Design geodatabase
- Prepare road inventory segments
- Conduct field evaluations for city streets
- Remaining Service Life (RSL) analysis
- Compile existing condition assessments
- Review deficiencies from field assessments and provide electronic report outlining treatments for existing pavement conditions recommendations.
- Provide 5-7 year maintenance plan
- Maintenance plan review with client
- Cost and estimating of recommendations

SCHEDULE

JDE will work to complete the above scope of work in a reasonable, timely manner according to the project and funding needs. An earnest effort will be made to complete the services within owner's time constraints.

1635 South 100 West
Richfield, UT 84701
435 396 8266

50 South Main, Suite 1
Monticello, UT 84502
435 835 1540

38 West 100 North
Vernal, UT 84078
435 781 988

615 South Highway 10
Panguitch, UT 84650
435 637 8266

520 West Highway 10
Rockwell, UT 84066
435 722 3267

115 West 200 North
Suite 210A
Springville, UT 84401
801 522 1212

664 South Dixie Drive
Building B
St. George, UT 84202
435 786 7612

7 South Main Street
Suite 100
Panguitch, UT 84651
435 268 8089

995 North Main Street
PO Box 51
Monticello, UT 84535
435 561 2131

1445 East Chippewa Drive
Suite 100
Springville, UT 84405
801 786 8089

FEES

The foregoing scope of work for design services can be completed for a lump sum fee of **\$15,800**. Any adjustments to the scope of work would be completed according to our standard hourly rates.

CLOSURE

We appreciate and look forward to the opportunity to work on this important project. Our team has the proven capabilities to complete this work in a timely and efficient manner. We look forward to helping you shape the quality of life of those you serve. Please review this proposal and let us know if there are any questions or concerns.

Sincerely,

JONES & DeMILLE ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "Scoot Flannery", is written over a light blue horizontal line.

Scoot Flannery, PE
Project Manager





Pricing Quote

Quote #: 71982-1003

Date Quoted: November 7, 2022

Quote Expires: December 7, 2022

Prepared For:

Caleb Bailey
Hideout Golf Course

Prepared By:

Turf Equipment & Irrigation - Salt Lake City
Jeff Murdock
1630 S. Gladiola Street
Salt Lake City, UT 84104
Phone: 4356590294

Thank you for the opportunity to quote the following Ventrac product(s) for your review. I have added the items that we feel would best serve your needs. Please feel free to contact me with any questions.

QTY	Model #	Description	Unit Price	Total
1	4520Z (39.51215)	Ventrac Tractor: KN, 4520Z Kubota WG972-GL <i>Included Standard: Weight Transfer, SDLA Hand Controls, 4 Rear Weights, Front Fenders, Foot Pegs</i>	29,915.00	29,915.00
1	70.4130	Kit, WG972 Comp. 4300-8900 FT	62.17	62.17
1	70.4161	Accessory: 12V FRONT Kit, 12V Front 4520	375.00	375.00
1	70.4067	Accessory: DUAL WHEEL KIT Kit, Duals Field Trax Black	1,550.00	1,550.00
1	70.4140	Accessory: DIGITAL SLOPE GAUGE Kit, Slope Indicator	420.00	420.00
1	MJ840 (39.55160)	Attachment: MOWERS - CONTOUR DECK MJ, MJ840 Contour Mower	9,250.00	9,250.00
1	EA600 (39.55460)	Attachment: AERA-VATOR EA, EA600 Aera-vator	7,650.00	7,650.00
1	70.8014	Accessory: Kit, Opt Roller EA	330.00	330.00
1	70.8015	Accessory: Kit, Opt Seeder EA	3,215.00	3,215.00
TOTAL USD \$				52,767.17

Notes:

UTAH STATE CONTRACT MA2188



3653 SOUTH 500 WEST
S. SALT LAKE CITY, UTAH 84115
PH: 801-322-4653 Cell: 801-897-1200



November 1, 2022

Jeff Simon
Hideout Golf Club / Monticello City
648 S. Hideout Way
Monticello, UT 84535

	<u>Unit Price</u>	<u>Total Price</u>	<u>Agreed</u>
PAYMENT (Due Monthly) 50 Total Vehicles:	\$73.11	\$3,655.41*	_____

Vehicles Included:

Qty. 50

- 2023 Yamaha DR2A Drive 2, with 357 cc Yamaha Fuel Injected Engine
- Glacier White Body Panels
- Sand and Seed Bottle
- Silver Factory Wheel Covers

***Quoted prices do not include applicable sales and property taxes, which are the responsibility of the lessee**

Note: 60-Month Lease Term - Payments Due Monthly - 1st Payment Due Upon Delivery
NO Purchase Option Available On This Lease.

Lease subject to credit approval and completion of applicable lease documents.

Delivery Estimate: TBD

Warranty: 4 Year Factory Warranty

Acceptance: Please note acknowledgement to the agreement above by signing below:

Customer Acceptance:

Customer's Signature

Please Print Name

Date

Thanks for your business!

Sincerely,

Mike Lasater

Fleet Sales Manager
Cell #801-897-1200
mike@highlandgolf.net



3653 SOUTH 500 WEST
S. SALT LAKE CITY, UTAH 84115
PH: 801-322-4653 Cell: 801-897-1200

November 1, 2022

Jeff Simon
Hideout Golf Club / Monticello City
648 S. Hideout Way
Monticello, UT 84535

	<u>Unit Price</u>	<u>Total Price</u>	<u>Agreed</u>
PAYMENT (Due Monthly) 50 Total Vehicles:	\$66.50	\$3,325.07*	_____

Vehicles Included:

Qty. 50

- 2023 Yamaha DR2A Drive 2, with 357 cc Yamaha Fuel Injected Engine
- Glacier White Body Panels
- Sand and Seed Bottle
- Silver Factory Wheel Covers

***Quoted prices do not include applicable sales and property taxes, which are the responsibility of the lessee**

Note: 72-Month Lease Term - Payments Due Monthly - 1st Payment Due Upon Delivery
NO Purchase Option Available On This Lease.

Lease subject to credit approval and completion of applicable lease documents.

Delivery Estimate: TBD

Warranty: 4 Year Factory Warranty

Acceptance: Please note acknowledgement to the agreement above by signing below:

Customer Acceptance:

Customer's Signature

Please Print Name

Date

Thanks for your business!

Sincerely,

Mike Lasater

Fleet Sales Manager
Cell #801-897-1200
mike@highlandgolf.net



3653 SOUTH 500 WEST
S. SALT LAKE CITY, UTAH 84115
PH: 801-322-4653 Cell: 801-897-1200

November 1, 2022

Jeff Simon
Hideout Golf Club / Monticello City
648 S. Hideout Way
Monticello, UT 84535

	<u>Unit Price</u>	<u>Total Price</u>	<u>Agreed</u>
PAYMENT (Due Monthly) 50 Total Vehicles:	\$61.32	\$3,065.82*	<u> </u>

Vehicles Included:

Qty. 50

- 2023 Yamaha DR2A Drive 2, with 357 cc Yamaha Fuel Injected Engine
- Glacier White Body Panels
- Sand and Seed Bottle
- Silver Factory Wheel Covers

*Quoted prices do not include applicable sales and property taxes, which are the responsibility of the lessee

Note: 84-Month Lease Term - Payments Due Monthly - 1st Payment Due Upon Delivery
NO Purchase Option Available On This Lease.

Lease subject to credit approval and completion of applicable lease documents.

Delivery Estimate: TBD

Warranty: 4 Year Factory Warranty

Acceptance: Please note acknowledgement to the agreement above by signing below:

Customer Acceptance:

Customer's Signature

Please Print Name

Date

Thanks for your business!

Sincerely,

Mike Lasater

Fleet Sales Manager
Cell #801-897-1200
mike@highlandgolf.net

Proposal to Provide Audit Services

City of Monticello

Submitted by Aycock, Miles & Associates, CPAs, P.C.

Contact Information

Aycock, Miles & Associates, CPAs, P.C.

58 East 100 North, Roosevelt, Utah 84066

Mike Miles, Audit Partner

mikemiles@stratanet.com

(435) 722-5153

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Services to the City of Monticello

Our firm's principal service to the City of Monticello will be an examination of the financial statements. We will perform this examination in accordance with generally accepted auditing standards adopted by the American Institute of Certified Public Accountants including tests of accounting data and procedures that we consider necessary in the circumstances. We commit to providing the reports by their applicable due dates as set forth by the State Auditor's Office. If the City is able to provide necessary data in a timely manner, we will deliver a financial statement draft by December 20th with final submission by December 28th. We will provide the following services:

- Audit of financial statements, including *Government Auditing Standards* report
- Single Audit (examination of federal grants, if applicable)
- Drafting, typing, and printing of financial statements
- State of Utah Compliance audit
- Management letter, as appropriate
- Advisory services within our ability to retain independence

Profile and Qualifications of Audit Firm

Description of Firm

Our CPA firm is located in Roosevelt, Utah. We have served businesses and governments in Utah for over 28 years. Our office has three CPAs and three senior accountants. We audit entities that range from local districts to counties, cities, electric utilities, and health care facilities. Our audit workpapers have been reviewed by the Utah Auditor's Office and received a *pass* rating (their highest rating). We are members of both the American Institute of Certified Public Accountants (AICPA) and the Utah Association of Certified Public Accountants (UACPA). Our Firm is licensed to practice in the State of Utah, and we hold current CPA licenses. Our CPAs consistently maintain continuing professional education requirements outlined in *Government Auditing Standards*.

Non-discrimination Clause

Our firm does not discriminate against any individual because of race, religion, sex, color, age, handicap, or national origin; and these are not a factor in consideration for employment, selection of training, promotion, transfer, recruitment, rates of pay, or other forms of compensation, demotion, or separation.

Independence

All members of our accounting firm are independent of the City of Monticello.

Peer Review

Our firm is a member of the AICPA's *Division for CPA Firms*. Membership in the *Division for CPA Firms* requires that we undergo an extensive Peer Review, where another qualified CPA firm reviews the quality of our audit work every three years. We have successfully completed our most recent peer review. Our firm was issued an unqualified opinion by our peer reviewer, Haynie & Company, CPAs from Littleton, Colorado. A copy of the peer review opinion is attached.

Experience

Our CPA firm and key engagement team has over 20 years auditing governmental entities. We have similar experience testing federal and Utah grants and State of Utah compliance requirements that have evolved over the last few years.

- Our audits are completed in a timely and professional manner.
- We currently audit numerous cities and districts that operate Pelorus DGS software.
- We have experience in auditing about forty government entities. Numerous audits that we complete include multiple fund types.
- We currently audit seven Utah cities, four schools, and dozens of special districts.
- We have the experience and resources to commit qualified personnel to meet your deadlines.

References

A great guide you can use to judge the quality of the services that our firm provides is to talk to some of our current audit clients. We have decades of government auditing experience.

Carbon County Recreation & Transportation Special Service District

Price, Utah (435) 636-3263

Linda Ballard, Accountant

Helper City, Utah

Helper, Utah (435) 472-5391

Zac Tonc, City Recorder

Pinnacle Canyon Academy

Price, Utah (435) 613-8102

Roberta Hardy, CEO

Seven County Infrastructure Coalition

Price, Utah (435) 637-1203

Keith Heaton, Executive Director

Town of Elmo

Elmo, Utah (435) 653-2695

Delena Fish, Office Manager

Wellington City, Utah

Wellington, Utah (435) 637-5213

Kane County Water Conservancy District

Kanab, Utah (435) 644-3997

Amanda Buhler, Accountant & Office Manager

Other governmental & private audit client references are available upon request.

Key Engagement Team

Audit Partner—Mike Miles is the audit partner for our firm. He will be the primary contact and will be responsible for the following.

- Overall planning and coordination of all professional services rendered to you.
- Preparing the detailed engagement plan and budget.
- Determining the overall scope of the examination, audit objectives of the current period and areas requiring special attention.
- Providing direct and frequent communication regarding the progress of the engagement with the appropriate accounting personnel of the City of Monticello during the examination.
- Direct participation in the execution of the audit.

Mike graduated from Brigham Young University with a Master of Accounting Degree and is a Certified Public Accountant. He has governmental and non-profit auditing experience auditing many governmental entities such as Providence City, three charter schools, Northeastern Counseling Center, Duchesne County School District, Wellington City, Helper City, Kane County Water Conservancy District, and many other governmental units. Mike has over 25 years of audit experience.

Audit Manager—Cameron Olson will assist in the completion of the audit. Cameron has over 15 years' experience auditing cities, schools, and governmental units. Cameron graduated from Utah State University with a Master of Business Administration and a Bachelor of Accounting. Cameron is a Certified Public Accountant.

Audit Manager—Clegg Batty will also assist in the completion of the audit. Clegg has about 8 years of experience auditing cities, schools, and governmental units. Clegg has a Master of Accounting degree from Southern Utah University and is a Certified Public Accountant.

Our Audit Approach

Audit Plan

Subject to coordination with the accounting personnel of the City of Monticello, we have determined that our approach to the June 30 audit would be as follows:

Phase I—Upon being selected as your auditors, we will review the system of internal control, document the various accounting systems, and make such tests of the system as we consider necessary in the circumstances. Based on our review and testing, we will prepare a detailed audit plan for the examination of the City of Monticello's financial statements. After preparing this audit plan, we will meet with the appropriate accounting personnel to discuss the audit plan and timetable, and to discuss special audit requirements, if any.

Phase II—In October or November, we anticipate obtaining digital copies of the City's detail general ledger, trial balance and various files of information provided by the City. Pelorus often provides to us a packet of data files. We will complete numerous preliminary and other audit procedures prior to our onsite test work.

Phase III—During the months of October and November, we will begin final field work and perform onsite audit procedures. We will coordinate our visit with the City's finance department. During our testing at the City, we will test numerous source documents. We will also utilize significant item testing and statistical sampling of disbursements. Other account balances will be confirmed or tested analytically. We anticipate completion of field work and audit documentation by mid-December.

Phase IV—We will plan on delivery of the completed audit report and final management letter by mid-December. We expect to deliver a draft financial statement by December 20th and final by December 28th. If files and source documents are not available to us in a timely manner as noted in Phase II and III, then delivery of the audit report will be accordingly later.

Management Letters

During our audit work, we continually identify opportunities for improvements in operating, accounting, and financial management controls. Our findings are grouped according to their significance and functionality and shall be discussed with entity officials to confirm the accuracy of our findings and recommendations. Prior to the issuance of our formal letter, we shall request written responses from the entity officials for each recommendation, which shall be included in the management letter.

Management Advisory Services

We at Aycock, Miles & Associates, CPAs feel that we can provide the City of Monticello valuable consulting services in areas such as: cash management, cash flow strategies, internal control, and other assistance.

Proposed Fee Structure

Our fee estimates are based on a realistic assessment of the amount of time necessary to achieve fully the audit services and related objectives shared by the City of Monticello and our Firm. Fees are normally calculated using standard rate schedules applied to the actual time expended. We estimate approximately 90 hours of audit work based on our experience auditing other cities. We are prepared to render the professional services described herein not to exceed:

<u>Procedures (year-end June 30, 2022)</u>	<u>Hours</u>	<u>Avg Rate</u>	<u>Billing</u>
Planning & preliminary testing	12	\$ 180	\$ 2,160
Offsite testing	30	180	5,400
Onsite testing at City office (2 days)	26	180	4,680
State of Utah compliance testing	6	180	1,080
Financial statement preparation & review	16	180	2,880
Meals and lodging	-	-	200
Total	90		\$ 16,400
Single Audit, if applicable (Federal programs testing)	16	\$ 200	\$ 3,200

<u>Service</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Financial audit	\$ 16,400	\$ 16,700	\$ 17,000	\$ 17,300	\$ 17,600
Single Audit (federal awards)	3,200	3,300	3,400	3,500	3,600

Any additional charges would result only from, (1) an increase in the anticipated scope of the examination due to new additional State and/or Federal guidelines, (2) work other than those services outlined above, or (3) an increase in the anticipated scope of the examination due to an increase in the level of business activity; all of which will be discussed and authorized by the appropriate authorities in writing before the additional work is performed. The hourly rate for any additional work would be as follows:

<u>Personnel</u>	<u>Hourly Rate</u>
Partner	\$ 180
Manager	120
Staff	90

Report on the Firm's System of Quality Control

December 23, 2020

To the Partners of Aycock, Miles & Associates, CPAs and the Peer Review Committee of the Nevada Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Aycock, Miles & Associates, CPAs (the firm) in effect for the year ended June 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Aycock, Miles & Associates, CPAs in effect for the year ended June 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Aycock, Miles & Associates, CPAs has received a peer review rating of *pass*.

Haynie & Company

**PROPOSAL TO PROVIDE
AUDITING SERVICES TO
MONTICELLO CITY**

Prepared: November 28, 2022
Prepared By: Gilbert & Stewart, CPA's
Contact: Ron Stewart, CPA
Email: rstewart@gilbertandstewart.com
Telephone: 801-377-5300



GILBERT & STEWART

CERTIFIED PUBLIC ACCOUNTANTS
A PROFESSIONAL CORPORATION
ESTABLISHED 1974

RANDEL A. HEATON, CPA
LYNN A. GILBERT, CPA
JAMES A. GILBERT, CPA
BEN H. PROBST, CPA
RONALD J. STEWART, CPA

SIDNEY S. GILBERT, CPA
JAMES E. STEWART, CPA

April 22, 2022

Monticello City
Attention: Melissa Gill (City Recorder)
PO Box 457
Monticello, Utah 84535

Thank you for the opportunity to submit our proposal to provide audit services as described in your request for proposal for Monticello City for the year ending June 30, 2022, with possible extensions for four succeeding years. We believe we are the City's best choice for auditing services because we are uniquely qualified and experienced in providing auditing services to governmental entities and to cities in particular.

We believe that our detailed response to the request for proposal demonstrates that:

- We have extensive experience in local government accounting and auditing. We believe that, compared to other firms, large and small, our partners and managers are more directly involved with our clients on a continuing basis. The team that will perform your audit will be highly trained and experienced.
- We have extensive experience auditing cities. Our staff has detailed knowledge of the specific auditing and reporting requirements of cities and all governmental entities.

We are committed to provide Monticello City with technical excellence and superior service with the highest level of professionalism.

Gilbert & Stewart CPA, PC was organized in 1974. We serve our clients from three locations, Provo, American Fork, and Heber. Ron Stewart, CPA, is the individual to contact if questions arise. Our firm contact information is as follows:

Gilbert & Stewart CPA, PC
190 West 800 North, Suite #100
Provo, Utah 84601
(801) 377-5300 (801) 373-5622 (Fax)
Email: rstewart@gilbertandstewart.com

As you read our proposal, you will see that we have the necessary experience, technical expertise and other resources required for this engagement.

We thank you in advance for your consideration.

Ron Stewart

Ron Stewart, CPA

AMERICAN FORK OFFICE
85 NORTH CENTER STREET
AMERICAN FORK, UT 84003
(801) 756-9666
FAX (801) 756-9667

PROVO OFFICE
190 WEST 800 NORTH #100
PROVO, UT 84601
(801) 377-5300
FAX (801) 373-5622

HEBER OFFICE
45 SOUTH MAIN ST
HEBER, UT 84032
(435) 654-6477
FAX (801) 373-5622

WWW.GILBERTANDSTEWART.COM

Gilbert & Stewart Profile

We are pleased to submit the following information in response to your request for a proposal of audit services for Monticello City.

The firm of Gilbert & Stewart CPA PC, a local firm, was organized in 1974 and has served clients from our three locations since that time. Gilbert & Stewart has gained a solid reputation in governmental auditing. The principals of Gilbert & Stewart have been established and practicing for periods up to 44 years. Ron Stewart is the individual to contact if questions arise.

Gilbert & Stewart (A Professional Corporation)
Certified Public Accountants
190 West 800 North, Suite #100
Provo, Utah 84601
(801) 377-5300 (801) 812-8157 (Fax)
Email: rstewart@gilbertandstewart.com

Gilbert and Stewart is a locally owned and managed firm of certified public accountants situated in Provo, Utah. Our firm provides a wide range of professional services in auditing, accounting, tax and management services to a large variety of industries and entities. Our firm operates from one office with satellite offices in American Fork City and Heber City. The Audit of your City will be conducted from our Provo office.

Our professional and support staff consists of the following:

Partners	5
Managers	3
Accountants	9
Interns/Seasonal	4
Secretaries	<u>4</u>
Total Personnel	<u>25</u>

Our personnel have proved to be very stable and we have had very little employee turnover in the last 3 years. We commit to having the same number of professionals on this engagement throughout the entire term of the engagement.

Positive Affirmations

Gilbert & Stewart does not discriminate against any individual because of race, religion, gender, gender expression, color, age, handicap or national origin, disability, marital status, sexual orientation, or military status, and these are not a factor in consideration for employment, selection for training, promotion, transfer, recruitment, rates of pay, or other forms of compensation, demotion or separation.

Gilbert & Stewart is properly licensed for practice as a Certified Public Accounting firm in the State of Utah.

Firm Qualifications

Gilbert & Stewart has had varied and extensive experience in auditing government entities including, cities, counties, school districts, special improvement districts, non-profit government grant agencies, etc. We currently audit over 30 governmental entities. (A list of some audit client references is attached).

The primary focus of our accounting and auditing practice is governmental, not-for-profit, retirement plans, and other industries. Prospective clients are screened carefully to ensure that the principals meet our high standards of integrity and business ethics. We believe that the image of our firm is reflected in the image of our individual clients.

The firm and/or individual principals have the following affiliations and memberships, among others:

1. American Institute of Certified Public Accountants (AICPA)
2. Utah Association of Certified Public Accountants (UACPA)
3. The Government Finance Officers Association (GFOA)
4. The AICPA Center for Audit Quality
5. The Association of Certified Fraud Examiners
6. AICPA Private Companies Practice Section

Members of the firm have conducted seminars, undertaken speaking engagements, and served on various committees and boards including leadership on those committees and boards.

Gilbert & Stewart invest in extensive recruitment processes to seek out only highly qualified and proven personnel to provide exceptional service to our clients. Each year general and specialized training programs are attended by all of our staff. Each member of our staff is required to participate in a minimum of 40 hours of continuing education each year and also participate in at least 24 hours of highly specialized governmental accounting and auditing continuing education every two years.

To maximize our cost effective and efficient auditing techniques, Gilbert & Stewart has made a significant commitment to purchasing and implementing state-of-the-art technology and software systems in our audit processes. We utilize extensive internet, local area network, and electronic paperless work paper solutions that allow our professionals to access all our systems from the field.

Over the years our approach to auditing has been one of providing assistance to audit clients whenever and however possible including, but not limited to, providing management letter recommendations on matters that may come to our attention during the course of the audit. Our collective experience and our library of resource materials allows us to act in a management advisory capacity on accounting, audit, tax, or other issues that may arise during the year. We have also had experience in qualifying several auditees' reports for the certificate of excellence in financial reporting awards given by governmental organizations.

Below is a listing of key personnel that will be assigned to the audit from our Provo office.

Ron Stewart, CPA – Audit Partner
James Gilbert, CPA – Audit Partner
Spencer Hintze, CPA – Audit Manager
Kurt Gilbert, CPA – Audit Staff

Some of the Governmental entities for which we have provided recent audit services include:

Client	Service Performed	Years
South Jordan City Sunil Naidu, Finance Director South Jordan, Utah (801) 254-3742	CAAFR, Single Audit	15
Orem City Brandon Nelson, Manager Orem, Utah (801)-229-7010	CAAFR, Single Audit	7
Syracuse City Stephen Marshall, Admin Serv. Dir. Payson, Utah (801) 465-5205	CAAFR, Single Audit	3

We provide auditing services for many governmental entities including Cities and Counties. Additional references can be provided in needed.

Audit Approach

It is our understanding that this is a proposal to audit the basic financial statements of Monticell City including all governmental activities, each major fund, and the aggregate remaining fund information. All blended and discretely presented component units will be included in the financial statements. This proposal also includes all compliance auditing and control systems review as required by *Government Auditing Standards*, Uniform Guidance and State Compliance Audit Guide.

Our audit will be conducted in accordance with generally accepted auditing standards; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the Single Audit Act, and will include tests of the accounting records of Monticell City and other procedures we consider necessary to enable us to express an unqualified opinion that the financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on Monticell City's compliance with laws and regulations and its internal controls as required by *Government Auditing Standards* and the Single Audit Act. Our audit will also cover all requirements of the State of Utah Legal Compliance Audit Guide.

Our audit fieldwork will be determined by our evaluation of accounting systems and controls, by evaluation of audit risk and materiality, and will consist of both compliance and substantive testing based upon those evaluations. We would expect the cooperation of City personnel in providing a suitable place to work, in helping to locate records, preparation of schedules where possible, and by responding to questions. We would, however, try not to be unnecessarily disruptive of day-to-day operations.

We have studied the Request for Proposal sent by Monticello City and have the ability, experience, and expertise to perform and exceed all the responsibilities required of the auditors.

Time Requirements

We will Start Field work in September of each year and plan our audit to be completed by December. We provide audit services to many entities that have reporting deadlines each year. We pride ourselves on completing those audits on time each year.

With the late start in 2022 we will plan to have the reports ready as soon as the audit is completed, with every effort to complete by the end of the year.

Fee Schedule

Our fee, which includes all out-of-pocket expenses for the audit of the financial statements of Monticello City for the year ended June 30, 2022:

2022	Basic Financial Statements		
	Hourly Rate	Estimated Hours	Estimated Total
Partners	\$ 170	55.00	\$ 9,350
Managers	135	65.00	8,775
Staff	110	71.59	7,875
Total		191.59	26,000
Discount			-
Audit Fees		191.59	\$ 26,000

Our audit fee for the subsequent years will be as follows:

	Basic Financial Statements	Total Not to Exceed Fee
2022	\$ 26,000	\$ 26,000
2023	26,000	26,000
2024	27,000	27,000
2025	27,000	27,000
2026	27,000	27,000
Total	\$ 133,000	\$ 133,000

Other Fees

Gilbert & Stewart has built a reputation on charging our clients what was agreed upon in the RFP. We will not add additional charges to Monticello City, unless there are unforeseen circumstances that would require us to do significantly more work, and only after consulting with the City first. If, however, additional testing work is requested by you it will be billed at our standard hourly rates shown above.

Other Information

What Sets Us Apart

Gilbert & Stewart is different than most firms because partners and managers are on-site performing tests and audit procedures along with other staff members. This allows us to address critical issues up-front rather than later when reviews are performed. We have found that our clients enjoy the interaction with partners and the job is completed in a much more efficient manner when issues can be resolved immediately. Our firm approach is to have a partner on the audit rather than in the office.

PERSONNEL EXPERIENCE AND QUALIFICATIONS OF

JAMES A. GILBERT

Certified Public Accountant

Audit Partner

Graduated	1988
Degree	Master of Accountancy B.S. Degree in Accounting
College	Brigham Young University Marriott School of Management

Qualifications:

Awarded CPA certificate from the State of Utah in 1989.

Began public accounting career in 1987 and since that time has had extensive experience in auditing non-profit and local governmental units. This experience includes but is not limited to:

Audit Partner	Utah County Eagle Mountain City South Jordan City Town of Vineyard Orem City Nebo School District Morgan School District South Summit School District Millard School District North Sanpete School District North Summit School District
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Many other Non-Profit and Governmental Audits

Received a Certificate of Educational Achievement in Governmental Accounting and Auditing. This certificate was issued by the American Institute of CPA's and requires extensive educational requirements and testing.

Attends annual governmental accounting and auditing update courses sponsored by the Utah Association of CPA's and the Utah State Auditor's office.

Attended:	Utah State Government Update: Annually UACPA State & Local Government Update: Annually AICPA Practitioners' Symposium: 2018 (Single Audit, etc.)
Member of:	Utah Association of CPA's State and Local Government Committee American Institute and Utah Association of CPA's, Association of Certified Fraud Examiners, Other Professional Organizations

Past President of the Southern Chapter of the UACPA.

PERSONNEL EXPERIENCE AND QUALIFICATIONS OF

RONALD J STEWART

Certified Public Accountant

Audit Partner

Graduated	1999
Degree	Master of Accountancy B.S. degree in Business Management
College	Weber State University College of Business Utah Valley State College

Qualifications:

Awarded CPA certificate from the State of Utah in 2001.

Began working for Gilbert and Stewart in 1999 and has worked on municipal, non-profit, school district, and commercial audits.

Auditing Experience including but not limited to:

Audit Partner:	Orem City South Jordan City North Ogden City Syracuse Grantsville City Saratoga Springs City Eagle Mountain City Moab City Eureka City Utah County
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Many other Governmental, Non-Profit, and Commercial entities

Attends annual government accounting and auditing update courses sponsored by the Utah Association of CPAs.

Attended: Utah State Government Audit Update (attended annually)
UACPA State & Local Government Update (attended annually)
AICPA Practitioners' Symposium (attended annually)

Member of the American Institute and Utah Association of CPAs,
Member of Government Finance Officers Association
Member of Utah Government Finance Officers Association.

PERSONNEL EXPERIENCE AND QUALIFICATIONS OF

SPENCER HINTZE

Certified Public Accountant

Audit Manager

Graduated	2012
Degree	Master of Accountancy B.S. Accounting
College	Southern Utah University Utah Valley University Woodbury School of Business

Qualifications:

Received Certified Public Accountant license from State of Utah in 2018.

Began working for Gilbert and Stewart in 2012 and has worked on municipal, non-profit, school district, employee benefits, and commercial audits.

Auditing Experience including but not limited to:

- Utah County
- Orem City
- South Jordan City
- Grantsville City
- Eagle Mountain City
- Town of Vineyard
- Heber City
- Payson City
- Hooper City
- Midway City
- Town of Cedar Fort

Many other governmental, non-profit, employee benefits, and commercial entities

Attends annual government accounting and auditing update courses sponsored by the Utah Association of CPA's.

Attends Annually: Utah State Government Audit Update
 UACPA State and Local Government Update

Member of the AICPA and the UACPA.

PERSONNEL EXPERIENCE AND QUALIFICATIONS OF

KURT GILBERT

Certified Public Accountant

Audit Staff

Graduated Degree	2018 Master of Accountancy B.S. Degree in Accounting
College	Brigham Young University Marriott School of Business

Qualifications:

Received Certified Public Accountant license from State of Utah in 2018.

Began working for Gilbert and Stewart in 2016 and has worked on municipal, non-profit, school district, and commercial audits.

Auditing Experience including but not limited to:

Utah County
American Fork City
Orem City
Eagle Mountain City
Saratoga Springs City
Grantsville City
South Jordan City
Hooper City
Payson City
Town of Daniels

Many other governmental, non-profit, and commercial entities

Attends annual government accounting and auditing update courses sponsored by the Utah Association of CPA's.

Attends Annually: Utah State Government Audit Update
 UACPA State and Local Government Update

Member of AICPA and UACPA.



MONTICELLO CITY

PROPOSAL FOR INDEPENDENT AUDIT SERVICES



Larson
CERTIFIED PUBLIC ACCOUNTANTS

JON HADERLIE, CPA, AUDIT PARTNER
765 NORTH MAIN, SPANISH FORK, UT 84660
TEL: 801-798-3545 FAX: 801-798-3678
jhaderlie@larsco.com



November 21, 2022

Monticello City
17 North 100 East
Monticello, Utah 84535

Dear Mayor, Council Members and Management:

Thank you for giving us the opportunity to submit an audit services proposal for Monticello City. We have great regard for your organization and look forward to the prospect of working alongside you to safeguard your public funds by entering an agreement for audit services.

Our Qualifications. Larson & Company, PC (a Utah corporation) has been auditing government entities since our inception in 1975, 47 years ago. We have since become known as one of the premiere providers of auditing services to government entities in the State of Utah, and in that time we have worked with over 70 government entities of various sizes. We understand you require professionals experienced in auditing municipal entities and possessing an understanding of the unique operating characteristics of a City in Utah. You also require experienced professionals who will be available as a resource to you year-round as questions or concerns may arise. Our specialists can offer proactive advice as a matter of course, including issues related to:

- application of GASB statements
- best practices related to Counties in Utah
- emerging regulatory issues, including transparency standards
- analyzing internal controls processes for possible weaknesses regarding fraud

You want your accounting professionals to be familiar with your organization, understand your mission, and remain accessible to discuss important issues facing Monticello City in the future. Because of our knowledge of government regulations, our municipal clients are served by a knowledgeable, experienced staff for a reasonable fee with no surprises. In fact, some of our government clients have remained with Larson & Company for over 30 years.

A Winning Combination. Our government auditing experience with counties, cities, and small government entities allows us to deliver not only the services required in your RFP, but far more guidance and service than you would expect from an auditor. We can offer friendly service with a combination of quality and price that matches the value you seek.

We look forward to working with Monticello City. If you have any questions or require additional information, please contact me at (801) 798-3545 or jhaderlie@larsco.com.

Sincerely,

Larson & Company, Certified Public Accountants

A handwritten signature in blue ink that reads "Jon Haderlie, CPA".

Jon Haderlie, CPA
Partner



At Larson & Company, we believe our experience gives you the security to safeguard funding.

A. FIRM'S QUALIFICATIONS

Firm Organization and Locations Larson & Company is a privately owned, regional accounting firm comprised of 96 employees, including 38 CPAs, 15 partners, and 54 professional staff. We operate from three offices throughout Utah, including Salt Lake County, Spanish Fork, and Moab.

Audit Office Information

Your audit will be conducted from our Spanish Fork office, which employs a government staff of highly qualified individuals. All of our staff are full-time employees and many are licensed CPAs. We have a policy of being available to our clients whenever you need us, not just during the course of the audit. We expect questions throughout the year, so call us anytime. We typically do not bill for routine phone conversations, but we view these as ancillary services that add value to your audit, not additional time we can bill.

Exceeding Mandatory Criteria

The requirements for competent government auditors are strict. We pride ourselves on maintaining the highest standards of excellence within our profession. We not only meet the criteria in your RFP, we exceed it.

- Our firm is properly licensed for practice as certified public accountants in the state of Utah.
- Larson & Company meets all the requirements for independence and experience as promulgated by the AICPA Rule 101 and the *Government Auditing Standards*. We have heretofore not entered into any professional relationships or contracts with Monticello City within the last five years, and we do not deem a conflict of interest relative to performing the audit to exist.
- The training received by our government audit personnel is of high caliber. Each CPA on staff is licensed to practice in the State of Utah. Each member of the audit team assigned to your audit has received extensive training in current government auditing standards and regulations and meets the continuing education requirements. We also meet the external quality control review requirements contained in the *Government Auditing Standards*.
- No disciplinary action has been taken against a member of our firm in the 47-year history of the firm.
- The most current quality control review report can be found at the end of this proposal. We have received a passing report with no letter of comments attached, indicating a clean quality control history. This external quality control review included a specific review of government engagements.
- The Office of the Utah State Auditor performed a review of our workpapers and issued a report in August of 2021. The results of that review are a "pass" as noted on their website.



A big part of the value of our service is our people. We are committing a highly qualified team to lead your engagement, with over 35 years of combined service experience.

B. STAFF QUALIFICATIONS

Staff Resumes

As a professional services firm, the skills of our people are a big part of the value of our services. You want to work with knowledgeable individuals and decision makers that can get the job done. You want to get to know your team and expect continuity in the relationship with your team. We do, too. The professionals we are committing to Monticello City are experienced and well trained in audit issues affecting government entities and intend to be there to assist you on a long-term basis. It is anticipated that 4-5 full-time employees will be assigned to your audit, including the Partner and Manager supervising the engagement.

Staffing Approach

We have included the resumes for our lead government audit partner, concurring audit partner, and senior staff auditor. All staff assigned to this audit are seasoned government specialists with the training and experience that will give Monticello City the most qualified team to complete their audit in a timely, efficient manner. The training our audit staff receives complies with all government standards and requirements for continuing education. This ensures you have the most current information for your organization every year during your audit.

The key members of the engagement team consist of:



*Jon Haderlie, CPA,
Lead Audit Partner*



*Cody Powell,
Audit Manager*



*Khulene Gallo,
Audit Senior*



JON HADERLIE, CPA

LEAD AUDIT PARTNER

Jon is one of our most experienced government auditors and has worked with government entities of all sizes, including special service districts, cities and towns, counties, universities, territories, and charter schools. He is well known in the government community and his knowledge of government reporting requirements is unmatched in our organization. Jon is known for assisting his clients in understanding, identifying, and implementing internal controls necessary to maintaining a healthy organization. His approach is common sense, and he has the ability to connect with his clients on every level, from staff to management and governance. His expertise includes all accounting and auditing standards and regulations as specified by the AICPA, GASB, FASB, GAAS, and GAS. Jon is licensed to practice as a CPA in the State of Utah.

CONTACT INFORMATION:

jhaderlie@larsco.com

801-798-3545

765 North Main
Spanish Fork, UT
84660

www.larsco.com

Jon's academic and professional accomplishments include the following:

- MBA, Utah State University, 2009
- Bachelor of Science, Accounting, Utah Valley University 2003
- Member, Utah Association of Certified Public Accountants (UACPA)
- Controller, private industry, 2004-2007
- AICPA Not-for-Profit Certification
- Committee Chair – NextGen CPAmerica
- Vice-Chair – UACPA Local Governments
- Chair – UACPA Local Governments
- Utah Association of Counties presenter on Internal Controls, Audit Committees, and Internal Audit Functions
- Utah Association of Counties presenter on Separation of Powers
- Utah Association of Counties presenter on Preparing for your upcoming audit.

Jon's Recent Government Continuing Education Courses Completed:

- UACPA Government Conference
- Utah State Auditor's Office Governmental Auditing Update
- Guide to Audits of Local Government
- Audits of States, Local Governments, and Non-Profit Organizations
- GASB 54: Fund Balance Reporting and Governmental Fund
- Staff Audit Training
- AICPA Not-for-Profit Certification
- Uniform Guidance
- CPAmerica A&A Yellowbook



CODY POWELL

AUDIT MANAGER

Cody has become one of our most in-demand employees since he joined the firm in 2013. He is proficient in testing and auditing government entities of all sizes and types, including counties, cities, special service districts, charter schools, and others. His audit proficiency has earned him a spot working on our largest government clients. Cody is known for quickly completing audit processes and his clients appreciate his easygoing personality.

CONTACT INFORMATION:

cpowell@larsco.com

801-798-3545

765 North Main
Spanish Fork, UT
84660

www.larsco.com

Cody's academic and professional accomplishments include the following:

- Masters of Accountancy, Westminster College, 2013

Cody's Recent Government Continuing Education Courses Completed:

- UACPA Government Conference
- Utah State Auditor's Office Governmental Auditing Update
- Guide to Audits of Local Government
- Audits of States, Local Governments, and Non-Profit Organizations
- GASB 54: Fund Balance Reporting and Governmental Fund
- Staff Audit Training



KHULENE GALLO

AUDIT SENIOR

Khulene is a rising star at Larson & Company. She joined the firm in 2019 and has quickly become one of the most well-liked team members among clients. She has the ability to assist clients with their reporting requirements, accounting functions, and best-practice controls.

Khulene's academic and professional accomplishments include the following:

- Masters of Accountancy, Western Governors University, 2021

Khulene's Recent Government Continuing Education Courses Completed:

- UACPA Government Conference
- Utah State Auditor's Office Governmental Auditing Update
- Guide to Audits of Local Government
- Audits of States, Local Governments, and Non-Profit Organizations
- GASB 54: Fund Balance Reporting and Governmental Fund
- Staff Audit Training

CONTACT INFORMATION:

kgallo@larsco.com

801-798-3545

765 North Main
Spanish Fork, UT
84660

www.larsco.com



We think you will find our clients are exceptionally pleased with our services. Please contact any of these reference for more information.

C. CLIENT REFERENCES

The best and most valuable proof of our ability to deliver the services you require and deserve is evidenced by the fact that we continually serve over 50 governmental entities. The following four clients are those for whom we have performed financial statements audits and/or single audits over the last several years. We encourage you to contact these clients and ask about the quality of service provided by Larson & Company.

Grand County

Gabe Woytek, Auditor
gwoytek@grandcountyutah.net
435-259-1322

Audit Partner: Jon Haderlie, CPA (Financial statement audit and single audit)

Duchesne County

JoAnne Evans, Clerk/Auditor
jevans@duchesne.utah.gov
435-738-1228

Audit Partner: Jon Haderlie, CPA (Financial statement audit)

San Juan County

Mack McDonald, County Manager
mmcdonald@sanjuancounty.org
435-587-3223

Audit Partner: Jon Haderlie, CPA (Financial statement audit and single audit)

Utah Association of Counties

Brandy Grace, Chief Executive Officer
brandy@uacnet.org
801-265-1331

Audit Partner: Jon S Haderlie, CPA (Financial statement audit)

Similar Engagements with Other Government Entities

We serve a wide range of governmental entities, including the following similar clients:

Other Governmental Clients:

American Samoa Government	LBJ Hospital (American Samoa)
Orem City	Delta City
Spanish Fork City	Ephraim City
American Fork City	Fairview City
Tooele City	Ivins City
City of Erda	Midvale City

Implementation of new GASB Pronouncements

As new standards are implemented, we strive to educate and assist our clients in understanding the standard. We stand ready at any time to clarify how the standards apply to each specific client. With the recent implementation of GASB 68, we met individually with each client to explain the meaning and ramifications of implementation.



Larson & Company understands the nature of your organization. We can begin to work right away, and you will not have to spend time each year training our staff.

D. PROPOSED APPROACH

Understanding of Scope of Work

We understand from your RFP document that the scope of your audit includes the following for each fiscal year of the contract period:

- Financial Report: Audited Financial Statements and Records of Monticello City and the accompanying opinion on these statements in accordance with Yellow Book;
- Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and other Matters in accordance with GAS;
- Reports Required for the Single Audit under the Uniform Guidance (if applicable), and Reporting Required by the Office of the Utah State Auditor;
- Management Letter;
- All reports and bound copies with an electronic copy of each will be submitted to Monticello City **before the requested deadline**.
- These shall all be performed in accordance with:
 - Auditing standards generally accepted in the United States of America, as promulgated by the American Institute of Certified Public Accountants (AICPA);
 - The *AICPA Audits of State and Local Governmental Units* audit and accounting guide;
 - *Government Auditing Standards*, 2011 revision, published by the U.S. Government Accountability Office;
 - The *State Compliance Audit Guide*, issued by the Office of the Utah State Auditor;
 - The Single Audit Act; *Audits of States, Local Governments, and Non-Profit Organizations* under the uniform guidance (as applicable).

Specific Audit Approach

In order to understand our audit approach, it is necessary to understand the underlying philosophy of Larson & Company. Our mission statement is "Achievement Through Constant Improvement." Our founder, Dennis Larson, demonstrated to us that we are inherently happier when we are improving. Each employee is required to set goals each year that involve both business and personal aspirations. Our firm makes a constant effort to help provide everything necessary for our employees to achieve their goals. As we all strive to make improvements to our lives that we each have chosen for ourselves, we are happier. We abide by the idea that a happy employee is a productive employee. This philosophy of constant improvement carries over to our clients. We know that if we can assist you in achieving your goals, you will value our relationship, and both you and our firm will be rewarded.

When it comes to the accounting standard of professional skepticism, we believe there is a broad range within which to operate. We approach management and board of trustees in a non-adversarial way. Our process consists of testing and verification rather than challenge and confrontation. During the entire process, we understand that communication is key your success and the success of our firm. We have found that properly communicating with our clients adds value to the services we provide and ensures a lengthy, mutually beneficial, relationship.



Larson & Company
makes every effort
to create as little
disruption as
possible in your
day-to-day
activities.

E. PROJECT SCHEDULE

In order to achieve an efficient and effective audit, we will tailor our audit approach to fit the nature of your business and operations focusing on the likelihood of a material misstatement in the financial statements. In order to do so, it is essential for us to understand clients' needs and concerns. With this understanding, we will be better able to direct our emphasis to the areas of higher risk, focusing on the unique characteristics of your operating environment, the effectiveness of your internal control, and your financial statement amounts and disclosures.

Based on our understanding of the timetable and accounting department staffing, we propose the following tentative schedule for the audit of Monticello City's financial statements:

Initial Meetings with Management – Upon award of contract

The goal of these initial meetings is to establish effective two-way communication between auditor and management. We will discuss our overall assessments and the scope of our audit testing. Additionally we will discuss both management's responsibilities as well as our own responsibilities. Input from the audit committee will be explored in developing our understanding of the risks facing Monticello City and identifying the sources of evidence and information about specific transactions. We will also establish dates for the next phases of the audits.

Preliminary Audit Procedures – December 2022

During this planning phase, we will review and evaluate the internal controls of Monticello City to determine the timing and extent of our testing. We will review activity to date, update our initial risk assessments, and discuss any concerns regarding our audit procedures. We will also communicate with staff to coordinate the preparation of work papers and confirmations.

Audit Fieldwork – December 2022

During the testing phase we will verify asset balances, determine the completeness of liabilities and conclude our detailed examination of your financial cycles. After our fieldwork and before the issuance of our report, we will request certain representations from management in a *management representation letter*. A draft of this letter will be made available at least one week in advance of our anticipated date of signing. We are available to explain any language in the letter that is not clear to governing officials.

Issue Audited Financial Statements – December 2022

The reporting phase will begin as soon as our testing is complete. Our auditors will compile a preliminary draft report for review after fieldwork ends. We will make the report available to management and will be available to discuss any of our findings at this time. We will issue the audit reports and letters by Monticello City's requested deadline to allow management to have it to the Office of the Utah State Auditor prior to the deadline.

We will be available to meet with the audit committee during any of the above audit phases to discuss our progress. Should we encounter any significant adjustments or material weaknesses, we will discuss them with management and/or the audit committee, as appropriate, as soon as they come to our attention.

We find delays in the final report sometimes occurs as a result of not receiving timely information from third parties. We will be proactive in keeping you informed about issues remaining and may ask your assistance in receiving information from third parties to avoid delays in issuing our report.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the oversight agencies. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

Deliverables

A list of expected deliverables in connection with Monticello City's annual audit include:

1. Financial Statement Audit Report
2. Single Audit Report (when applicable)
3. Government Auditing Standards Report
4. Report on Compliance and Internal Control required by Utah State Auditor
5. Communication with Those Charged with Governance

Communication Process

Great emphasis is placed on the personal relationships we have built with our clients. Partners and managers take pride in their ability to proactively assist clients and will reach out to Monticello City to communicate any issues that might arise. You can feel confident in contacting the professionals at Larson & Company without the worry of incurring additional expense.



Larson & Company understands the pressures placed on organizations to manage costs and we believe you will find we provide an incomparable level of service at very competitive rates.

F: PROPOSED FEES

Our fee estimate is based on the complexity of the work required and considers our understanding of your present internal control and procedures together with an understanding that Monticello City will provide us with substantial assistance, including account analysis, workpaper schedules, confirmations, documentation of internal and financial controls, etc.

The “not to exceed” fee for regular assurance services for the years ending June 30, 2022-2026, is estimated below.

The following table presents the estimated hours required to complete the engagement by level.

	Standard Hourly Rates	Estimated Hours
Partners	425	12
Managers	225	20
Supervisory Staff/Seniors	185	30
Staff	155	60

The following table presents the annual not-to-exceed fee for the financial statement audit.

Year	Total All-inclusive Maximum Potential Price	
	Financial Statement Audit	Federal Single Audit under Uniform Guidance (when applicable)
2022	\$24,000	\$4,000
2023	\$24,800	\$4,100
2024	\$25,700	\$4,200
2025	\$26,600	\$4,300
2026	\$27,500	\$4,500
Total	\$128,600	\$21,100

The **Single Audit fees** are separated from the financial statement audit fees presented above, as they would be done under a separate engagement letter, and as they would apply only when applicable. Single audit fees are considered allowable costs under the Uniform Guidance.

We know you don’t like fee surprises. Neither do we. We strive to be truthful, straightforward and up front in our fee discussions so there are no surprises.

Billing Issues Throughout the Year

We view our relationship with Monticello City as long-term. Additionally, we are available to you, on an ongoing basis, to discuss matters of audit, compliance, financial reporting, or anything that concerns you. We view these routine consultations as ancillary services that add value to your audit and compliance needs, not additional time that we can bill.

Any significant matters, needing exhaustive research or resources will be discussed with you and agreed upon before the work is performed. This eliminates the surprise “nickel and dime” billing you may see from accounting firms with unusually low fee quotes. These services will be billed at our standard hourly rates disclosed above.



G: NON-DISCRIMINATION CLAUSE

Larson & Company does not discriminate against any individual because of race, religion, sex, color, age, handicap, or national origin, and these are not a factor in consideration for employment, selection of training, promotion, transfer, recruitment, rates of pay, or other forms of compensation, demotion, or separation.

H: OUR COMMITMENT TO YOU

We are committed to placing Larson & Company's financial assurance and consulting resources at your service. Our experience auditing municipalities and other governmental entities will assist you in meeting your compliance requirements.

Our goal is to provide you with practical, timely and affordable solutions to your financial and operational needs. Ultimately, our good name and reputation rest on how well our services work for organizations like yours. Please contact us if you have questions regarding this proposal. We look forward to working with you soon.

I: PEER REVIEW REPORT

A copy of Larson & Company's most recent peer review report may be downloaded from the AICPA using the following address: https://peerreview.aicpa.org/public_file_search.html. A copy has also been attached at the end of this document. No management letter was issued in conjunction with the report, indicating a clear record with no quality control issues.

J: CONTACT INFORMATION

Jon Haderlie, CPA
Lead Audit Partner
765 North Main
Spanish Fork, UT 84660
801-798-3545
jhaderlie@larsco.com



PEER REVIEW REPORT



PRIDA, GUIDA & PEREZ, P.A.
CERTIFIED PUBLIC ACCOUNTANTS
1106 N. FRANKLIN STREET
TAMPA, FLORIDA 33602
TELEPHONE: (813) 226-6091
FAX: (813) 229-7754

Report on the Firm's System of Quality Control

October 30, 2020

To the Partners of Larson & Company, P.C.
And the AICPA National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Larson & Company, P.C. (the firm), applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended April 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act, audits of employee benefit plans, and examinations of a service organization (SOC 1 and SOC 2 engagements).

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Larson & Company, P.C., applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended April 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Larson & Company, P.C. has received a peer review rating of *pass*.

Prida Guida Perez P.A.

MEMBER AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
MEMBER FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

SMUIN, RICH & MARSING

CERTIFIED PUBLIC ACCOUNTANTS

294 East 100 South

Price, Utah 84501

Phone (435) 637-1203 • Fax (435) 637-8708

October 25, 2022

Honorable Mayor and
Members of the City Council
Monticello City
Monticello City, Utah 84535

Members of Monticello City,

We respectfully submit this proposal for the Consulting/Accounting related services of Monticello City.

Contract Information

Firm name: Smuin, Rich & Marsing
294 East 100 South
P O Box 820
Price, Utah 84501
(435) 637-1203

Contact Person: Douglas Rasmussen, CPA

A. PROFILE OF PROPOSED ACCOUNTING FIRM

The name of our firm is Smuin, Rich & Marsing, Certified Public Accountants. We have an office in Price, Utah and are considered a local accounting firm, although we have clients in many areas of the State of Utah. The make-up of our firm consists of two certified public accountants, eight additional accountants, along with clerical and secretarial staff. Currently, the firm has three shareholders, three managers and seven senior accountants and two clerical employees. We provide a full range of services including auditing, tax preparation and consulting, write-up accounting services, payroll tax report preparation and computer consulting. We have over 37 years of experience dealing with governmental entities, mostly from an auditing perspective. We currently perform similar services requested for other governmental entities. We perform auditing services for over forty governmental and non-profit entities in the State of Utah. We are very familiar with Pelorus Methods accounting software for reporting and preparing financial reports from Pelorus Methods and the related general ledger functionality.

B. PROPOSER'S QUALIFICATIONS

Following, we have indicated the members of our firm and their qualifications that could be involved in the processing of the information for the City, with the final review and inspection performed by Douglas Rasmussen, CPA. With the availability of the members of our firm listed below, we feel we can meet any applicable deadlines.

GREG MARSING, C.P.A.
DOUGLAS RASMUSSEN, C.P.A.
R. KIRT RICH, C.P.A.
TRACY LUDINGTON, C.P.A.



B. PROPOSER'S QUALIFICATIONS (continued)

Douglas Rasmussen, Certified Public Accountant - Shareholder. Doug is a graduate from the University of Utah with a major in accounting. Doug has 37 years of experience in public accounting with primarily all of it in non-profit and governmental auditing. Doug has also been heavily involved in training on the subject of auditing which included government auditing standards and compliance auditing covering single audits and compliance auditing of Utah State legal requirements.

Shaun Johnson, Shareholder. Shaun is a graduate from Southern Utah University with a Bachelor's degree in accounting. Shaun was hired in March 2017 to work extensively in auditing. He has attended government auditing and compliance seminars covering a wide variety of requirements. Shaun has multiple skills levels in analyzing financial information and performing data collection functions.

Ryan Rasmussen, Shareholder. Ryan is a graduate from Southern Utah University with a Master's degree in accounting. Ryan was hired in May 2017, upon graduation. He was hired to work primarily in the auditing area for governmental and non-profit clients. He has attended government auditing and compliance seminars, offering a variety of compliance and auditing subjects. Ryan has been involved in implementing and evaluating internal controls and is efficient in data analysis.

SuTanna Youd, Senior Accountant. SuTanna holds a bachelor's degree in accounting. She is also a certified paralegal in the State of Utah. SuTanna has been in the accounting field for 28 years, 7 of those years owning her own business. SuTanna was hired in February 2009 by our firm in the accounting department, but was subsequently moved to strictly auditing, working primarily on governmental and non-profit clients.

Tracy L Ludington, CPA. Upon graduating from the BYU Accounting Program in May 2001, Tracy began her career working for Deloitte Tax in Portland, Oregon. During her six plus years at Deloitte, Tracy gained experience in many different areas of tax practice eventually coming to focus on Partnership taxes and low-income housing credits. Tracy left Deloitte in October 2007. After a short time in the corporate tax department at PacifiCorp, Tracy moved back to Price taking a position with Smuin, Rich & Marsing in July 2008. In the fourteen years she has been here, she has worked in a variety of areas including many areas of tax compliance, accounting write-up and substantial non-profit and governmental auditing.

Kristi Sharp, Accountant. Kristi has a master's degree in accounting from Utah State University. She has been working in our office for six years and contributes her expertise in financial statement preparation, payroll, quarterly payroll reporting and online report submission. She has passed the CPA examination but is waiting to complete other State of Utah requirements to complete her certification.

Each firm member has attended the UACPA Annual Government update along with other individual governmental courses. They also have taken the following governmental courses:

- Essentials of Accounting for Governmental and Nonprofit Organizations
- Government Auditing Standards and Practices
- Single Audit Concepts
- Government Auditing Standards – PPC
- Fraud Prevention & Detection
- The Yellow Book Interpreted
- Uniform Guidance

B. PROPOSER'S QUALIFICATIONS (continued)

Our firm is properly licensed to practice as a Certified Public Accounting firm in the State of Utah.

C. NON-DISCRIMINATION CLAUSE

Our firm does not discriminate against any individual because of race, religion, sex, color, age, handicap or national origin, and that these factors are not taken into consideration for employment, selection of training, promotion, transfer, recruitment, rate of pay, or other forms of compensation, demotion or separation.

D. MONTHLY FEE FOR SERVICES

Our monthly fee to perform the services identified in the "request for accounting contracted services" will be as follows (see attached Exhibit 1 for details of services available:

We will provide ten (10) hours of service for a monthly fee of \$1,250 per month. Additional hours in excess of the ten (10) hours will be billed at the following rates: CPA services will be billed at \$145 per hour. Non-CPA services will be billed at \$115 per hour. The monthly fee and hourly rates will be set for one year. On the anniversary date for this contract, the monthly fee and the hourly rates will increase up to 5%. We will also charge for any travel expenses, out of pocket expenses related to travel and other expenses related to the City's business on a reimbursed cost basis. We anticipate the original fee for assisting the City in financial preparation for the annual audit will approximate \$12,000 - \$17,000. We would be available in the month of December to begin these services.

We appreciate the opportunity to submit this bid for consulting/accounting services. If you have any questions, please feel free to contact us.

Sincerely,

SMUIN, RICH & MARSING

Douglas Rasmussen

Douglas Rasmussen, CPA

Contract Authorized and City's Approval on: _____

Bayley Hedglin -- Mayor: _____

EXHIBIT 1

Consulting/Accounting Services – outline of duties

Our contract provides for the following services (not to be considered all inclusive):

- Assist in the creation, analyzing and presenting of financial reports in an accurate and timely manner; assist in the communication of monthly and annual financial statements; assist in the collation of financial reporting materials for all segments, and assist in the oversight of all financial, project/program and grants accounting
- Assist in the annual budgeting and planning process; review all financial plans and budgets
- Assist in organizational cash flow and forecasting
- Update and inform the Mayor and City Council members on policies and accounting practices
- Effectively communicate and present the critical financial matters to the Mayor and City Council members
- As requested, attend regularly held meetings and other meetings
- Ensure compliance with State laws and regulations, and assure correct files are submitted to the State of Utah; retain copies of all transmissions to State Auditor's Office
- Additional accounting related services requested by the Mayor and City Council and within the ability of our firm, as needed
- Assist in the yearly audit process – providing necessary documentation and information to the City's external auditors