

Staff Report/Comment:

The attached redline contains comments from City department heads and employees who work most closely with the Code. Please keep in mind that Municode's review and revisions to the Code are primarily targeted at addressing stylistic concerns and eliminating redundancies with state law. This was all done with the goal of preparing the Code for publication. In addition, Municode has reviewed the Code for potential concerns with provisions of the Code that may be subject to legal challenge. The results of Municode's review are reflected in the underline and strikethrough changes. The comments of city employees regarding these changes are contained in "sticky note" comments in the pdf document.

It is important to note that this review has not addressed policy questions or changes that may be desired in the way that the City operates. While this review may have illuminated areas of the Code or City operations that warrant discussion and possible change, the goal has consistently been to resist the temptation to enact substantive changes at this time due to the concern that too many changes may significantly delay publication of the Code. One of the primary goals of the recodification and publication of the Code is to facilitate easier review and revision of the substance of the Code, once it has been made more accessible through publication.

**SANDY**

**CITY**

**CODE**

\_\_\_\_\_

Published in 2018 by Order of the City Council

PROOFS

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**municode**

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PROOFS

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of

SANDY, UTAH

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PROOFS

## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Sandy, Utah.

Source materials used in the preparation of the Code were the 1978 Revised Ordinances, as supplemented through February 7, 2017, and ordinances adopted by the City Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1978 Revised Ordinances, as supplemented, and any subsequent ordinance included herein.

Notes which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the title. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1

### *Looseleaf Supplements*

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions.

It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

#### *Acknowledgments*

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and Ramona Connors, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Shane Pace, Assistant Administrative Officer, Mr. Robert Wall, City Attorney, and Ms. Molly Spira, City Recorder, for cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

#### *Copyright*

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**CODE OF ORDINANCES**

Title 1

**THE CODE; ~~PENALTIES~~ ORDINANCES; ETHICS**

**CHAPTER 1-1. CODE ESTABLISHED; DEFINITIONS AND RULES OF CONSTRUCTION**

**Sec. 1-1-1. How Code Designated and Cited.**

The ordinances embraced in this and the following titles shall constitute and be designated as the "Sandy City Code."

(Revised Ords. 1978, § 1-1-1)

State law reference—Ordinance codification, U.C.A. 1953, § 10-3-706 et seq.

**Sec. 1-1-2. General Definitions and Rules of Construction.**

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

- (1) *Generally.* When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the City Council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.
- (2) *Bribe.* The term "bribe" signifies any money, goods, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in the person's action, vote, or opinion in any public or official capacity.
- (3) *City.* The term "City" means the Sandy City Corporation.
- (4) *City Council or Council.* The term "City Council" or "Council" means the City Council of the Sandy City Corporation.
- (5) *Code.* The term "Code" means the Sandy City Code, as designated in Section 1-1-1.
- (6) *Computation of time.* In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the  day that is not a Saturday, Sunday or legal holiday. When a person must act within a specified time and service of a notice and service is made by mail, three days shall be added to the time within which the act must be done.
- (7) *Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows, except that, in appropriate cases, the terms "and" and "or" are interchangeable:
 
  - a. The term "and" indicates that all the connected terms, conditions, provisions or events apply.
  - b. The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
  - c. The term "either...or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.
- (8) *Corruptly.* The term "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of an act, established either by proof or by presumption of law.

- (9) County. The term "County" means Salt Lake County, Utah.
- (10) Delegation of authority. A provision that authorizes or requires a City officer or City employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.
- (11) Gender. Words of one gender include all other genders.
- (12) Highway, roads. The terms "highway" and "roads" include public bridges, and may be held equivalent to the terms "county way," ~~and~~ "county road," "common road," "state road" and "street."
- (13) Includes and including. The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.
- (14) Joint authority. A grant of authority to three or more persons as a public body confers the authority to a majority of the number of members, as fixed by statute or ordinance.
- (15) Knowingly. The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.
- (16) May. The term "may" creates discretionary authority or grants permission or a power.
- (17) May not. The term "may not" imposes a prohibition.
- (18) Month. The term "month" means a calendar month.
- (19) Must. The term "must" imposes a duty.
- (20) Must not. The term "must not" imposes a prohibition.
- (21) Neglect, negligent, negligence, and negligently. The terms "neglect," "negligent," "negligence," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
- (22) Number. The singular includes the plural and the plural includes the singular.
- (23) Oath. The term "oath" includes an affirmation.
- (24) Officers, departments, etc. References to officers, departments, boards, commissions or employees are to city officers, city departments, city boards, city commissions and city employees.
- (25) Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.
- (26) Person. The term "person" means any corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.
- (27) Personal property. The term "personal property" means any property other than real property.
- (28) Premises. The term "premises," as applied to real property, includes land and structures.
- (29) Property. The term "property" means real and personal property.
- (30) Real property. The term "real property" includes lands, tenements and hereditaments.
- (31) Shall. The term "shall" imposes a duty.
- (32) Shall not. The term "shall not" imposes a prohibition.
- (33) Sidewalk. The term "sidewalk" means that portion of the street between the curb or lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.
- (34) Signature. The term "signature" includes any name, mark, or sign written with the intent to authenticate any instrument or writing.
- (35) State. The term "State" means the State of Utah.
- (36) State statutes. The abbreviation "U.C.A. 1953" means the Utah Code Annotated, 1953, as now or

hereafter amended. References to state acts are to so such acts as now or hereafter amended.

(37) *Street*. The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

(38) *Swear*. The term "swear" includes the term "affirm."

(39) *Tenant, occupant*. The term "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or any part of such building or land, either alone or with others.

(40) *Tense*. The present tense includes the past and future tenses. The future tense includes the present tense.

(41) *Week*. The term "week" means a period of seven consecutive days.

(42) *Willfully*. The term "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate the law, to insure another or to acquire any advantage.

(43) *Written*. The term "written" includes any form of words, letters, symbols or figures.

(44) *Year*. The term "year" means 12 consecutive months.

(Revised Ords. 1978, § 1-1-4)

### **Sec. 1-1-3. Catchlines of Sections; History Notes; References.**

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor, unless expressly so provided, shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parentheses after a section in this Code have no legal effect and only indicate legislative history. Cross references, editor's notes, and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) Unless specified otherwise, all references to titles, chapters or sections are to titles, chapters or sections of this Code.

### **Sec. 1-1-4. Effect of Repeal of Ordinances.**

(a) Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive the ordinance originally repealed or impair the effect of any savings provision in it.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

(Revised Ords. 1978, § 1-1-2)

### **Sec. 1-1-5. Amendments to Code; Effect of New Ordinances; Amendatory Language.**

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter or title, as appropriate) \_\_\_\_\_ of the Sandy City Code is hereby amended to read as follows: . . ."

(c) If a new section, chapter or title is to be added to this Code, the following language may be used: "Section (chapter or title, as appropriate) \_\_\_\_\_ of the Sandy City Code is hereby created to read as follows: . . ."

(d) All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article, chapter, or title number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

State law reference—Ordinances, U.C.A. 1953, § 10-3-701 et seq.

**Sec. 1-1-6. Supplementation of Code.**

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in this Code. The pages of the supplement shall be so numbered that they will fit properly into this Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, this Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of this Code that have been repealed shall be excluded from this Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified Code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines, headings and titles for titles, chapters and sections to be included in this Code, and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in this Code.
- (3) Assign appropriate numbers to titles, chapters and sections to be added to this Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to titles, chapters or sections.
- (5) Change the words "this ordinance" or similar words to "this title," "this chapter," "this section" or "sections through \_\_\_\_\_" (inserting section numbers to indicate the sections of this Code that embody the substantive sections of the ordinance incorporated in this Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in his Code.

**Sec. 1-1-7. Severability.**

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or applications of this Code that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Code are severable.

(Revised Ords. 1978, § 1-1-9)

**Sec. 1-1-8. Provisions Deemed Continuation of Existing Ordinances.**

The provisions of this Code, insofar as they are substantially the same as legislation adopted by the City relating to the same subject matter, shall be construed as reinstatements and continuations thereof and not as new enactments.

**Sec. 1-1-9. Code Does Not Affect Prior Offenses or Rights.**

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any City ordinance on the effective date of this Code.

(Revised Ords. 1978, § 1-1-2)

**Sec. 1-1-10. Certain Ordinances Not Affected by Code.**

(a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance not codified in this Code:

- (1) Annexing property into the City or describing the corporate limits.
- (2) Deannexing property or excluding property from the City.
- (3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (4) Authorizing or approving any contract, deed, or agreement.
- (5) Making or approving any appropriation or budget.
- (6) Providing for salaries of City employees or other employee benefits, or job descriptions for employee positions.
- (7) Granting any right or franchise.
- (8) Adopting or amending a comprehensive plan.
- (9) Levying or imposing any special assessment.
- (10) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street.
- (11) Establishing the grade of any street or sidewalk.
- (12) Dedicating, accepting or vacating any plat or subdivision.
- (13) Levying or imposing or otherwise related to property taxes.
- (14) Rezoning property.
- (15) That is temporary, although general in effect.
- (16) That is special, although permanent in effect.
- (17) The purpose of which has been accomplished.

(b) The ordinances designated in Subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

(Revised Ords. 1978, § 1-1-1)

## **Chapter 1 ORDINANCES**

### **1-1-1. Repeal of Existing Ordinances.**

~~The ordinances contained in this title and in the titles which follow whether previously adopted as a provision consistent herewith or to be adopted shall be known as the Revised Ordinances of Sandy City, Utah, 1978, and so far as their provisions are the same in effect as those of previously existing ordinances they shall be construed as continuations thereof; but, subject to the preceding limitations and the provisions of Section 1-1-2, all ordinances of this City heretofore in force, except as such are of a private, local or temporary nature, including franchises, grants, dedications, bond issues and special levies for local assessments, are hereby repealed. Such ordinances as are adopted are hereafter a part of this revision and shall repeal existing ordinances on the same subject but not until such ordinances as are adopted shall become effective.~~

~~(Revised Ords. 1978, § 1-1-1)~~

### **1-1-2. Effect of Repealing Ordinances.**

~~The revised ordinances shall not affect any act done, or any right accrued, any penalty incurred, any suit, prosecution or proceeding pending or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance hereby have the effect of reviving any ordinance thereto repealed or superseded.~~

~~(Revised Ords. 1978, § 1-1-2)~~

### **1-1-3. Penalty for Violation of an Ordinance.**

~~Whenever no other penalty is prescribed, any person found guilty of violating any provision of any ordinance~~

~~presently in effect shall be deemed guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 1-1-3)~~

#### **1-1-4. Rules for Construction of Ordinances.**

~~In the construction of these ordinances and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be clearly inconsistent with the manifest intent of the legislative body or repugnant to the context of the ordinance:~~

- ~~(a) The singular number includes the plural.~~
- ~~(b) Words used in the present tense include the future tense.~~
- ~~(c) Words in the masculine gender comprehend, as well, the feminine and neuter.~~
- ~~(d) The word "person" includes bodies politic and corporate partnerships, associations and companies.~~
- ~~(e) The word "writing" includes printing, writing and typewriting.~~
- ~~(f) The word "signature" includes any name, mark, or sign written with the intent to authenticate any instrument or writing.~~
- ~~(g) The word "month" means a calendar month unless otherwise expressed, and the word "year" or abbreviation "A.D." is equivalent to the expression "year of our Lord."~~
- ~~(h) The word "oath" includes "affirmation," and the word "swear" includes the word "affirm." Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every such written statement in the word "depose."~~
- ~~(i) The word "property" includes both real and personal property.~~
- ~~(j) The terms "land," "real estate," and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.~~
- ~~(k) The term "personal property" includes every description of money, goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, rights or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.~~
- ~~(l) The words "highway" and "roads" include public bridges, and may be held equivalent to the words "county way," and "county road," "common road," "state road" and "street."~~
- ~~(m) The word "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.~~
- ~~(n) When any time is specified in these ordinances, it shall mean standard time, as distinguished from solar time, and the words "midnight" and "noon" shall be taken to be midnight or noon Mountain Time, either daylight savings time or standard time, whichever is applicable.~~
- ~~(o) The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.~~
- ~~(p) The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, either alone or with others.~~
- ~~(q) Words prohibiting anything being done, except in accordance with a license or permit or authority from the board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.~~
- ~~(r) The word "officer" shall include officers and boards in charge of departments and the members of such boards.~~
- ~~(s) The term "willfully" when applied to the intent, with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate the law, to insure another or to acquire any advantage.~~

- ~~(t) The terms "neglect," "negligent," "negligence," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.~~
- ~~(u) The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.~~
- ~~(v) The term "bribe" signifies any money, goods, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in his action, vote, or opinion in any public or official capacity.~~
- ~~(w) The term "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of an act, established either by proof or by presumption of law.~~

~~(Revised Ords. 1978, § 1-1-4)~~

#### **1-1-5. Publication of Ordinances.**

~~All ordinances, except those ordinances enacted pursuant to Sections 10-3-706 through 10-3-710, U.C.A., 1953, before taking effect shall be deposited in the office of the City Recorder and a short summary thereof published at least once in a newspaper published within the City, or in the event that there is no newspaper published within the City, then by posting complete copies of the said ordinance in three public places within the City. Any ordinance, code, or book relating to building or safety standards, municipal functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least three copies thereof shall have been filed for use and examination by the public in the office of the City Recorder prior to the adoption of the ordinance by the City Council. The ordinance adopting such code or book shall be published in the manner herein before provided.~~

~~(Revised Ords. 1978, § 1-1-5)~~

#### **1-1-6. Effective Date of Ordinances.**

~~Ordinances shall become effective twenty (20) days after publication or posting or thirty (30) days after final passage by the City Council, whichever date is more remote from the date of final passage, but ordinances may become effective at an earlier date or later date after publication or posting as so provided in the ordinance.~~

~~(Revised Ords. 1978, § 1-1-6)~~

#### **1-1-7. Enacting Clause.**

~~The enacting clause of all ordinances of Sandy City, hereafter passed, shall be in the following form and no enacting clause shall be used in any section of any ordinance except the first: "Be it ordained by the City Council of Sandy City, State of Utah, . . ."~~

~~(Revised Ords. 1978, § 1-1-7)~~

#### **1-1-8. Numbering of Ordinances.**

~~The City Recorder shall number all ordinances consecutively in the order of their passage and shall assign an appropriate title, chapter, and section number to each ordinance in conformity with the system of numbering ordinances as used in this Revision.~~

~~(Revised Ords. 1978, § 1-1-8)~~

#### **1-1-9. Severability.**

~~If any title, chapter, section, sentence, clause or phrase of these revised ordinances is, for any reason, held to be unconstitutional, void, or unlawful, such decisions shall not affect the validity of the remaining portions of the ordinances. The City Council of Sandy City, State of Utah, hereby declares that it would have passed these ordinances, and each title, chapter, section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more of the sections, sentences, clauses or phrases be declared unconstitutional, void, or unlawful.~~

(Revised Ords. 1978, § 1-1-9)

## CHAPTER 1-2. SANCTIONS, FINES AND PENALTIES\*

\*State law reference—Penalties for ordinance violations, U.C.A. 1953, § 10-3-703.

### **Sec. 1-2-1. "Violation of this Code" Defined.**

(a) In this chapter, the term "violation of this Code" means any of the following:

- (1) Doing an act that is prohibited or made or declared unlawful, an infraction, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an infraction, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

(b) In every violation of this Code, there must exist a union or joint operation of act and intent, or criminal negligence

(c) When the provisions of an ordinance prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer authorizing it and all other persons concerned or aiding or abetting therein, shall be guilty of the offense described and liable to the penalty prescribed for the offense.

(d) In this chapter, the term "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this chapter.

(Revised Ords. 1978, §§ 1-2-4, 1-2-5)

### **Sec. 1-2-2. Authorized Dispositions.**

(a) A person who has been convicted of a violation of this Code may be sentenced to any one or more of the following sentences or combination of sentences:

- (1) To pay a fine;
- (2) To probation; or
- (3) To imprisonment.

(b) This chapter shall not deprive a court of authority conferred by law to forfeit property, suspend or cancel a license or permit, cite for contempt, or impose any other civil penalty. A civil penalty may be included as a part of any sentence.

(c) Whenever no other penalty is prescribed, any person found guilty of violating any provision of this Code shall be deemed guilty of a Class B misdemeanor.

(Revised Ords. 1978, §§ 1-1-3, 1-2-1)

### **Sec. 1-2-3. Fines Specified.**

(a) A natural person who has been convicted of a violation of this Code may be sentenced to pay a fine not exceeding:

- (1) \$1,000.00 when the conviction is of a Class B misdemeanor; and
- (2) \$750.00 when the conviction is of a Class C misdemeanor or infraction.

(b) Except as otherwise provided, a corporation, association, partnership or governmental instrumentality who has been convicted of a violation of this Code shall be sentenced to pay an amount, fixed by the court, not exceeding:

- (1) \$5,000.00 when the conviction is for a Class B misdemeanor; and

(2) \$1,000.00 when the conviction is for a Class C misdemeanor or an infraction.

(Revised Ords. 1978, § 1-2-2)

**Sec. 1-2-4. Imprisonment Specified.**

(a) A person who has been convicted of a Class B misdemeanor may be sentenced to a term in the City or County jail not to exceed six months.

(b) A person who has been convicted of a Class C misdemeanor may be sentenced to a term in the City or County jail not to exceed 90 days.

(c) A person who has been convicted of an infraction may not be sentenced to a term in the City or County jail.

(Rev. Ords. 1978, §§ 1-2-3)

**Sec. 1-2-5. Separate Offenses.**

Except as otherwise provided by law or ordinance:

(1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(2) With respect to other violations, each violation constitutes a separate offense.

(Revised Ords. 1978, § 1-2-6)

**1-2-1. Sanctions.**

~~(a) A person who has been convicted of an offense under these ordinances may be sentenced to any one or more of the following sentences or combination of sentences:~~

~~(1) to pay a fine; or~~

~~(2) to probation; or~~

~~(3) to imprisonment.~~

~~(b) This chapter shall not deprive a court of authority conferred by law to forfeit property, suspend or cancel a license or permit, cite for contempt, or impose any other civil penalty. A civil penalty may be included as a part of any sentence.~~

(Revised Ords. 1978, § 1-2-1)

**1-2-2. Fines.**

~~(a) A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:~~

~~(1) \$1000 when the conviction is of a class B misdemeanor;~~

~~(2) \$750 when the conviction is of a class C misdemeanor or infraction.~~

~~(b) The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this code for which no special corporate fine is specified shall be to pay an amount, fixed by the court, not exceeding:~~

~~(1) \$5,000 when the conviction is for a class B misdemeanor; and~~

~~(2) \$1,000 when the conviction is for a class C misdemeanor or an infraction.~~

(Revised Ords. 1978, § 1-2-2)

**1-2-3. Imprisonment.**

~~(a) A person who has been convicted of a class B misdemeanor may be sentenced to a term in the city or county jail not to exceed six months.~~

~~(b) A person who has been convicted of a class C misdemeanor may be sentenced to a term in the county or city jail not to exceed ninety days.~~

~~(c) A person who has been convicted of an infraction may not be sentenced to a term in the county or city jail.~~

~~(Revised Ords. 1978, § 1-2-3)~~

**~~1-2-4. Liability of Employers and Agents to Penalty for Violation of Ordinances.~~**

~~When the provisions of an ordinance prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer authorizing it and all other persons concerned or aiding or abetting therein shall be guilty of the offense described and liable to the penalty prescribed for the offense.~~

~~(Revised Ords. 1978, § 1-2-4)~~

**~~1-2-5. Essentials of Crime.~~**

~~In every crime or public offense, there must exist a union or joint operation of act and intent, or criminal negligence.~~

~~(Revised Ords. 1978, § 1-2-5)~~

**~~1-2-6. Continuing Offenses Deemed Daily Violation.~~**

~~In all instances where the violation of these ordinances is a continuing violation, a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.~~

~~(Revised Ords. 1978, § 1-2-6)~~

**CHAPTER 1-3. CODE OF ETHICS\***

\*State law reference—Municipal Officers' and Employees' Ethics Act, U.C.A. 1953, § 10-3-1301 et seq.

**Sec. 1-3-1. Purpose.**

The purposes of this chapter are to establish standards of conduct for City officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

(Revised Ords. 1978, § 1-3-1)

State law reference—Similar provisions, U.C.A. 1953, § 10-3-1302.

**Sec. 1-3-2. Definitions.**

~~As used in this chapter: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- (1) *Appointed officer* means any person appointed to any statutory office or position or any other person appointed to any position of employment with the City, except special employees. Appointed officers include, but are not limited to, persons serving on special, regular or full-time committees, agencies, or boards, whether or not such persons are compensated for their services. The use of the term "officer" in this chapter is not intended to make appointed persons or employees officers of the ~~municipality~~ City.
- (2) *Assist* means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice or assistance to such person or business entity and with the intent to so assist such person or business entity.
- (3) *Business entity* means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (4) *Compensation* means anything of economic value, however designated, which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) *Elected officer* means any person:

- a. Elected or appointed to the office of Mayor or Council member; or
  - b. Who is considered to be elected to the office of Mayor, Commissioner, or Council member by a municipal legislative body in accordance with U.C.A. 1953, § 20A-1-206.
- (6) Improper disclosure means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.
- (7) Municipal employee means a person who is not an elected or appointed officer who is employed on a full- or part-time basis by the City.
- (8) Private, controlled, or protected information means information classified as private, controlled, or protected under the Government Records Access and Management Act (U.C.A. 1953, § 63G-2-101 et seq.), or other applicable provision of law.
- (9) *Special employee* means any person hired on the basis of a contract to perform a special service for the City pursuant to an award of a contract following a public bid.
- (10) *Substantial interest* means the ownership, either legally or equitably, by an individual, his spouse, and his minor children, of at least ten percent of the outstanding shares of a corporation or ten percent interest in any other business entity.

(Revised Ords. 1978, § 1-3-2)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-3-1303.

**Sec. 1-3-3. Use of Office for Personal Benefit Prohibited.**

No elected or appointed officer shall:

- (1) Disclose confidential information acquired by reason of his official position or use such information to secure special privileges or exemptions for himself or others;
- (2) Use or attempt to use his official position to secure special privileges for himself or others; or
- (3) Knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties, but this subsection does not apply to:
  - a. An occasional nonpecuniary gift having a value of less than \$50.00; ~~or~~
  - b. An award publicly presented; ~~or~~
  - c. Any bona fide loan made in the ordinary course of business; or
  - d. Political campaign contributions actually used in a political campaign.

(Revised Ords. 1978, § 1-3-3)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-3-1304.

**Sec. 1-3-4. Compensation for Assistance in Transaction Involving City; Public Disclosure and Filing Required.**

(a) No elected or appointed officer of the City may receive or agree to receive compensation for assisting any person or business entity in any transaction involving the City unless the officer files with the Mayor a sworn statement giving the information required by this section, and discloses in open meeting to the members of the body of which he is a member immediately prior to the discussion the information required by Subsection (c) of this section.

(b) The statement required to be filed by this section shall be filed ten days prior to the date of any agreement between the elected or appointed officer and the person or business entity being assisted, or ten days prior to the receipt of compensation by the business entity. The statement is public information and shall be available for examination by the public.

- (c) The statement and disclosure shall contain the following information:
  - (1) The name and address of the officer;

- (2) The name and address of the person or business entity being or to be assisted or in which the appointed or elected official has a substantial interest; and
- (3) A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

(Revised Ords. 1978, § 1-3-4)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-3-1305.

#### **Sec. 1-3-5. Interest in Business Entity Regulated by City, Disclosure Statement Required.**

Every appointed or elected officer of the City who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the City shall disclose the position held and the nature and value of his interest upon first becoming appointed or elected, and again during January of each year if the officer's position in the business entity has changed or if the value of his interest in the entity has increased since the last disclosure. The disclosure shall be made in a sworn statement filed with the Mayor. The Mayor shall report the substance of all such disclosure statements to the members of the City Council, or may provide to the members of the City Council copies of the disclosure statement within 30 days after the statement is received by the Mayor. This section does not apply to instances where the value of the interest does not exceed \$2,000.00, and life insurance policies and annuities shall not be considered in determining the value of any such interest.

(Revised Ords. 1978, § 1-3-5)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-3-1306.

#### **Sec. 1-3-6. Interest in Business Entity Doing Business with City, Disclosure.**

Every appointed or elected officer of the City who is an officer, director, agent, or employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City, shall publicly disclose to the members of the body on which he ~~or she~~ is a member, immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his ~~or her~~ interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting.

(Revised Ords. 1978, § 1-3-6)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-3-1307.

#### **Sec. 1-3-7. Investments Creating Conflict of Interest with Duties, Disclosure.**

Any personal interest or investment by any elected or appointed official of the City which creates a conflict between the official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section 1-3-5.

(Revised Ords. 1978, § 1-3-7)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-3-1308.

#### **Sec. 1-3-8. Inducing Officer to Violate Chapter Prohibited.**

No person shall induce or seek to induce any appointed or elected officer to violate any of the provisions of this chapter.

(Revised Ords. 1978, § 1-3-8)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-3-1309.

#### **Sec. 1-3-9. Violation a Misdemeanor, Other Statutory Sanctions.**

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this chapter is guilty of a Class B misdemeanor and shall be subject to the additional sanctions of the Municipal Officers and Employees Ethics Act (U.C.A. 1953, § 10-3-1301 et seq., as amended).

(Revised Ords. 1978, § 1-3-9)

**State law reference**—Penalties for violation, U.C.A. 1953, § 10-3-1310.

**Sec. 1-3-10. Complaints Charging Violations; Procedure.**

(a) Any complaint against a person, who is under the merit system, charging that person with a violation of this chapter, shall be filed and processed in accordance with the provisions of the merit system.

(b) If the person charged with the violation is not under the merit system, then the complaint shall be filed with the Mayor or Chief Administrative Officer. The Mayor or Chief Administrative Officer shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the Mayor or Chief Administrative Officer shall be filed with the City Council. If the City Council finds that the person has violated this ~~part~~chapter, it may dismiss, suspend, or take such other appropriate action with respect to the person.

(Revised Ords. 1978, § 1-3-10)

**Sec. 1-3-11. Rescission of Prohibited Transaction by City.**

If any transaction is entered into in connection with a violation of Section 1-3-6, the City may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the City.

(Revised Ords. 1978, § 1-3-11)

PROOFS

## Title 2

**ELECTIONS\***

\*State law reference—Election Code, U.C.A. 1953, § 20A-1-101 et seq.

**CHAPTER 2-1. ELECTION RULES AND REGULATIONS****Sec. 2-1-1. Filing Fee.**

A filing fee in the amount of ~~\$10.00~~  established by the fee schedule shall be paid upon the filing of declaration of candidacy or nomination petition with the City Recorder.

(Revised Ords. 1978, § 2-1-1; Ord. No. 18-09, § 1(exh. A, § 2-1-1), 4-6-2018)

**State law reference**—Payment of fee required by ordinance required, U.C.A. 1953, § 20A-9-203(3).

**Sec. 2-1-2. Contribution Disclosures**

Candidates for office must disclose all contributions received as required under state law, including disclosure of all contributions, as defined by state law, received by a candidate or elected office holder, received at any time, by filing updated and current campaign finance statements no later than the deadlines imposed by state law and City ordinance.

(Revised Ords. 1978, § 2-1-2; Ord. No. 18-09, § 1(exh. A, § 2-1-2), 4-6-2018)

**Sec. 2-1-3. Contribution Disclosure Deadlines**

In addition to the deadlines imposed under state law, candidates for office must disclose all contributions received and expenditures made by filing an updated and current campaign finance statement no later than the following dates:

- (1) 14 days prior to the earliest date that any voter may cast a ballot in a primary election; and
- (2) 14 days prior to the earliest date that any voter may cast a ballot in a general election.

(Revised Ords. 1978, § 2-1-3; Ord. No. 18-09, § 1(exh. A, § 2-1-3), 4-6-2018)

**Sec. 2-1-4. Notification to Candidate.**

The City Recorder shall, at the time the candidate for municipal office files a declaration of candidacy and again 21 days before each municipal primary and municipal general election, notify the candidate in writing of:

- (1) The provisions of statute and municipal ordinance governing the disclosure of campaign contributions received and expenditures made through the filing of campaign finance statements no later than the deadlines imposed under state law and City ordinance;
- (2) The dates by which the candidate is required to file updated and current campaign finance statements to disclose all campaign contributions received and expenditures made; and
- (3) The penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement.

(Revised Ords. 1978, § 2-1-4; Ord. No. 18-09, § 1(exh. A, § 2-1-4), 4-6-2018)

**Sec. 2-1-5. Annual Contribution Disclosure by Elected Officials**

(a) All elected officials who hold office in Sandy City must file an annual campaign finance statement no later than January 15 during each year while in office.

(b) The annual campaign finance statement filed by an elected official must disclose all contributions received and expenditures made prior to December 31 of the preceding calendar year which have not been previously disclosed.

(Revised Ords. 1978, § 2-1-5; Ord. No. 18-09, § 1(exh. A, § 2-1-5), 4-6-2018)

PROOFS

Title ~~22~~3**LEGISLATIVE CODE\***

\***State law reference**—City council generally, U.C.A. 1953, § 10-3b-203.

**CHAPTER 3-1. CITY COUNCIL\***

\***State law reference**—City council generally, U.C.A. 1953, § 10-3b-203.

**Sec. 3-1-1. Council Terms and Districts.**

(a) The Sandy City Council shall be composed of seven members, four of whom shall be elected from Council districts and three of whom shall be elected at large. The Council districts shall be adjusted from time to time in accordance with the laws of the State of Utah and in such manner as may be necessary to ensure substantially equal population within each district. One non-partisan candidate shall be elected to fill each of the seven positions on the Sandy City Council. ~~Council members elected shall initially serve, under the provisions of the Council/Mayor form of government, as follows:~~

- ~~(1) A Council member, serving at the time of the adoption of the Council/Mayor form of government, shall serve the remainder of the elected term as an at-large member of the Council.~~
- ~~(2) Two (2) members of the Council shall be elected at large for four year terms.~~
- ~~(3) A Council member, serving at the time of the adoption of the Council/Mayor form of government, shall serve the remainder of the elected term as a representative of Council District #1.~~
- ~~(4) One Council member shall be elected from Council District #3 to serve a two year term.~~

~~(b) One Council member shall be elected from Council Districts #2 and #4 to serve four year terms. However, after the initial terms shall have been completed, all subsequent terms shall be for Council members shall serve for terms of four years.~~ The seven member Council shall exercise the legislative powers within Sandy City.

(c) The legislative or Council districts of Sandy City shall be set forth upon a map retained in the possession of the City Recorder, which map is specifically made a part of this section. The said map indicating Council districts may be amended from time to time in accordance with the laws of the State of Utah by resolution of the City Council in order to maintain districts of substantially equal population.

(Revised Ords. 1978, § 22-1-1)

**Sec. 3-1-2. Council Powers.**

The Council ~~shall exercise the legislative powers of City government, including the adoption of ordinances, setting appropriate tax levies, adopting the City budget, and establishing water and garbage service rates, and other general tax and ser~~  ~~rates. It may also review and monitor the municipal administration, conduct public hearings and perform all other duties and responsibilities authorized or required by state law. The Council shall give the Mayor its advice and consent in appointments to the Planning Commission and Board of Adjustment. The Council hereby grants to the Mayor its advice and consent to all removals, firings, discharges and other disciplinary actions he may undertake regarding executive branch personnel, including department heads. Said mayoral actions regarding supervisory actions or discharging executive department personnel shall be done consistently with due process and other applicable constitutional and statutory principles, but need not include additional or separate advice and consent of the Council.~~

(Revised Ords. 1978, § 22-1-2)

**State law reference**—Power of council to approve appointments of mayor, U.C.A. 1953, § 10-3b-202(1)(d)(ii).

**Sec. 3-1-3. Meetings of Council.**

(a) The Council is a part-time legislative body, but shall meet not less than twice monthly. The Council shall by ordinance establish a regular meeting schedule.

(b) Special meetings may be called either by order of the chairperson of the Council, by a majority of the Council members or by the Mayor. The order signed by the party calling the meeting shall be filed with the City Recorder and entered in the minutes of the Council. Notice of said special meeting shall be given to all Council members and the Mayor, who have not joined in said order, not less than 48 hours before said special meeting. Said notice shall be served personally or a copy thereof deposited at the said Council member's or Mayor's place of abode, either by leaving it with a person of suitable age and discretion or affixing a copy thereof to the front door, such action to be by the City Recorder or his or her designee.

(c) Emergency meetings of the Council may be called by order of the Mayor or a majority of the Council members to consider unforeseen matters of an emergency or urgent nature. Such meetings may be held without any specific advance notice, but shall be had at a time so as to give the Mayor and all Council members the most opportunity to be present, considering the circumstances requiring the emergency meeting. Notice of said meeting shall be attempted to be given to the Mayor and each Council member not joining in the said order by the best practical means under the circumstances.

~~(d) All official meetings of the Council shall be open to the public as required by the Utah Open and Public Meetings Act or its successor, provided however, that executive sessions may be closed by a 2/3 majority vote of the Council members present at an open meeting, for discussions of appropriate matters, under the Utah Open and Public Meetings Act or its successor. No final decisions shall be made in closed meetings, except as allowed by State law.~~

(Revised Ords. 1978, § 22-1-3)

**State law reference**—Regular and special council meetings, U.C.A. 1953, § 10-3-502.

#### **Sec. 3-1-4. Meeting Schedules, Agendas and Minutes.**

(a) The City Recorder shall give public notice of at least once each year of the annual meetings schedule of the City Council in a manner as provided by the Utah Open and Public Meetings Act (U.C.A. 1953, § 52-4-101 et seq.) or its successor.

(b) In addition to the foregoing notice, the Recorder or Council staff shall prepare an agenda for each regular meeting of the Council, which is reasonably specific so as to identify the matters to be considered by the Council and which states the date, time and place of the meeting. Such agenda shall be posted not less than 24 hours before the scheduled regular or special meeting. Such posting shall be done by placing a copy of said agenda at the principal office of the City Council and a copy of such agenda given to a local media of general circulation in the geographic area of Sandy City. Notices of emergency meetings shall be given in the best practicable manner, under the circumstances.

~~(c) Minutes shall be kept of all open or closed meetings, and shall contain the information required by the Utah Open and Public Meetings Act or its successor. All such minutes shall be public records, filed with the City Recorder and available for public inspection, within a reasonable time after the conclusion of said meeting(s).~~

(Revised Ords. 1978, § 22-1-4)

#### **Sec. 22-1-5. Council Organization and Rules.**

~~The Council shall elect a chairperson from its number and shall determine its order, rules, procedure and organization from time to time as it deems prudent and appropriate.~~

(Revised Ords. 1978, § 22-1-5)

#### **Sec. 3-1-5. Council Vacancies.**

~~In the event of a vacancy in the Council, the Council shall, within 30 days of the occurrence and declaration of such vacancy, by majority vote of the remaining Council members, appoint a qualified elector of the City to fill the unexpired term as created by the occurrence of such vacancy. The Council member who shall be appointed to fill such vacancy shall serve with all of the rights and powers of a duly elected Council member. A vacancy on the Council shall be declared by the Council if a Council member shall die, resign, terminate legal domicile within the corporate limits of Sandy City or, if chosen from a Council district, within the appropriate Council district boundaries or be judicially removed from office.~~

(Revised Ords. 1978, § 22-1-6)

**State law reference**—Filling of council vacancies, U.C.A. 1953, §§ 10-3-302, 20A-1-510.

**Sec. 3-1-6. Staff and Support Personnel.**

Subject to the limitations and requirements of applicable budget appropriations, the City Council may appoint and remove such assistants and support staff as may be necessary to perform such functions and duties as may be assigned to them by the City Council.

(Revised Ords. 1978, § 22-1-7)

PROOFS

Title ~~6~~4**ADMINISTRATIVE CODE****CHAPTER 4-1. PURPOSES AND PRINCIPLES****Sec. 4-1-1. Short Title.**

This title shall be known and may be cited as the "Administrative Code."

(Revised Ords. 1978, § 6-1-1)

**Sec. 4-1-2. Purpose and Intent.**

The purpose and intent of this title ~~of the Revised Ordinances of Sandy City~~ is to:

- (1) Establish and clarify the organizational structure of the City government.
- (2) Identify appointed officials and specify their duties.
- (3) Establish descriptions and parameters of departmental responsibilities.
- (4) Establish specific definitions of the powers, duties and functions of the Mayor and City Administrator of the City.
- (5) Establish the general parameters of the administration of human resources, purchasing and financial functions of the Administration.

(Revised Ords. 1978, § 6-1-2; Ord. No. 17-06, 2-7-2017)

**Sec. 4-1-3. Administrative Organization.**

~~The municipal government of Sandy City is divided into separate, independent and equal branches of government pursuant to the provisions of the "Forms of Municipal Government Act" as established by the State of Utah. The equal and independent branches of government in Sandy City are the executive branch and the legislative branch. The executive branch consists of the Mayor of Sandy City, the administrative departments of the City, the department heads, other officers, offices, and employees. The legislative branch consists of a municipal council consisting of seven members and support staff. The Mayor of Sandy City shall exercise the executive powers of government. A duly appointed judge or judges shall exercise powers under the Judicial Code, Title 23 of the Revised Ordinances of Sandy City.~~

The City is organized under the Council-Mayor form of government found in U.C.A. 1953, title 10, ch. 3b, pt. 2 (U.C.A. 1953, § 10-3b-201 et seq.).

(Revised Ords. 1978, § 6-1-3; Ord. No. 17-06, 2-7-2017)

**CHAPTER 4-2. OFFICE OF MAYOR\***

\*State law reference—Mayor required, U.C.A. 1953, § 10-3b-301; election of officers, U.C.A. 1953, §§ 10-3-205, 10-3-205.5; general powers of mayor, U.C.A. 1953, § 10-3b-202; powers of mayor in times of emergency, U.C.A. 1953, §§ 53-2a-205, 53-2a-208.

**Sec. 4-2-1. Qualifications and Term of Office.**

~~The Mayor shall be a registered voter of the municipality, shall be elected at large for a term of four (4) years, and shall maintain residency within the boundaries of the City during such term of office, as required by Utah law. The Mayor has the qualifications and term of office provided by state law.~~

(Revised Ords. 1978, § 6-2-1; Ord. No. 17-06, 2-7-2017)

**State law reference**—Terms of elected municipal officers, U.C.A. 1953, § 10-3-202; eligibility requirements for officers, U.C.A. 1953, § 10-3-301.

**~~Sec. 6-2-2. Vacancy in Office of Mayor.~~**

~~If any vacancy occurs in the office of Mayor, the City Council shall make an appointment to fill the unexpired term of the office under the procedures of Section 20A-1-510 of the Utah Code.~~

~~(Revised Ords. 1978, § 6-2-2; Ord. No. 17-06, Amended 2/7/2017)~~

**Sec. 6-2-3. Powers and Duties.**

~~The Mayor:~~

- ~~(a) is the chief executive, financial, and administrative officer of the City;~~
- ~~(b) exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the City;~~
- ~~(c) shall:~~
  - ~~(1) keep the peace and enforce the laws of the City;~~
  - ~~(2) execute the policies adopted by the City Council;~~
  - ~~(3) appoint, with the City Council's advice and consent, a qualified person for each of the following positions: chief administrative officer; recorder; treasurer; engineer; and attorney;~~
  - ~~(4) provide to the City Council, at least quarterly, a written report to the City Council setting forth: the amount of budget appropriations; the total disbursements from the appropriations; the amount of indebtedness incurred or contracted against each appropriation, including disbursements and indebtedness incurred and not paid; and the percentage of the appropriations encumbered;~~
  - ~~(5) report to the City Council the condition and needs of the City;~~
  - ~~(6) report to the City Council any release granted under Subsection (d)(13);~~
  - ~~(7) if the Mayor remits a fine or forfeiture under Subsection (d)(11), report the remittance to the City Council at the City Council's next meeting after the remittance;~~
  - ~~(8) perform each other duty prescribed by State statute or required by City ordinance that is not inconsistent with applicable law;~~
- ~~(d) may:~~
  - ~~(1) subject to budget constraints:
 
    - ~~(A) appoint one or more deputies or administrative assistants to the Mayor or chief administrative officer; and~~
    - ~~(B) create any other administrative office that the Mayor considers necessary for good government of the municipality and appoint a person or persons to the office.~~~~
  - ~~(2) with the City Council's advice and consent and except as otherwise specifically limited by statute, appoint: each department head of the City, each statutory officer of the City; and each member of a statutory commission, board or committee of the City;~~
  - ~~(3) dismiss any person appointed by the Mayor or delegate that responsibility to department heads;~~
  - ~~(4) as provided in Section 10-3b-204 of the Utah Code, veto an ordinance, tax levy, or all or any part of an appropriation passed by the City Council;~~
  - ~~(5) exercise control of and supervise each executive or administrative department, division, or office of the City;~~
  - ~~(6) within the general provisions of statute and ordinance, regulate and prescribe the powers and duties of each other executive or administrative officer or employee of the City;~~
  - ~~(7) attend each City Council meeting, take part in City Council meeting discussions, and freely give advice to the City Council provided that the Mayor may not vote on any matter before the City Council;~~
  - ~~(8) appoint a budget officer to serve in place of the Mayor to comply with and fulfill in all other respects~~

~~the requirements of the Uniform Fiscal Procedures Act for Utah Cities, Section 10-6-1 et seq. of the Utah Code;~~

- ~~(9) execute an agreement on behalf of the City or delegate, by written executive order, the authority to execute an agreement on behalf of the City: if the obligation under the agreement is within certified budget appropriations and subject to Section 10-6-138 of the Utah Code;~~
- ~~(10) at any reasonable time, examine and inspect the official books, papers, records, or documents of the City or any officer, employee, or agent of the City;~~
- ~~(11) remit fines and forfeitures;~~
- ~~(12) if necessary, call on residents of the City over the age of 21 years to assist in enforcing the laws of the state and ordinances of the City; and~~
- ~~(13) release a person imprisoned for a violation of a municipal ordinance;~~
- ~~(e) exercises all other powers and fulfills all other duties provided in the Utah Code or otherwise allowed by law, without limitation to those powers and duties specifically enumerated in this section.~~

~~(Revised Ords. 1978, § 6-2-3; Ord17-06, Amended 2/7/2017)~~

#### **Sec. 6-2-4. Power in Time of Local Emergency.**

~~(a) The Mayor may declare a local emergency by proclamation provided that such local emergency shall not be continued or renewed for a period in excess of 30 days except by or with the consent of the City Council. Any order or proclamation declaring, continuing, or terminating a local emergency shall be filed promptly with Salt Lake County and the City Recorder's Office.~~

- ~~(1) A declaration of a local emergency (A) constitutes an official recognition that a disaster situation exists within the City; (B) provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other cities, counties, or from the state or federal government; (C) activates the response and recovery aspects of the City's emergency plan; and (D) authorizes the furnishing of aid and assistance in relation to the proclamation.~~
- ~~(2) A local emergency proclamation issued under this section shall state (A) the nature of the local emergency; (B) the area or areas that are affected or threatened; and (C) the conditions which caused the emergency.~~

~~(b) In order to protect life and property when a state of emergency or local emergency has been declared, the Mayor is authorized to:~~

- ~~(1) carry out, in the City, measures as may be ordered by the governor under State law; and~~
- ~~(2) take any additional measures the Mayor may consider necessary, subject to the limitations and provisions of State law. The Mayor may not take an action that is inconsistent with any order, rule, regulation, or action of the governor.~~
- ~~(c) When a state of emergency or local emergency is declared, the authority of the Mayor includes:~~
  - ~~(1) utilizing all available resources of the City as reasonably necessary to manage a state of emergency or local emergency;~~
  - ~~(2) employing measures and giving direction to local officers and agencies which are reasonable and necessary for the purpose of securing compliance with the State Disaster Response and Recovery Act Section 53-2a-201 et seq. of the Utah Code and with orders, rules, and regulations made under this Section;~~
  - ~~(3) if necessary for the preservation of life, issuing an order for the evacuation of all or part of the population from any stricken or threatened area within the City;~~
  - ~~(4) recommending routes, modes of transportation, and destinations in relation to an evacuation;~~
  - ~~(5) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles in relation to an evacuation, except that the Mayor may not restrict the lawful bearing of~~

arms;

- ~~(6) controlling ingress and egress to and from a disaster area, controlling the movement of persons within a disaster area, and ordering the occupancy or evacuation of premises in a disaster area;~~
- ~~(7) clearing or removing debris or wreckage that may threaten public health, public safety, or private property from publicly or privately owned land or waters, except that where there is no immediate threat to public health or safety, the Mayor shall not exercise this authority in relation to privately owned land or waters unless:
 
  - ~~(A) the owner authorizes the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance; and~~
  - ~~(B) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the City and state government against any claim arising from the removal; and~~~~

~~(d) If the Mayor is unavailable to issue an order for evacuation under Subsection (c)(3), the Chief of the Police Department may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for the preservation of life. The Mayor may ratify, modify, or revoke the Police Chief's order.~~

~~(e) Notice of an order or the ratification, modification, or revocation of an order issued under this section shall be given to persons within the City by the most effective and reasonable means available and filed in the Office of the City Recorder.~~

~~(f) The special disaster emergency authority vested in the Mayor pursuant to this Section shall be in addition to, and not in lieu of, any other emergency authority otherwise constitutionally or statutorily vested in the City.~~

~~(Revised Ords. 1978, § 6-2-4; Ord17-06, Amended 2/7/2017)~~

#### **Sec. 4-2-2. Council-Mayor Relationships.**

~~(a) The Mayor shall make all appointments to the Planning Commission and Board of Adjustment after having received the advice and consent of the City Council on each separate prospective appointment. The Mayor is hereby authorized and granted the power to hire, discharge, remove, suspend or otherwise appropriately discipline officers, department heads, administrative assistants and the City Administrator and other persons in the executive branch of City government, and to delegate this authority, consistent with the provisions of City ordinance, State statute, or other applicable law.~~

~~(b) Before any member of the City Council requests from any member of the administrative staff any assistance, advice or work product, the Council member shall consult with and obtain approval from the Mayor. This consultation and approval requirement shall not apply to requests by members of the City Council for information, advice or assistance from staff members when such action can be accomplished in a short period of time or without the expenditure of more than a nominal amount of administrative time or funds.~~

~~(Revised Ords. 1978, § 6-2-5; Ord. No. 17-06, 2-7-2017)~~

**State law reference**—Appointments by mayor, U.C.A. 1953, § 10-3b-202(1)(c)(iii), (1)(d)(ii); dismissal of appointees, U.C.A. 1953, § 10-3b-202(1)(d)(iii).

#### **Sec. 4-2-3. Office of the Mayor.**

Subject to the limitations and requirements of applicable budget appropriations, the Mayor may hire such assistants and officers who shall perform such functions and duties as may be assigned to them by the Mayor. In order to provide proper staff and management services to the City and its departments, the Mayor is authorized to establish within his office such divisions or sections as may seem necessary or proper for the purposes aforesaid. From time to time the Mayor may:

- (1) Abolish, change or reorganize the same;
- (2) Abolish, change, reorganize or transfer functions, duties and services;
- (3) Assign or reassign personnel to or between any section or division of the office of the Mayor; and
- (4) Transfer functions, duties and services and assign or reassign personnel from, to, between and among

any section or divisions of the Mayor's office.

Such actions by the Mayor may be on a temporary or permanent basis, subject to further change, reorganization or reassignment as the Mayor may determine upon the advice of the City Administrator.

(Revised Ords. 1978, § 6-2-6; Ord. No. 17-06, 2-7-2017)

**Sec. 4-2-4. Executive Committees.**

The Mayor may solicit the advice of private parties and may administratively establish, drawing from City personnel and private parties, executive committees to assist and provide counsel in the administration of City affairs. Any such committees so organized shall report to, be coordinated by, and have a liaison with the City through the executive branch of City government in a manner designated by the Mayor.

(Revised Ords. 1978, § 6-2-7; Ord. No. 17-06, 2-7-2017)

**CHAPTER 4-3. CHIEF ADMINISTRATIVE OFFICER\***

\*State law reference—Chief administrative officer, U.C.A. 1953, § 10-3b-202(1)(c)(iii)(A).

**Sec. 4-3-1. Chief Administrative Officer.**

(a) The Mayor shall be required, with the advice and consent of the City Council, to appoint a Chief Administrative Officer to exercise such powers of administration and perform such duties as the Mayor shall prescribe. The Chief Administrative Officer may also be known as and designated by the title of City Administrator or CAO.

(b) The positions of Mayor and Chief Administrative Officer are intended to complement each other by combining strong political leadership with management expertise. For this reason, the Chief Administrative Officer shall be appointed on the basis of his ability and prior experience in the field of public administration, together with such other qualifications as may hereinafter be set forth.

(c) The Chief Administrative Officer may be removed at the sole discretion of the Mayor.

(Revised Ords. 1978, § 6-3-1; Ord. No. 17-06, 2-7-2017)

**Sec. 4-3-2. Interim Chief Administrative Officer.**

(a) Subject to U.C.A. 1953, § 10-3b-202, the Mayor may appoint an Interim Chief Administrative Officer to serve during the interim vacancy period between a municipal general election held to elect a Mayor and the day on which a new Mayor-elect begins the Mayor's term, provided that the Interim Chief Administrative Officer's term shall expire once a new Chief Administrative Officer is appointed by the new Mayor after the interim vacancy period has expired. This section does not apply, however, if the Mayor who holds office on the day of the municipal general election is re-elected to the Mayor's office for the following term.

(b) A Mayor who appoints an Interim Chief Administrative Officer in accordance with Subsection (a) of this section, may not enter into an employment contract that contains an automatic renewal provision with that officer.

(Revised Ords. 1978, § 6-3-2; Ord. No. 17-06, 2-7-2017)

**Sec. 4-3-3. Duties of Chief Administrative Officer.**

The Chief Administrative Officer shall have the power and duty to:

- (1) Recommend to the Mayor the appointment of persons to the position of department head and to other employment positions within the City;
- (2) Recommend the removal of persons such as department heads or other employees of the City;
- (3) Approve administrative policies and rules;
- (4) Act as the budget officer of the City when designated by the Mayor;
- (5) Act through the Mayor to enforce the laws, ordinances and policies as established by the City;
- (6) Bind the City to financial agreements in emergency situations;
- (7) Act as an official representative of the City administration in the Mayor's absence;

- (8) Sign plats and agreements in behalf of the City in the Mayor's absence or as delegated by the Mayor;
- (9) Recommend to the Mayor and implement upon adoption such projects as may increase productivity within the City government;
- (10) Carry out assignments as delegated by the Mayor;
- (11) Exercise such other powers and responsibilities as may be required to efficiently and effectively administer the City government on a day-to-day basis;
- (12) Except as provided in the Legislative and Judicial Codes, serve as the administrative head of all of the departments within the City government and all department heads and employees of the City shall be administratively responsible to him in the exercise of his duties herein;
- (13) Attend all meetings of the City Council unless specifically excused and recommend for adoption such measures as he shall deem expedient;
- (14) Hold regular office hours at the City offices and be responsible for the efficient resolution of problems arising in the course of governmental business carried on by the City;
- (15) Resolve actual and potential conflict among departments of the City government and maintain harmony conducive to proper functioning of the City administration;
- (16) Plan, direct and control, under the direction of the Mayor, the administrative affairs of the City; and
- (17) Within five days of notification or request, deliver to his successor in office all properties, books and effects of every description in his possession belonging to the City or appertaining to his office.

(Revised Ords. 1978, § 6-3-3; Ord. No. 17-06, 2-7-2017)

**Sec. 4-3-4. Qualifications.**

- (a) The City Administrator need not be a qualified elector or resident of Sandy City.
- (b) The City Administrator shall serve for an indefinite term of office, except that he shall be reappointed as required for other appointive offices by state statutes.
- (c) The City Administrator shall serve until such time as he may be removed by the Mayor.
- (d) The City Administrator shall be appointed on the basis of the following minimum qualifications, which shall include, but not be limited to:
  - (1) *Education.* A Bachelor's Degree and a Master's Degree in public or business administration or related areas of study. Experience may be substituted on a year for year basis to fulfill the education requirements of the Master's Degree.
  - (2) *Experience.* Ten years' experience in public administration or related fields of administration.
  - (3) *Knowledge.* A knowledge of public administration theory and practice, administrative organization, and municipal laws, ordinances and regulations.

(Revised Ords. 1978, § 6-3-4; Ord. No. 17-06, 2-7-2017)

**Sec. 4-3-5. Relationship with City Council.**

- (a) The City Administrator, acting in the capacity of the Administrator of the day-to-day affairs of the City government, shall be directed in such administrative activity by the Mayor.
- (b) City Council members may not direct that the City Administrator appoint or remove a person from an executive City office, interfere in any way with an executive officer's performance of the officer's duties, or publicly or privately give orders to a subordinate of the Mayor.

(Revised Ords. 1978, § 6-3-5; Ord. No. 17-06, 2-7-2017)

**Sec. 4-3-6. Duties of Assistant Chief Administrative Officers.**

Subject to the limitations and requirements of applicable budget and fiscal appropriations, the City Administrator may appoint one or more Assistant CAOs to perform any of the duties of the City Administrator,

including, but not limited to, the following:

- (1) Assist the City Administrator in his/~~her~~ duties overseeing the operations of the City;
- (2) Serve as the acting City Administrator in the absence of the City Administrator;
- (3) Supervise any departments, functions, divisions, or personnel as assigned by the Mayor or City Administrator; and
- (4) Complete special studies, assignments, project management, and other duties as assigned by the Mayor or City Administrator.

(Revised Ords. 1978, § 6-3-6; Ord. No. 17-06, 2-7-2017)

## **CHAPTER 4-4. DEPARTMENTAL ORGANIZATION**

### **Sec. 4-4-1. Definitions.**

~~The following terms shall, for the purposes of this Administrative Code, be defined as follows:~~ The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Department* means the designation within the organizational structure of the administrative branch of City government which groups a broad classification of similar functions, services and duties.
- (2) *Division* means a designation within the organizational structure of a department which groups similar functions, services and duties.

(Revised Ords. 1978, § 6-4-1; Ord. No. 17-06, 2-7-2017)

### **Sec. 4-4-2. Principles of Departmental Organization.**

(a) Notwithstanding their inclusion as part of this ~~original~~ Code, departments, divisions, services, or offices may be added, modified or removed at the discretion of the Mayor, subject to budgetary authority of the City Council, to allow for administrative flexibility and to provide for the changing needs of the City.

(b) A designation of any department, division, service or office shall not ensure staffing for any such portion of the administrative organization, but all staffing of the positions created by the sections of this ~~Administrative Code~~ title and by the Mayor as an exercise of the power granted to him by this ~~Administrative Code~~ title shall be subject to the limitations and requirements of applicable budget and fiscal appropriations.

(Revised Ords. 1978, § 6-4-2; Ord. No. 17-06, 2-7-2017)

### **Sec. 4-4-3. Designation of Departments and Department Heads.**

(a) Subject to the discretion of the Mayor set forth in Section 4-4-2 ~~of the Revised Ordinances of Sandy City~~, the following shall be departments within the executive branch of City government and the appointed officials as herein designated shall act as department heads and be responsible for the administrative direction of the respective departments:

- (1) The Department of Finance and Information Technology shall be headed by the Director of Finance.
- (2) The Legal Department shall be headed by the City Attorney.
- (3) The Police Department shall be headed by the Chief of Police.
- (4) The Fire Department shall be headed by the Fire Chief.
- (5) The Department of Public Works shall be headed by the Director of Public Works.
- (6) The Department of Parks and Recreation shall be headed by the Director of Parks and Recreation.
- (7) The Department of Community Development shall be headed by the Director of Community Development.
- (8) The Department of Public Utilities shall be headed by the Director of Public Utilities.
- (b) A department head may assume the direction of assistants and employees of the department, subject to

the limitations and requirements of the budget, appropriations, and applicable statutes and ordinances.

(Revised Ords. 1978, § 6-4-3; Ord. No. 17-06, 2-7-2017)

**Sec. 4-4-4. Organizational Chart.**

The organization of the executive branch shall be graphically displayed in the annual budget.

(Revised Ords. 1978, § 6-4-4; Ord. No. 17-06, 2-7-2017)

**Sec. 4-4-5. Departmental Functions and Duties of Appointed Officers.**

(a) *Department of Finance and Information Technology.*

(1) *Functions.* The Department of Finance and Information Technology shall be responsible for operations which shall include, but not be limited to, the following:

- a. Budget preparation and control, purchasing, utility billing, accounts receivable and payable, general ledger accounting and payroll, long-term financial planning, financial management and reporting,
- b. Information technology—the application of computers and telecommunications equipment and systems, Geographic Information System ("GIS"), data processing, research, special management reports and data center.

(2) *Duties of Director of Finance.* There is hereby established for Sandy City the position of Director of Finance. The position of Director of Finance shall serve as the Finance and Information Technology Director. The Director of Finance shall not, at any time, assume the duties of City Treasurer or of the Mayor's statutory duties as the Financial Officer. The Director of Finance shall:

- a. Perform financial duties as provided in the Uniform Fiscal Procedures Act for Utah Cities; and
- b. Perform such other duties as may be required by the Mayor or City Administrator and at all times remain consistent with City ordinance and state statute.

(3) *Duties of the City Treasurer.* There is hereby established for Sandy City the position of City Treasurer, which position shall be assigned to the Department of Finance and Information Technology and shall be under the direction of that Department. The City Treasurer shall:

- a. Perform financial duties as provided in the Uniform Fiscal Procedures Act for Utah Cities;
- b. Follow the procedures and requirements of the State Money Management Act; and
- c. Perform such other duties as may be required by the Department of Finance and Information Technology consistent with City ordinance and state statute.

(b) *Legal Department.*

(1) The City Attorney shall be the chief legal officer of the City and shall be responsible to the Mayor and City Administrator for the proper administration of the legal affairs of the City. Said attorney, or his designated assistants, shall have the following functions and duties:

- a. Prosecute all charges of violation of municipal ordinances and regulations in the courts or administrative tribunals and prosecute and defend, or supervise the prosecution and defense of, all actions and appeals involving the City in all courts and before all boards, commissions and administrative agencies;
- b. Attend all City Council meetings, unless specifically excused therefrom;
- c. Furnish legal advice, counsel and assistance to the Mayor, City Council and all other City officers, boards, commissions and agencies, in relation to their duties and the business of the City;
- d. Control and direct all legal services performed by special counsel for the City, who may be retained from time to time to assist the City Attorney in providing legal services for the City; provided, however, that the City Attorney shall not be responsible in any way for counsel who:
  1. Has not been specifically retained by the City Attorney;
  2. Is not paid from funds controlled by the City Attorney; or

3. Is not under the actual direction of the City Attorney's Office;
  - e. Prepare or review all proposed ordinances and resolutions presented to the Mayor or City Council;
  - f. Approve the form of all contracts entered into by the ~~municipality~~ City; and
  - g. Prepare the necessary affidavits and verification on behalf of the City in any and all proceedings.
- (2) The foregoing notwithstanding, the City Attorney shall not act, either personally or through his staff, as both a prosecutor or advocate before, and as an advisor to, any administrative department, board, commission, agency, official, or employee of the City. In cases where such a conflict shall arise, special counsel may be funded and appointed by the affected department, board, commission or agency. Any such special counsel shall not be subject to the control or direction of the City Attorney in such matter, and shall provide the legal service to the affected entity or person which cannot be provided by the City Attorney.
- (c) *Police Department.*
- (1) *Functions.* The Police Department, by and through its sworn officers, shall pursue the following objectives:
- a. Preserving the public peace by planning for enforcement of the laws of the City;
  - b. Preventing crime;
  - c. Detecting and arresting criminal offenders;
  - d. Protecting the rights of persons and property;
  - e. Regulating and controlling motorized, bicycle and pedestrian traffic;
  - f. Training of sworn personnel;
  - g. Providing and maintaining police records and communication systems; and
  - h. Supervising all functions of animal services as required by City ordinance.
- (2) *Powers and Duties.* The Chief of Police, acting by himself, or by and through the sworn officers of the Police Department, shall:
- a. Execute and return all writs and processes as directed by a court of competent authority, and in criminal cases, quasi-criminal cases, or cases in violation of City ordinances, he may serve the same in any part of Salt Lake County;
  - b. Suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the City, and pursue and arrest any person fleeing from justice in any part of the State;
  - c. Apprehend any persons in the act of committing any offense against the laws of the state or ordinances of the City and bring such persons before a court or other authority of competent jurisdiction for examination and trial consistent with law;
  - d. Promote the prevention of accidents, crime and other incidents prohibited by statute or ordinances;
  - e. Promote the protection of life and property, all pursuant to and as provided by statute and ordinance; and
  - f. Have like powers as sheriffs or constables in similar cases.
- (d) *Fire Department.*
- (1) The Fire Department shall:
- a. Develop and administer public education and fire prevention programs;
  - b. Inspect buildings, vacant fields, fire hydrants and proposed building plans;
  - c. Develop, administer, and enforce all applicable state and City laws, ordinances, codes and regulations pertaining to:
    1. The inspection of fire hydrants and proposed building plans;

2. The prevention and extinguishing of fires;
  3. The storage and use of explosives and flammables;
  4. The maintenance and regulation of fire escapes and fire extinguishing apparatus; and
  5. The means and adequacy of building exits;
- d. Investigate the causes, origins and circumstances of fires;
  - e. Develop and operate emergency fire alarm and communications systems;
  - f. Provide fire rescue and emergency services;
  - g. Provide an emergency medical program; and
  - h. Protect life and property.
- (e) *Department of Public Works.*
- (1) *Functions.* The Department of Public Works shall have charge and be responsible for the:
    - a. Supervision of the design, construction, operation and maintenance of the public works of the City, including streets, parkways, sidewalks, surface drainage ways, traffic control devices, solid waste services, and similar public ways and facilities.
    - b. Functions performed by virtue of ordinance and statute by the City Engineer and for the engineering records, which shall include certified copies of field notes, maps, plats, drawings, deeds, dedications, final estimates, specifications, streets, sidewalks, and other engineering work.
    - c. Acquisition and maintenance of the City vehicle fleet.
    - d. Design and construction of capital improvements projects constructed within Sandy City.
    - e. Promotion of the efficient and safe usage and the future development of the City's transportation network through transportation engineering techniques in accordance with the Master Plan of the City.
  - (2) *City Engineer.* The position of City Engineer shall be under the direction of the Director of the Department of Public Works. The City Engineer shall be a registered professional engineer within the State of Utah and shall have graduated, as a minimum requirement, with a B.S. or M.S. degree from an accredited four year college. The City Engineer shall be responsible for the:
    - a. Review, supervision and acceptance of all engineering, design, and construction work required by or for the City, except as otherwise assigned to other departments or officers of the City.
    - b. Coordination and supervision of all construction work done within the public rights-of-way of the City.
    - c. Maintenance of records of public improvements as prescribed by state statute, including, but not limited to, maps, plans, plats, profiles, drawings, final estimates, specifications and contracts.
- (f) *Department of Public Utilities.*
- (1) *Functions.* The Department of Public Utilities shall have charge and be responsible for:
    - a. Supervision of the design, construction (in cooperation with the City Engineer), and operation and maintenance of utilities of the City, including, but not limited to, culinary water, irrigation water, storm drains, flood control systems, streetlight systems, and other public utilities;
    - b. Promotion of efficient, safe and usable municipal utilities, and the future development of the City's utilities through proper management and operational techniques, and through the proper education of the City's residents;
    - c. Development and acquisition of utility rights, properties, shares, interests, etc., which currently exist, or which may have reason to exist for the benefit of the City's residents; and
    - d. Coordination of all aspects of utilities within the City, including, but not limited to, master planning,

conjunctive management with other utilities, both public and private, site selection, design, construction, maintenance, and operation.

(2) *Utility Engineering.* Under the direction of the City Engineer, the Department of Public Utilities engineering section shall be responsible to:

- a. Review, supervise and accept all engineering and architectural design, and construct utility facilities required by or for the City;
- b. Coordinate and supervise all utility construction work within the public rights-of-way of the City; and
- c. Maintain records of utility improvements as prescribed by state statute, including, but not limited to, maps, plans, plats, profiles, drawings, final estimates, specifications, and contracts.

(g) *Department of Parks and Recreation.*

(1) The Department of Parks and Recreation shall:

- a. Construct, operate, schedule and maintain all landscaped areas and park facilities owned or managed by the City, including parks, buildings and structures within the park system, golf course, cemetery, public trails, and public grounds;
- b. Set up, take down, and assist in the operation of City events;
- c. Organize, direct and provide recreational programs for City residents; and
- d. Construct, operate, schedule, or maintain any other parks or recreation facilities as designated by contract or interlocal agreement.

(h) *Department of Community Development.*

(1) *Functions.* The Department of Community Development shall have charge of and be responsible for:

- a. Providing the assistance necessary to the Administration, City Council and Planning Commission in the development, adoption, and implementation of the City's General Land Use Plan and Public Facility Plan;
- b. The development, administration and enforcement of all attendant laws, codes, ordinances and relevant regulations, including, but not limited to, future land use plans, zoning ordinances, subdivision regulations, business license regulations, property maintenance, and building and housing codes intended to serve the implementation of said plans;
- c. Administration of their functions and duties in such a manner as to assist the Administration, City Council and Planning Commission to implement and enforce the Development Code; and
- d. Direction of business licensing, the Division of Building and Safety, and Division of Planning.

(2) *Boards and Commissions.* The following boards and commissions are hereby established for Sandy City and their organization, duties and powers are outlined elsewhere within ~~the Revised Ordinances of Sandy City~~ this Code. These boards and commissions shall, where appropriate, serve as the Land Use Authority and coordinate with the executive branch of City government through the Director of Community Development, the Mayor and the City Administrator.

- a. Planning and Zoning Commission.
- b. Board of Adjustment.

(Revised Ords. 1978, § 6-4-5; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-4-6. Economic Development.**

(a) The Economic Development Director and staff shall report to the City Administrator and are responsible to plan, promote, coordinate and implement all activities affecting economic development, including the following:

- (1) Representing on behalf of the City economic development issues in the community over which the City has jurisdiction or advisory responsibility;

- (2) Review the work of staff and make final recommendations on economic development;
- (3) Coordinate economic development activities with City departments;
- (4) Develop the economic/redevelopment portion of the City General Plan with the assistance of the Community Development Department;
- (5) Valuate economic impact and feasibility of potential development projects;
- (6) Market and promote the City;
- (7) Assist and provide services to improve the business climate for local businesses;
- (8) Aid existing and new businesses in finding adequate locations or relocations in the City;
- (9) Aid in the preparation of the City Capital Improvement Program and Plan; and
- (10) Provide assistance in the purchase and disposition of real estate.

(b) The Economic Development Director also serves as the Redevelopment Director of the Redevelopment Agency of Sandy City "RDA" as outlined in RDA bylaws and shall:

- (1) Manage the Redevelopment Agency budgets subject to the limitations and requirements of applicable budget and fiscal appropriations by the RDA Board;
- (2) Perform all related duties and others as may be imposed by statute, the RDA Executive Director, the RDA Board, or City Administrator;
- (3) Conduct planning, qualification, and development of redevelopment project areas and the activities of the RDA; and
- (4) Evaluate land, services and programs to provide recommendations for financial aid or incentives to make projects economically feasible and competitive.

(Revised Ords. 1978, § 6-4-6; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-4-7. Support Services.**

The Chief Administrative Officer may delegate to one or more Assistant Chief Administrative Officers supervision of functions, services, and personnel of the City, including, but not limited to, the following:

- (1) Human resources, including such functions and duties as outlined in Chapter 4-5;
- (2) Risk management;
- (3) Emergency management;
- (4) Facilities;
- (5) Communications;
- (6) Community events;
- (7) City Recorder's Office, including such functions and duties as outlined in U.C.A. 1953, § 10-6-137 and otherwise assigned.

(Revised Ords. 1978, § 6-4-7; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-4-8. Emergency Interim Succession of City Officers.**

By July 1 of each year, each individual holding an office identified in this title shall designate at least three emergency interim successors, specify their order of succession, and provide a list of those designated successors to the Division of Emergency Management, as provided in U.C.A. 1953, § 53-2a-807.

(Revised Ords. 1978, § 6-4-8; Ord. No. 17-06, 2-7-2017)

## **CHAPTER 4-5. HUMAN RESOURCES**

### **Sec. 4-5-1. Scope.**

This chapter shall create and establish a comprehensive personnel management system for Sandy City.

(Revised Ords. 1978, § 6-5-1; Ord. No. 17-06, 2-7-2017)

**Sec. 4-5-2. Statement of Policy.**

The following principles and policies are hereby established:

- (1) Employment and promotion in the City government shall be based on qualifications and performance without regard to any class protected by applicable federal, state, or local employment laws.
- (2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City government.
- (3) The system shall provide the means to recruit, select, develop and maintain an effective and responsive work force, and shall provide plans for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related activities.
- (4) Continued employment of employees, subject to U.C.A. 1953, §§ 10-3-1105 and 10-3-1106, shall be subject to good behavior, satisfactory work performance, the necessity for performance of the work, and the availability of funds.
- (5) Positions having similar duties and responsibilities shall be classified and compensated within a uniform compensation range.
- (6) Appointments, promotions, and other actions shall be based on qualifications, systematic test evaluations, or documented performance.
- (7) The maintenance of high morale shall be achieved by fair and just administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interest of the public and the City.

(Revised Ords. 1978, § 6-5-2; Ord. No. 17-06, 2-7-2017)

**Sec. 4-5-3. Appointed Officers and Employees.**

(a) Except as provided in Subsection (b) of this section, each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided in Section 4-5-4 of the Revised Ordinances of Sandy City.

(b) Subsection (a) of this section does not apply to the following officers and employees of the City:

- (1) Category 1 Appointed Officers, which include those in the positions of deputy to the Mayor, City Council executive director, senior advisor to the Mayor, Mayor's office manager, Police Chief, Fire Chief, Deputy Fire Chief, Deputy Police Chief, Chief Administrative Officer, City Attorney, Public Utilities Director, Public Works Director, Community Development Director, Finance and Information Technology Director, Economic Development Director, Parks and Recreation Director, Assistant Chief Administrative Officers, Deputy City Attorney, City Engineer, Deputy Finance and Information Technology Director, Assistant Public Works Director, Assistant Parks and Recreation Director, Justice Court Judge, Assistant Community Development Director, City Treasurer, City Recorder, and other Category 1 Appointed Officers as stated annually in the approved staffing and compensation plan in the budget;
- (2) Category 2 Appointed Officers, which include those in the positions of Police Captain, City Prosecutor, Human Resources Director, Risk Manager/Fund Counsel, Information Technology Director, Public Utilities Operations Manager, Public Utilities Engineering Manager, and other Category 2 Appointed Officers as stated annually in the approved staffing and compensation plan in the budget;
- (3) Category 3 Appointed Officers, which include those who have been hired under formal written agreement for specific terms based on temporary and exceptional workload demands or because funding is based upon grants or other identified revenues of limited duration;
- (4) Probationary, part-time, and seasonal employees as defined by City policy;

- (5) Elected officials; and
- (6) Such other officers which may be classified as appointed officers from time to time by the Mayor or other person or body exercising executive power in the City.

(c) The Mayor, at his sole discretion, may enter into written agreements with officers and employees specified in Subsection (b) of this section establishing a severance payment or allowing for their return to a prior position of employment, provided that:

- a. No such agreement shall be effective unless in writing and attested by the City Recorder; and
- b. No severance payment shall exceed three months' pay without express approval by the City Council.

(d) Nothing in this section or Section 4-5-4 of the Revised Ordinances of Sandy City may be construed to limit the City's ability to define cause for an employee termination or reduction in force either by general policy or through written directives to individual employees.

(Revised Ords. 1978, § 6-5-3; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-5-4. Appeal Procedures.**

The Mayor shall promulgate procedures to provide for the creation and function of an employee appeals board as required by U.C.A. 1953, §§ 10-3-1105 and 10-3-1106, and shall conform City procedures to such statutes as they may be amended or succeeded from time to time. City appeal procedures shall specify the method and manner of choosing the members of the appeal board, the number of members, the designation of their terms of office, and the procedure for conducting an appeal and the standard of review. Such procedures may be adopted in the City's Operations Manual or summarized annually in an Employee Handbook.

(Revised Ords. 1978, § 6-5-4; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-5-5. Legal Limitations.**

City appeal procedures are not intended to establish legal interests in employment or employment benefits and the City hereby undertakes no additional obligations beyond relevant statutory or other applicable law.

(Revised Ords. 1978, § 6-5-5; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-5-6. Human Resources Director.**

The Human Resources Director of Sandy City shall be responsible for the administration and technical direction of the City's human resource management system. The Director shall be appointed by the Mayor upon the recommendation of the City Administrator, with the advice and consent of the City Council. He will report directly to the City Administrator, or his designee, and be subject to the duties and guidance of that person in the fulfillment of his duties. His duties shall consist of the following:

- (1) To administer with assistance and advice of the Mayor, City Council and City Administrator, the human resource management system as set forth in this section, and the rules and regulations adopted hereunder. Also, to prepare, recommend, and enforce policies and procedures for personnel administration.
- (2) To encourage and exercise leadership in the development of an effective personnel administration within all departments of the City government.
- (3) To advise the City Administrator, Mayor and City Council with regard to utilization of human resources throughout the City.
- (4) To foster and develop programs for the improvements of employees' effectiveness, including training, safety, health counseling and other human resource areas.
- (5) To prepare, recommend, and maintain a Position Classification Plan for all positions in the municipal service based on the level and difficulty of duties performed and responsibilities assumed.
- (6) To prepare and recommend to the City Council a pay plan for all municipal employees.
- (7) To direct the procedures for recruitment, testing, selection and hiring of all City employees.

- (8) To develop and administer a program of employee performance evaluations which can serve as a basic factor in such personnel transactions as determining salary increments or increases by meritorious services, promotions, establishing order of layoffs due to lack of funds or work, reinstatements, discharge or transfers.
- (9) To establish a plan for resolving employee grievances and complaints prior to appeals.
- (10) To coordinate procedures for disciplinary actions, such as suspensions, demotions in rank or grade, or discharge, and to provide for presentation of charges, hearings and appeals for all employees.
- (11) To certify all employees for payroll purposes and other benefits.
- (12) To make annual reports to the City Council regarding the condition of the overall personnel management system.
- (13) To compute for budgetary purposes the annual salary costs for all departments.
- (14) To supervise, develop, and maintain personnel systems, forms, procedures, and methods of recordkeeping and maintain a roster of all persons in the City service.
- (15) To establish procedures for the appointment, promotion, demotion, discipline and other actions affecting persons in City service.
- (16) To create and implement programs to increase the personnel relation efforts of the City in a positive manner and project a cheerful public image.
- (17) To recommend contractual arrangements with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel system.
- (18) To develop, administer and coordinate the training program for City employees.
- (19) To develop and maintain other practices and procedures necessary to the administration of the personnel system.

(Revised Ords. 1978, § 6-5-6; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-5-7. The Department Head.**

Except as provided in the Legislative and Judicial Codes, department heads and Assistant Chief Administrative Officers shall have the power to appoint, promote, demote, instigate disciplinary action, terminate, evaluate the performance and perform other personnel actions within their particular assigned departments, divisions, offices, and functions, that are consistent with this chapter and the rules and regulations developed hereunder.

(Revised Ords. 1978, § 6-5-7; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-5-8. Appointments.**

Whenever a vacancy or job opening for a non-appointed position is to be filled, selections shall be made from a pool of qualified candidates submitted by the Human Resources Office. Only the most qualified persons will be considered based on the job-related tests, examinations, or selection techniques, to the extent permitted by law. Offers of City employment shall be made from these qualified applicants. The Mayor may adopt policies at variance with this section for interns and seasonal, part-time, and temporary employees.

(Revised Ords. 1978, § 6-5-8; Ord. No. 17-06, 2-7-2017)

#### **Sec. 4-5-9. Rules and Regulations.**

(a) Personnel rules and regulations, or revisions thereof, may be adopted by the Mayor and upon such adoption shall be filed with the City Recorder and Human Resources Office. An Employee Handbook shall be distributed annually and shall be available for public inspection during normal business hours. Rules and regulations, job descriptions, and Employee Handbooks may cover specific procedures and policies consistent with policies as established by the City Council.

(b) Personnel rules and regulations so adopted may be revised or amended at any time. No personnel rule or regulation, nor any Employee Handbook may create an express or implied contract of any kind.

(Revised Ords. 1978, § 6-5-9; Ord. No. 17-06, 2-7-2017)

**Sec. 4-5-10. Acts Prohibited.**

(a) No person shall willfully make any false statement, certificate, mark, rating or report in regard to an application, test, certification, evaluation, or appointment held or made under the personnel system hereby established, or in any manner commit any fraud or other act for the purpose of preventing a proper or impartial execution of said personnel system.

(b) No person seeking employment or promotion shall give or pay any money or other thing of value, or render services to any person for, or on account of, or in connection with, his test, appointment, proposed appointment, promotion, proposed promotion, or for any other employment advantage with the City.

(Revised Ords. 1978, § 6-5-10; Ord. No. 17-06, 2-7-2017)

**Sec. 4-5-11. Invalidity of Acts.**

Any act which is in violation of the provisions of this chapter is invalid and shall be set aside.

(Revised Ords. 1978, § 6-5-11; Ord. No. 17-06, 2-7-2017)

**Sec. 4-5-12. Agreements and Cooperation with other Governmental Agencies.**

(a) The Mayor may, as permitted by law, enter into agreements with any Federal, State or local government organizations for receipt of grants or services, including material or equipment which is designed to strengthen personnel administration and train municipal employees, or to improve specific access of persons to the human resource system hereby established.

(b) The Human Resources Director, acting in behalf of the City, may cooperate with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, training personnel, establishing lists from which candidates shall be certified for appointment, and for the interchange of personnel and employee benefits.

(Revised Ords. 1978, § 6-5-12; Ord. No. 17-06, 2-7-2017)

**Sec. 4-5-13. Employee Organizations.**

All employees shall have the right to organize, join and participate or to refuse to organize, join or participate in any employee organization without fear of penalty or reprisal.

(Revised Ords. 1978, § 6-5-13; Ord. No. 17-06, 2-7-2017)

**Sec. 4-5-14. City Volunteers.**

The rights of City volunteers shall be limited to those established by the Volunteer Government Workers Act (U.C.A. 1953, § 67-20-1 et seq.). No person shall be considered a City volunteer unless approved in writing by the Mayor or his authorized representative, and by the City's Human Resources Director.

(Revised Ords. 1978, § 6-5-14; Ord. No. 17-06, 2-7-2017)

**CHAPTER 4-6. ETHICS**

**Sec. 4-6-1. ~~Ethics~~ Ethical Conduct Governed by the Municipal Officers' and Employees' Ethics Act.**

The ethical conduct of all elected officials, officers, agents and employees of the City shall be governed by the provisions of the Municipal Officers' and Employees' Ethics Act (U.C.A. 1953, § 10-3-1301 et seq.) and other applicable law.

(Revised Ords. 1978, § 6-6-1; Ord. No. 17-06, 2-7-2017)

**Sec. 4-6-2. Prohibitions on Employment of Relatives.**

Prohibitions on the employment of relatives by the City shall be governed by U.C.A. 1953, § 52-3-1.

(Revised Ords. 1978, § 6-6-2; Ord. No. 17-06, 2-7-2017)

## CHAPTER 4-7. SANDY CITY ARTS GUILD

### Sec. 4-7-1. Creation and Purpose.

There is hereby recognized a separate, nonprofit corporation known as the Sandy City Arts Guild ("Guild") to supplement, expand and broaden the community arts within the City and the State of Utah. The Guild is a wholly-owned City instrumentality which is a separate entity and which is organized and operated exclusively for purposes described in Section 501(c)(3) of the Internal Revenue Code of 1954, or the corresponding provisions of any future United States Internal Revenue Law. The Guild's budget, purposes and priorities shall at all times be consistent with those set by the Sandy City Council.

(Revised Ords. 1978, § 6-7-1; Ord. No. 17-06, 2-7-2017)

### Sec. 4-7-2. Composition.

The Guild shall consist of a Board of Trustees, which shall be appointed by the Mayor with the advice and consent of the City Council; a Chairperson and CEO ("CEO"), and such City personnel and volunteers as may be deemed necessary by the CEO to assist the Guild. The volunteers ~~as shall be assigned under Section 4-5-14 of the Revised Ordinances of Sandy City.~~

(Revised Ords. 1978, § 6-7-2; Ord. No. 17-06, 2-7-2017)

### Sec. 4-7-3. Bylaws.

Provisions for the regulations of the internal affairs of the Guild shall be set forth in the Guild's bylaws.

(Revised Ords. 1978, § 6-7-3; Ord. No. 17-06, 2-7-2017)

PROOFS

Title ~~23-5~~**JUDICIAL CODE\***

\*State law reference—Justice court, U.C.A. 1953, § 78A-7-101 et seq.

**Sec. ~~23-1-1. Establishment of Justice Court.~~**

~~There is hereby recognized within the Sandy City government a certified Class I justice court, known as the "Sandy City Justice Court" or "Justice Court" under authority of Utah Code Annotated Section 78A-7-102(5)(a).~~

~~(Revised Ords. 1978, § 23-1-1)~~

**Sec. 5-1-1. Establishment of Judgeships.**

Sandy City may assign as many judges to the Justice Court as required for efficient judicial administration within the limitations of statute.

(Revised Ords. 1978, § 23-1-2)

State law reference—Judges generally, U.C.A. 1953, § 78A-7-201 et seq.

**Sec. ~~23-1-3. Appointment and Term of Office.~~**

~~(a) A judge of the Justice Court shall be appointed by the Mayor and shall be ratified by the City Council in accordance with Utah Code Annotated Section 78A-7-202, or its successor. The term of office of a judge of the Justice Court shall be six (6) years, except as provided by Utah Code Annotated section 78A-7-203(2), or its successor. Upon the expiration of a Justice Court judge's term of office, the judge shall be subject to an unopposed retention election in Salt Lake County, in accordance with the procedures set forth in Utah Code Annotated Section 20A-12-201, or its successor.~~

~~(b) The Mayor may from time to time appoint other Justice Court judges currently holding office within the judicial district to serve as temporary Justice Court judges for when a judge is absent or disqualified. The Mayor may also appoint retired justice court judges as temporary judges under rule of the Supreme Court.~~

~~(c) The Mayor shall designate a Presiding Judge from among the judges serving full-time appointments.~~

~~(Revised Ords. 1978, § 23-1-3)~~

**Sec. ~~23-1-4. Qualifications for Office.~~**

~~A judge of the Justice Court shall meet all the qualifications as set forth in Utah Code Annotated Section 78A-7-201 or its successor.~~

~~(Revised Ords. 1978, § 23-1-4)~~

**Sec. ~~23-1-5. Compensation.~~**

~~(a) Every Justice Court judge shall be paid a fixed compensation determined by the City Council subject to the compensation limitations prescribed by Utah Code Annotated Section 78A-7-206.~~

~~(b) The City Council shall annually review and may adjust the compensation paid to Justice Court judges as provided in Utah Code Annotated Section 78A-7-206(1)(b), provided, however, that the salary fixed for a judge may not be diminished during the term for which the judge has been appointed or elected, except as specified in Utah Code Annotated Section 78A-7-206(1).~~

~~(Revised Ords. 1978, § 23-1-5)~~

**Sec. ~~23-1-6. Trial Facilities—Hours of Business.~~**

~~(a) The Justice Court shall be located at 210 West Seago Lily Drive, Sandy, Utah. All official court business shall be conducted at that location unless otherwise determined by the Mayor in case of a declared emergency.~~

~~(b) The Justice Court shall be open and judicial business shall be transacted five days per week, except for~~

~~holidays. Regular operating hours shall begin daily at or before 8:00 a.m. and end at 5:00 p.m., provided, however, that court offices shall open to the public daily at or before 8:45 a.m. The hours the court is open shall be posted conspicuously at the court and in local public buildings. In addition to other duties, the judges and court staff shall attend the court at regularly scheduled times. All calendared court events shall commence promptly as scheduled.~~

~~(Revised Ords. 1978, § 23-1-6)~~

**~~Sec. 23-1-7. Administrative Responsibility.~~**

~~(a) Justice Court judges shall comply with and ensure that court personnel comply with applicable municipal rules and regulations related to personnel, budgets, and other administrative functions.~~

~~(b) Failure by a judge to comply with applicable administrative city rules and regulations may be referred by the City Council to the State Justice Court Administrator.~~

~~(c) Compliance with appropriate administrative requirements shall be considered as part of the Judicial Council's judicial performance evaluation program for Justice Court judges.~~

~~(d) Repeated or willful noncompliance may be referred by the City Council to the Judicial Conduct Commission.~~

~~(Revised Ords. 1978, § 23-1-7)~~

**Sec. 5-1-2. Court Support.**

(a) The Presiding Judge shall be responsible for the overall operations and administration of justice in the Justice Court; however, the Presiding Judge shall approve a Court Administrator through an open and competitive process and with the consent of the City Council in compliance with applicable State and City personnel rules and policies governing Justice Court employees. ~~The City shall also provide and compensate other court personnel to conduct the business of the court under the City's general staffing plan.~~ The selection, supervision, and discipline of Court clerical and quasi-judicial personnel, as well as day-to-day administrative operations, shall be managed by the Justice Court Administrator in accordance with Utah court rules, City policies and under the direction of the Presiding Judge.

~~(b) The City shall also provide:~~

~~(1) Prosecutors to attend the court and perform the duties of prosecution before the Justice Court;~~

~~(2) Funding for the costs of defense for persons charged with a public offense who are determined by the court to be indigent under Utah Code Annotated title 77, Chapter 32; and~~

~~(3) Peace officers to attend the Justice Court when required and provide security for the court.~~

~~(c) The Presiding Judge may appoint referees and other supplemental personnel consistent with the City's general staffing plan, subject to availability of funds. Standards for disposition of cases by referees shall be subject to approval by the City Prosecutor.~~

~~(Revised Ords. 1978, § 23-1-8)~~

**~~Sec. 23-1-9. Court Jurisdiction.~~**

~~The Justice Court shall have jurisdiction over all matters as provided by law and state statute, including, but not limited to jurisdiction and authority provided under Utah Code Annotated Sections 78A-7-106 (criminal matters), and 78A-8-101 (small claims).~~

~~(Revised Ords. 1978, § 23-1-9)~~

**~~Sec. 23-1-10. Authority of Judges.~~**

~~Justice Court judges shall have the authority specified for such judges under Chapters 2 and 7 of the Utah Code Annotated, and any successor statutes, including the right to control, in furtherance of justice, the conduct of the ministerial officers and all other persons in any manner connected with judicial proceedings before it.~~

~~(Revised Ords. 1978, § 23-1-10)~~

Title 16-6

REVENUE AND FINANCE

CHAPTER 6-1. ANNEXATION FEE\*

\*State law reference—Annexation, U.C.A. 1953, § 10-2-401 et seq.

Sec. 6-1-1. Annexation Fee; Waiver.

(a) No annexation to Sandy City shall be considered until such time as the applicants shall have paid to the City an annexation fee. The said fee has been established to cover costs incurred by the City for research and other services specifically rendered as the result of the request for annexation.

(b) The City Council may, upon a showing of good cause therefor, waive the annexation fee as set forth. Such waiver may be accomplished by motion duly made and passed by the City Council in open session thereof.

(Revised Ords. 1978, § 16-1-1)

Sec. 6-1-2. Amount of Fee.

The amount of the annexation fee to be charged in connection with a petition for annexation to Sandy City shall be established by resolution of the Sandy City Council.

(Revised Ords. 1978, § 16-1-2)

CHAPTER 6-2. SALES AND USE TAX\*

\*State law reference—Local Sales and Use Tax Act, U.C.A. 1953, § 59-12-201 et seq.

Sec. 6-2-1. Title.

This chapter shall be known as the "Uniform Local Sales and Use Tax Ordinance" of the City of Sandy.

(Revised Ords. 1978, § 16-2-1)

Sec. 16-2-2. Purpose.

~~The Utah State Legislature has authorized the counties and municipalities to enact sales and use tax ordinances imposing a fifty eight/sixty fourths of one percent tax thus enabling this municipality to increase its local option sales and use tax to such percent.~~

~~It is the purpose of this ordinance to conform the Uniform Local Sales Use Tax of the municipality to the requirements of the Uniform Local Sales and Use Tax law of Utah, Chapter 9 of Title 11, Utah Code Annotated 1953, as currently amended, by repealing the previously enacted Uniform Local Sales and Use Tax ordinance of this municipality and re-enacting by this ordinance a new Uniform Local Sales and Use Tax ordinance.~~

(Revised Ords. 1978, § 16-2-2)

Sec. 16-2-3. Effective Date. Continuance of former ordinance.

~~This ordinance shall become effective as of 12:01 o'clock a.m., July 1, 1986. The provisions of the previously enacted Uniform Local Sales and Use Tax ordinance of the municipality which is repealed hereby and which are in conflict herewith shall continue effective until 12:00 o'clock midnight, June 30, 1986. The provisions of this ordinance which are not in conflict with said former ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.~~

(Revised Ords. 1978, § 16-2-3)

Sec. 6-2-2. Sales and Use Tax Levied.

(a) (1) From and after the effective date of ~~this the~~ ordinance from which this chapter is derived, there is ~~are~~ levied and there shall be collected and paid use (or excise) and sales taxes upon every retail sale of tangible personal property, ~~services and meals made~~ those transactions within the municipality City listed in U.C.A. 1953,

§ 59-12-103(1), each at the rate of 58/64 percent.

- (2) For the purpose of this chapter, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has no permanent place of business in the State, or has more than one place of business, the ~~place or places~~ at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission. Public utilities, as defined by U.C.A. 1953, title 54 (U.C.A. 1953, § 54-1-1 et seq.), shall not be obligated to determine the ~~place or places~~ within any county or municipality where public utility services are rendered, but the place of sales or the sales tax revenues arising from such service allocable to the City shall be determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Local Sales and Use Tax Law (U.C.A. 1953, § 59-12-201 et seq.), all of the provisions of U.C.A. 1953, title 59, ch. ~~15-12, pt. 1~~ (U.C.A. 1953, § 59-12-101 et seq.), as amended, and in force and effect on the effective date of ~~this~~ the ordinance from which this chapter is derived, insofar as they relate to sales taxes, excepting U.C.A. 1953, § ~~59-15-1 and 59-15-21~~ thereof 59-12-101, and excepting for the amount of the sales or use tax levied therein, are hereby adopted and made a part of this chapter as though fully set forth herein.

- (2) Wherever, and to the extent that in U.C.A. 1953, title 59, ch. 1 (U.C.A. 1953, § 59-1-101 et seq.), the State of Utah is named or referred to as the taxing agency, the name of this ~~municipality-City~~ shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name of the ~~municipality-City~~ for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the ~~municipality-City~~ be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.
- (3) If an annual license has been issued to a retailer under U.C.A. 1953, § 59-12-106, an additional license shall not be required by reason of this section.
- (4) There shall be excluded from the purchase price paid or charged by which the tax is measured:
- The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;
  - Receipts from the sale of tangible personal property or storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the same transaction to any other municipality and any county in the State of Utah, under a sales or use tax ordinance enacted by that county or municipality in accordance with the Local Sales and Use Tax Law (U.C.A. 1953, § 59-12-201 et seq.).

(Revised Ords. 1978, § 16-2-4)

**~~Sec. 16-2-5. Use tax.~~**

~~(a) An excise or tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date in the municipality at the rate of fifty-eight/sixty-fourths of one percent (58/64%) of the sales price of the property.~~

~~(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of said Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Chapter 16, Title 59, Utah Code Annotated 1953, as amended and in force and effect on the effective date of this ordinance, applicable to use taxes, excepting the provisions of Section 59-16-1 and 59-16-25 thereof, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this section as though fully set forth herein.~~

- ~~(2) Whenever and to the extent that in said Chapter 16 of Title 59, Utah Code Annotated 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subparagraph (2) shall be deemed to require the substitution of the name of the municipality for the word "state" when that word is used as part of the title of the State Tax Commission,~~

~~or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.~~

~~(3) There shall be exempt from the tax due under this section:~~

~~(i) The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;~~

~~(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sales of or the cost of which has been subject to sales or use tax under a sales or use tax ordinance enacted in accordance with the Uniform Local Sales and Use Tax Law of Utah by any other municipality and any count of the State.~~

~~(Revised Ords. 1978, § 16-2-5)~~

~~**Sec. 16-2-6. Contract with State Tax Commission.**~~

~~Heretofore, this municipality has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of the sales and use tax ordinances of the municipality. That contract is hereby confirmed and the mayor is hereby authorized to enter into such supplementary agreement with the State Tax Commission as may be necessary to the continued administration and operation of the local sales and use tax ordinance of the municipality as re-enacted by this ordinance.~~

~~(Revised Ords. 1978, § 16-2-6)~~

~~**Sec. 6-2-3. Penalties.**~~

~~Any person violating any of the provisions of this chapter shall be deemed guilty of a Class B misdemeanor, and, upon conviction thereof, shall be punishable by a fine in an amount less than \$1,000.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.~~

~~(Revised Ords. 1978, § 16-2-7)~~

~~**Sec. 16-2-8. Severability.**~~

~~If any section, subsection, sentence, clause, phrase, or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.~~

~~(Revised Ords. 1978, § 16-2-8)~~

**CHAPTER 6-3. TELECOMMUNICATIONS SERVICE PROVIDERS TAX\***

\*State law reference—Municipal Telecommunications License Tax Act, U.C.A. 1953, § 10-1-401 et seq.

~~**Sec. 16-3-1. Definitions.**~~

~~As used in this ordinance:~~

~~(a) "Commission" means the State Tax Commission.~~

~~(b) (1) Subject to Subsections (b)(2)( and (3), "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.~~

~~(2) For purposes of this ordinance, "customer means":~~

~~(A) the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or~~

~~(B) if the end user is not the person described in Subsection (b)(2)(A), the end user of telecommunications service.~~

~~(3) "Customer" does not include a reseller:~~

~~(A) of telecommunications service; or~~

~~(B) for mobile telecommunications service, of a serving carrier under an agreement to serve the~~

~~customer outside the telecommunications provider's licensed service area.~~

- ~~(c) (1) "End user" means the person who uses a telecommunication service.~~
- ~~(2) For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.~~
- ~~(d) "Gross Receipts attributed to the municipality" means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code Title 59, Chapter 12, Sales and Use Tax Act and determined in accordance with Utah Code Section 59-12-207.~~
- ~~(e) "Gross receipts from telecommunications service" means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:~~
- ~~(1) a tax, fee, or charge:~~
- ~~(A) imposed by a governmental entity;~~
- ~~(B) separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and~~
- ~~(C) imposed only on a telecommunications provider;~~
- ~~(2) sales and use taxes collected by the telecommunications provider from a customer under Title 59, Chapter 12, Sales and Use Tax Act; or~~
- ~~(3) interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.~~
- ~~(f) "Mobile telecommunications service" is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.~~
- ~~(g) "Municipality" means Sandy City.~~
- ~~(h) "Place of primary use"~~
- ~~(1) for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:~~
- ~~(A) the residential street address of the customer; or~~
- ~~(B) the primary business street address of the customer; or~~
- ~~(2) for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.~~
- ~~(i) "Notwithstanding where a call is billed or paid, "service address" means:~~
- ~~(1) if the location described in this Subsection (i) (1) is known, the location of the telecommunications equipment:~~
- ~~(A) to which a call is charged; and~~
- ~~(B) from which the call originates or terminates.~~
- ~~(2) if the location described in Subsection (i)(1) is not known but the location described in this Subsection (i)(2) is known, the location of the origination point of the signal of the telecommunications service first identified by:~~
- ~~(A) the telecommunications system of the telecommunications provider; or~~
- ~~(B) if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or~~
- ~~(3) if the locations described in Subsection (i)(1) or (2) are not known, the location of a customer's~~

- ~~place of primary use.~~
- (j) ~~(1) Subject to Subsections (j)(2) and (3), "telecommunications provider" means a person that:~~
- ~~(A) owns, controls, operates, or manages a telecommunications service; or~~
  - ~~(B) engages in an activity described in subsection (j) (1)(A) for the shared use with or resale any person of the telecommunications service.~~
- ~~(2) A person described in Subsection (j)(1) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:~~
- ~~(A) that person; or~~
  - ~~(B) the telecommunications service that the person owns, controls, operates, or manages.~~
- ~~(3) "Telecommunications provider" does not include an aggregator as defined in Utah Code Section 54-8b-2.~~
- (k) ~~"Telecommunications service" means:~~
- ~~(1) telephone service, as defined in Utah Code Section 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and~~
  - ~~(2) mobile telecommunications service, as defined in Utah code Section 59-12-102:~~
    - ~~(A) that originates and terminates within the boundaries of one state; and~~
    - ~~(B) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.~~

~~(Revised Ords. 1978, § 16-3-1)~~

#### **Sec. 6-3-1. Levy of Tax.**

There is hereby levied a municipal telecommunications license tax on the telecommunications providers' gross receipts from telecommunications service attributed to this municipality. ~~the City in accordance with U.C.A. 1953, § 10-1-407.~~

~~(Revised Ords. 1978, § 16-3-2)~~

#### **Sec. 6-3-2. Rate.**

The rate of the tax levy shall be 4% 3.5 percent of the telecommunication providers' gross receipts from telecommunications service that are attributed to the municipality ~~City in accordance with U.C.A. 1953, § 19-1-407.~~ Such tax is subject to the provisions of U.C.A. 1953, § 10-1-403. ~~If the location of a transaction is determined to be other than this municipality the City, then the rate imposed on the gross receipts for telecommunications services shall be determined pursuant to the provisions of U.C.A. 1953, § 10-1-407.~~

~~(Revised Ords. 1978, § 16-3-3)~~

#### **~~Sec. 16-3-4. Rate Limitation and Exemption Therefrom.~~**

~~This rate of this levy shall not exceed 4% of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality that vote in:~~

- ~~(a) a municipal general election;~~
- ~~(b) a regular general election;~~
- ~~(c) a local special election.~~

~~(Revised Ords. 1978, § 16-3-4)~~

#### **Sec. 16-3-5. Effective Date of Tax Levy.**

~~This tax shall be levied beginning July 1, 2004.~~

~~(Revised Ords. 1978, § 16-3-5)~~

**Sec. 16-3-6. Changes in Rate or Repeal of the Tax.**

~~This ordinance is subject to the requirements of Utah Code Section 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah Code Section 10-1-403.~~

~~(Revised Ords. 1978, § 16-3-6)~~

**Sec. 16-3-7. Interlocal Agreement for Collection of the Tax.**

~~On or before the effective date of the ordinance, the municipality shall enter into the uniform interlocal agreement with the Commission as described in Utah Code Section 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax.~~

~~(Revised Ords. 1978, § 16-3-7)~~

**Sec. 16-3-8. Procedures for Taxes Erroneously Recovered From Customers.**

~~Pursuant to the provisions of Utah Code Section 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunication license tax except as provided in Utah Code Section 10-1-408.~~

~~(Revised Ords. 1978, § 16-3-8)~~

**Sec. 16-3-9. Repeal of Inconsistent Taxes and Fees.**

~~Any tax or fee previously enacted by this municipality under authority of Utah code Section 10-1-203 or Utah Code Title 11, Chapter 26, Local Taxation of Utilities Limitation is hereby repealed.~~

~~Nothing in this ordinance shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights of way of the municipality, if the fee is imposed in accordance with Utah Code Section 72-7-102 and is not related to the municipality's loss of a highway as a result of the activities of the telecommunications provider in a right of way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right of way nor does this ordinance limit the municipality's right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this ordinance and locate telecommunications facilities, as defined in Utah Code Section 72-7-108, in this municipality.~~

~~(Revised Ords. 1978, § 16-3-9)~~

**CHAPTER 6-4. AMBULANCE SERVICE****Sec. 6-4-1. Charges.**

There shall be charged, for the services rendered by the Sandy City Fire Department ambulance, such rates as may be established by resolution of the Sandy City Council. The rates as set by resolution may be amended from time to time as may be determined by that body.

(Revised Ords. 1978, § 16-4-1)

**Sec. 6-4-2. Disposition of Charge.**

The money and sums received from this fee shall be paid into the General Fund of the City.

(Revised Ords. 1978, § 16-4-2)

**Sec. 6-4-3. Exemption.**

No billing or charge shall be assessed to the Salt Lake County Commission or any municipality for ambulance service rendered at the request of their officers of falling within their respective jurisdictions.

(Revised Ords. 1978, § 16-4-3)

**Sec. 6-4-4. Effective Date.**

Such services as have been provided by the ambulance from March 19, 1977, shall be billed according to the regular policies of the billing department and the proceeds thereof shall be treated in the same respect and manner

as heretofore set forth.

(Revised Ords. 1978, § 16-4-4)

**Sec. 6-4-5. Duty of Treasurer.**

The Treasurer shall have the power to receive any and all donations of money by any person, firm, or corporation made for the use and benefit of the ambulance service. Such sums shall be paid into the General Fund.

(Revised Ords. 1978, § 16-4-5)

**CHAPTER 7. FRANCHISE TO UTAH POWER AND LIGHT**

**Sec. ~~16-7-1. Vesting of Rights, Privileges and Franchises in Utah Power and Light Company.~~**

~~That all the rights, privileges and franchises granted, extended, confirmed or covered by or under the following ordinances of Sandy City, to-wit:~~

~~"An Ordinance granting to Utah Light and Traction Company, its successors and assigns, an electric light, heat and power franchise",~~

~~passed by the City Council of Sandy City, Utah, September 2, 1931, be and the same are hereby declared and ordained to be vested in the Utah Power & Light Company, its successors and assigns, and the conveyance by which said Utah Power & Light Company acquired said franchise from the Utah Light and Traction Company upon being filed with the City Recorder, is hereby approved and confirmed.~~

~~(Revised Ords. 1978, § 16-7-1)~~

**Sec. ~~16-7-2. Acceptance of Ordinance by Utah Power & Light Company.~~**

~~That the said Utah Power & Light Company shall within thirty (30) days from the passage of this ordinance file its acceptance thereof in writing with the City Recorder of Sandy City, otherwise this ordinance shall be null and void.~~

~~(Revised Ords. 1978, § 16-7-2)~~

**CHAPTER ~~8-6-5. USE OF PUBLIC FACILITIES BY PRIVATE PARTIES~~**

**Sec. 6-5-1. Fee for Use of Public Facilities.**

No person, organization, group or other entity shall use the public facilities as maintained by Sandy City and as set forth hereinafter without first paying such fees and making such deposits as are set forth herein. No such fee paid to the City pursuant to the provisions of this chapter shall be refunded and the amount of deposit remaining, after subtracting the amount of the fee, shall be returned only upon a showing by the person, organization, group or entity using the public facility that the facility has been returned to its original condition with respect to the maintenance and cleanliness and preparation for use as it was when the public facility was assigned for use for the benefit of said user.

(Revised Ords. 1978, § 16-8-1)

**Sec. 6-5-2. Priority of Use.**

It shall be the policy of the City that the public facilities hereinafter enumerated shall be open for the use of the general public only at such times and upon such conditions as the public facilities are not required for use by the City itself. It shall be the policy of the City that the facilities located in the Sandy City Hall shall only be used by private parties during those times when such use shall not interfere with the official business and governmental functions of the City.

(Revised Ords. 1978, § 16-8-2)

**Sec. 6-5-3. Amount of Fees.**

(a) The fees and deposits which shall be paid in compliance with the provisions of this chapter shall be established by resolution of the Sandy City Council. The term "half-day use" shall mean, for the purposes of this chapter, the use of the public facility for a period of not more than four hours.

(b) Deposits paid in connection with this chapter shall be refunded, less costs of use as established by resolution, when the user has left the facility in good condition.

(Revised Ords. 1978, § 16-8-3)

## **CHAPTER 9. CEMETERY FEE**

### **Sec. 16-9-1. Cemetery Fees.**

~~No cemetery grave site shall be assigned nor shall any right thereto be vested in anyone other than the City until such time as a fee as established by resolution of the City Council shall have been paid to the City. No such fee paid to the City pursuant to the provisions of this ordinance shall be refunded. The rights, title and property interest which are incident to the ownership of a cemetery grave site may be sold or transferred but any such sale or transfer shall only be valid when done in compliance with the rules and regulations as established by the City.~~

~~(Revised Ords. 1978, § 16-9-1)~~

### **Sec. 16-9-2. Transfer of Cemetery Grave Site.**

~~In the event that a cemetery grave site shall be sold or transferred by a resident to a non-resident, the non-resident shall be required to pay to the City the difference between the cemetery grave site fee which had been paid by the resident and the cemetery grave site fee which would have been charged to the non-resident. In the event that the fee schedule as adopted by resolution of the City Council shall have been modified since the time of the original purchase of the cemetery grave site, the non-resident shall be required to pay the fee in accordance with the cemetery fee schedule as it existed at the time of the original purchase of the cemetery grave site. No service shall be rendered nor shall any use be allowed with regard to the cemetery grave site until such extra fees have been paid to the City by the non-resident assuming ownership, title, or property interest in the cemetery grave site.~~

~~(Revised Ords. 1978, § 16-9-2)~~

### **Sec. 16-9-3. Amount of Fees.**

~~The City shall, in connection with the assignment of rights in any grave site or in connection with any burial service performed in the Sandy City Cemetery, charge a fee in such amounts as shall be found in the then current resolution as adopted by the Sandy City Council.~~

~~(Revised Ords. 1978, § 16-9-3)~~

### **Sec. 16-9-4. Use of Funds Transferred from the Cemetery Perpetual Care Trust Fund.**

~~(a) The City Council has determined that the need for the continued maintenance of a Cemetery Perpetual Care Trust Fund no longer exists and is, therefore, transferring the balance in such Perpetual Care Trust fund to the Capital Improvements Fund for expenditure for land, buildings and major improvements to be used exclusively for cemetery purposes.~~

~~(b) The City shall appropriate such funds annually as shall be necessary to assure the continued maintenance and perpetual care of the Sandy City Cemetery.~~

~~(Revised Ords. 1978, § 16-9-4)~~

## **CHAPTER 10-6-6. DEVELOPMENT FEE**

### **Sec. 6-6-1. Development Fee Established.**

No request or application to develop residential, commercial or industrial property within the limits of Sandy City in accordance with the Sandy City ordinances shall be considered or approved until such time as the applicants shall have paid to the City a development fee in the amount as established by resolution of the City Council and in the manner as hereinafter set forth. No such fee paid to the City pursuant to the provisions of this chapter shall be refunded if any steps have been taken by the administrative staff of the City to process the said request or application for development.

(Revised Ords. 1978, § 16-10-1)

### **Sec. 6-6-2. Amount of Fees.**

The amount of development fees to be charged in connection with residential, commercial and industrial development in Sandy City shall be established by resolution of the Sandy City Council and may be amended from time to time by resolution of that body.

(Revised Ords. 1978, § 16-10-2)

**Sec. 6-6-3. Payment of Fees.**

Payment of fees as required by this chapter shall be done in the following manner:

- (1) *Subdivisions.*
  - a. Conceptual state: no portion of the fee.
  - b. Preliminary phase: ~~\$25.00 per lot~~ established by the fee schedule.
  - c. Final phase: balance of development fees.
  - d. Hillside lots: an additional ~~\$10.00 fee~~ established by the fee schedule per lot may be assessed by the Planning Department at the preliminary phase or lots covered by hillside development regulations.
- (2) *Multiple Unit Developments (apartments, condominiums, condominium conversions).*
  - a. Conceptual phase: no fee assessed.
  - b. Preliminary phase: ~~\$25.00 per unit~~ established by the fee schedule.
  - c. Final phase: balance of fees assessed.
  - d. Changes in site plan or other amendments to such developments shall require the assessments of development fees as if no prior approval had been granted.
- (3) *Commercial and Industrial.*
  - a. Conceptual phase: no fees.
  - b. Preliminary/site plan submittal: 25 percent of estimated development fee.
  - c. Final phase: balance of development fees.

(Revised Ords. 1978, § 16-10-3)

**Sec. 6-6-4. Approval Required.**

(a) Preliminary approval and the payment of development fees in connection therewith shall be null and void one year from the date of such approval if the developer has not proceeded to obtain final development approval. The Planning Commission, upon a showing of hardship, shall have the right to extend the period for which preliminary approval and preliminary fee payments shall be honored. Such extension shall be granted for a period not to exceed six months. In the event that any such preliminary approval shall become void under the provisions of this section, any fees paid in connection therewith shall be forfeited and a developer desiring to continue with such a project shall be required to submit a new application and shall be treated as if no application or preliminary approval had been previously granted.

(b) Any appeal brought by a developer before the appropriate body shall be accompanied by an appeal fee in an amount to be established by resolution of the City Council.

(c) All fees charged in connection with development approval shall be assessed at the rate currently in effect at the time the fee is to be paid. The amount of the fee shall not bear a relationship to the date on which the application was filed, but shall be assessed in conformance with the provisions of this chapter.

(d) No work shall be undertaken with regard to any development to which the provisions of this chapter apply until such time as the developer shall have complied with all provisions of this chapter and the ordinances of Sandy City as they relate to approvals, permits and payment of fees.

(Revised Ords. 1978, § 16-10-4)

## **CHAPTER ~~11~~6-7. DEVELOPMENT INSPECTION FEE**

### **Sec. 6-7-1. Development Inspection Fee Established.**

(a) No final approval to develop residential, commercial or industrial property within the limits of Sandy City in accordance with the Sandy City ordinances ~~and~~ shall be given until such time as the applicants shall have paid to the City a development inspection fee in an amount as established by resolution of the City Council. No such fee paid to the City pursuant to the provisions of this chapter shall be refunded if any steps have been taken by the several inspection departments of the City to inspect the development for which the request for final approval has been made.

(b) The development inspection fee is established to provide for the adequate inspection of public improvements which may be installed in connection with new development in Sandy City, and would include, but not be limited to, the inspection of storm drainage systems, curbs, gutters, sidewalks, public streets and other public facilities as may be required as a part of the development.

(Revised Ords. 1978, § 16-11-1)

### **Sec. 6-7-2. Amount of Fees.**

The amount of development inspection fees to be charged in connection with this chapter shall be established by resolution of the Sandy City Council and may be amended from time to time by resolution of that body. Fees shall be charged at the rate and in accordance with the resolution establishing such rates as may be in effect at the time of the final approval of the project for which the fee is assessed.

(Revised Ords. 1978, § 16-11-2)

### **Sec. 6-7-3. Approval Required.**

No work shall be undertaken with regard to any development to which the provisions of this chapter apply until such time as the developer shall have complied with all provisions of this chapter and the ordinances of Sandy City as they relate to approvals, permits and payment of fees.

(Revised Ords. 1978, § 16-11-3)

## **CHAPTER ~~12~~6-8. REINSPECTION FEE**

### **Sec. 6-8-1. Reinspection Fee Established.**

When an inspection of any type is requested and performed by any employee, officer or agent of Sandy City, the inspector shall indicate what corrections and modifications must be made to result in compliance with the ordinances, rules, and regulations of the City. In the event an inspector is requested to perform a reinspection to determine compliance with the ordinances, rules and regulations, and the inspector finds that items previously noted as being defective have remained defective and have not been corrected, the person requesting the reinspection shall be charged a reinspection fee.

(Revised Ords. 1978, § 16-12-1)

### **Sec. 6-8-2. Amount of Fee.**

The amount of the reinspection fee to be charged in connection with the requirement of Section 6-8-1 shall be established by resolution of the Sandy City Council.

(Revised Ords. 1978, § 16-12-2)

## **CHAPTER ~~13~~6-9. REZONING FEE**

### **Sec. 6-9-1. Rezoning Fee Established.**

(a) No rezoning within Sandy City shall be considered until such time as the applicants shall have paid to the City a rezoning fee. The said fee has been established to cover costs incurred by the City for research and other services specifically rendered as the result of the request for rezoning.

(b) The City Council may, upon a showing of good cause therefor, waive the rezoning fee as set forth herein. Such waiver may be accomplished by motion, duly made and passed by the City Council in open session thereof.

(Revised Ords. 1978, § 16-13-1)

**Sec. 6-9-2. Amount of Fee.**

The amount of the rezoning fee to be charged in connection with a petition for rezoning within the limits of Sandy City shall be established by resolution of the City Council.

(Revised Ords. 1978, § 16-13-2)

**CHAPTER 16-14-10. DEVELOPMENT IMPACT FEES\***

\*State law reference—Impact fees act, U.C.A. 1953, § 11-36a-101 et seq.

**Sec. 16-14-1. Impact Fees Imposed.**

~~(a) Impact fees are hereby imposed as a condition of the issuance of a building permit or subdivision approval by the City for any Development Activity which creates additional demand and need for public facilities for parks and trails; culinary water and storm water collection, and police and fire/EMS facilities, in amounts as set forth in the City's fee schedule on file with the City Recorder, and which may be modified by resolution passed by the Sandy City Council as necessary; and which is incorporated herein by this reference. Applicant shall be entitled to a credit or refund, if applicable, for any impact fees previously paid for the same building permit or development activity.~~

~~(Revised Ords. 1978, § 16-14-1)~~

**Sec. 6-10-1. Service Areas.**

The entire area of the City and any areas outside of the City serviced by the parks and trails, the culinary water system, and the storm drain system, and police and fire/EMS facilities, are hereby designated and established as one service area.

(Revised Ords. 1978, § 16-14-2)

**Sec. 6-10-2. Adjustment of Impact Fees.** 

- (a) The City may adjust the impact fees imposed pursuant to this chapter as necessary in order to:
  - (1) Respond to unusual circumstances in specific cases.
  - (2) Ensure that the impact fees are imposed fairly.
  - ~~(3) Permit the adjustment of the amount of the fee based upon studies and data submitted by an applicant as approved by the City Council in order to ensure that the fee represents the proportionate share of the costs of providing such facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities; and~~
  - (3) Allow credits against impact fees for dedication of land for, improvement to, or new construction of, any system improvements which are identified in the Capital Facilities Plan and required by the City as a condition of approving the development activity. No credits shall be given for project improvements as defined by the Utah Impact Fees Act.

(b) The Mayor or his/her designee shall have the authority to make such adjustments based upon information submitted by an applicant and any recommendations from City staff.

(c) The Mayor may adopt policies consistent with this chapter and any resolutions passed by the City Council to assist in the implementation, administration and interpretation of this chapter related to municipal impact fees.

(d) If the applicant, person, or entity is not satisfied with the Mayor's decision, a further appeal may be made to the City Council ~~under the procedures set forth in Section 16-14-4 herein.~~

(Revised Ords. 1978, § 16-14-3)

**Sec. 16-14-4. Administration Challenges and Appeals Procedure.**

~~(a) Any person or entity required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for the information with the City as provided by the Utah Impact Fees Act.~~

~~Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Utah Impact Fees Act and any other relevant information relating to the impact fee.~~

~~(b) Any person or entity residing in or owning property within the City who believes the fee does not meet the requirements of the law or wishes to challenge the fee shall file a written appeal within thirty (30) days after payment of any impact fee with the Sandy City Mayor, setting forth in detail all factual and legal grounds in support of the appeal. Upon receipt of the appeal, the Mayor shall make a recommendation to the City Council and schedule a public hearing before the City Council on the appeal for the purpose of receiving input from all interested persons. The City Council shall thereafter render its decision on the appeal no later than thirty (30) days after the date the appeal was filed. Any person or entity who has failed to comply with these administrative remedies may not file or join an action challenging the validity of any impact fee.~~

~~(c) Any person or entity who was a party to an appeal under this section who is adversely affected by the decision of the City Council may petition the district court for a review of the decision within ninety (90) days of a decision upholding an impact fee by the City Council or within one hundred twenty (120) days after the date the challenge to the impact fee was filed, whichever is earlier. Such a declaratory judgment action or petition for review challenging the validity of the fee shall be filed in the Third District Court for Salt Lake County.~~

~~(d) In the event a petition is filed with the court, the City shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.~~

~~(e) If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for the purposes of subsection (d) above.~~

~~(f) If there is a record:~~

~~(1) The district court's review is limited to the record provided by the City; and~~

~~(2) The court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City and the court determines that it was improperly excluded by the City.~~

~~(g) If there is an inadequate record, the court may call witnesses and take evidence.~~

~~(h) The court shall affirm the decision of the City if the decision was supported by substantial evidence in the record.~~

~~(i) The judge may award reasonable attorney's fees and costs to the prevailing party in any action brought under this section.~~

~~(Revised Ords. 1978, § 16-14-4)~~

#### **Sec. 16-14-5. Accounting, Expenditure and Refund of Impact Fees.**

~~The impact fees collected pursuant to this enactment shall be deposited into a separate interest bearing ledger account and may only be used for capital improvements for which the fees were collected. The accounting, expenditure and refund of all such impact fees collected shall be handled in accordance with the provisions of the Utah Impact Fees Act.~~

~~(Revised Ords. 1978, § 16-14-5)~~

### **CHAPTER 15-6-11. REPAIR FEE**

#### **Sec. 6-11-1. Repair Fee Established.**

There is hereby established a repair fee to be charged in connection with any repair performed by Sandy City, which repair should have been performed by another entity other than the City. The said repair fee shall be charged in connection with, but not limited to, repairs made by the City for road cuts, street repairs, public improvements, and any other such repairs or work as may be occasioned by the failure of another entity to perform as required by the ordinances, rules or regulations of the City.

(Revised Ords. 1978, § 16-15-1)

#### **Sec. 6-11-2. Amount of Fee.**

The amount of the repair fee to be charged in connection with the activities as described in Section 6-11-1 shall be established by resolution of the Sandy City Council.

(Revised Ords. 1978, § 16-15-2)

## **Chapter 16. CABLE TV FRANCHISE**

### **Sec. 16-16-1. Grant of Franchise Authority.**

(a) ~~There is hereby granted by Sandy City, hereinafter referred to as the "City", a nonexclusive franchise to Community Telecommunications, Inc., having a trade name of Community Cable of Utah, Inc., a Nevada corporation, hereinafter referred to as Grantee, its successors and assigns for a period beginning from and after the effective date of this ordinance and for a period of fifteen (15) years thereafter, the right and privilege to construct, operate, sell this service from and maintain in, upon, along, across, above, under and over the streets, alleys, public ways and public places now or hereafter laid out or dedicated, and all extensions thereof and additions thereto in Sandy City, Utah, poles, wires, coaxial and other cables, underground conduits, manholes, and such other television conductors and fixtures as are necessary or proper for the maintenance and operation in the City of a system for the transmission of television, FM radio, and electrical impulses and signals for all public and private use; provided however, that such poles or other fixtures placed on any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line on the lot abutting said alleys on said streets, alleys, and public ways, and provided further that underground conduits, cables and other facilities shall be located and constructed in a manner and placed at such depths as not to interfere with the facilities of the City or any public utility operating by virtue of any prior ordinance or franchise adopted by the City or otherwise, or with the grading and maintenance of such streets, alleys and public ways and, before constructing any such facilities, the City shall be furnished complete drawings of any construction pursuant to the provisions of this ordinance, and that the City shall keep and maintain permanent records of the locations and character of any underground facilities constructed and the relationship of such facilities to those of the City and public utilities operating within the City.~~

(b) ~~Nonexclusive grant. The right to use and occupy said streets, alleys, public ways, and places for the purpose herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person, firm or corporation at any time during the period of this franchise.~~

(c) ~~System construction and extension. Within one year of the receipt of final orders granting all necessary permits and authorizations which are required in the conduct of its business, including but not limited to any utility joint use attachment agreements, microwave carrier licenses, a certificate of compliance as issued by the Federal Communications Commission, and any other permits, licenses, and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems or their associated microwave transmission facilities, shall have been received by the Grantee, the Grantee shall have commenced construction upon the proposed system. The Grantee shall also have within six (6) months after commencement of construction an operable head end least 20% of residential dwellings which are not being served by a CATV system in the City each year after the commencement of construction until 100% of all areas included in the franchise area which are not being served by a CATV system have been covered by and are accessible to energized trunk cable. However, the Grantee will not be held liable for the completion as hereinabove set forth when delayed by any action of the City, or when it is prevented from doing so by circumstances beyond its control such as unavailability of materials, acts of nature or civil strife.~~

(d) ~~No person, firm or corporation in the Grantee's service area shall be arbitrarily refused service. However, in recognition of the capital costs involved, for unusual circumstances, such as more than 150 feet of distance from distribution cable to connection of service to subscribers, or a density of less than ten subscribers per 1,320 feet of trunk line, in order to prevent inequitable burdens on potential cable subscribers in more densely populated areas, service may be available on the basis of cost of materials, labor and easements.~~

(e) ~~In the event additional adjacent territory is incorporated within the City's limits, by annexation or otherwise, Grantee's rights duties under this ordinance shall be deemed to include such additional territory.~~

(Revised Ords. 1978, § 16-16-1)

### **Sec. 16-16-2. Conditions on Street Occupancy.**

~~(a) Use. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.~~

~~(b) Restoration. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own cost and expense, and in a manner approved by the City Engineer and consistent with other City ordinances on the subject of excavation in public streets, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed to its original condition of safety and utility. Grantee shall obtain and pay for all permits required by ordinance for and shall be subject to all ordinances relating to excavations or obstructions made by Grantee in streets or alleys. Such restoration work will be guaranteed by the Grantee for a period of one year to be free from structural defects and in the event there is any problem with such restoration work shall, upon notice given, repair the same within fifteen (15) days after said notice. If the Grantee fails to complete such repairs as requested, the City may then do so at the Grantee's expense.~~

~~(c) Relocation. In the event that any time during the period of this franchise, the City shall lawfully elect to alter the grade of any street, alley or other public way, the Grantee, upon reasonable notice by the City, shall remove and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense so as to comply with the requirements of Grantor.~~

~~(d) Placement of fixtures and conformance to electrical standards. The Grantee shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixture, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said streets, alleys and public ways. Grantee agrees to conform to requirements of the City in regard to all installations, and specifically that in any area where electrical utilities are installed underground, the Grantee will likewise install all equipment and cables underground. The Grantee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the most recent edition of the National Electrical Safety Code promulgated by the National Bureau of Standards and the National Electrical Code of the National Board of Fire Underwriters and in such a manner that it will not interfere with any uses by the City or by a public utility serving the City.~~

~~(e) Use of poles and underground lines. It is mutually understood that the Grantee may use poles or underground lines erected or owned and maintained by the City, insofar as the City's easement rights so permit, or by Utah Power and Light and/or Mountain States Telephone, where separate rental agreements can be reached for the use of the same, but where the use of such poles or underground lines is not practical or mutually satisfactory the Grantee shall have the right to erect and maintain its own poles or install cable along underground rights-of-way of the City as may be necessary for the proper construction and maintenance of the television distribution system provided the Grantee shall obtain prior approval under the conditions previously set forth in this chapter from the City as to the necessity for the location of any new poles to be erected or underground cable to be installed. However, any poles erected by the Grantees may be acquired by the City on such terms as are equitable, and thereafter be the property of the City and subject to the rental rates as herein agreed.~~

~~(f) Where underground lines are required. In any area where service is now provided, or where service may later be provided by underground power lines, the Grantee's lines shall also be placed underground in accordance with local subdivision regulations and with an appropriate rental schedule agreed upon, and if there are underground telephone lines then they shall be used where satisfactory rental agreement can be reached with the telephone company.~~

~~(g) Temporary removal of wire for building moving. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall not be given less than seventy two (72) hours advance notice to arrange for such temporary wire changes.~~

~~(h) Tree trimming. The Grantee shall have the authority to trim trees upon and overhanging over streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact~~

~~with the wires and cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense and liability of the Grantee.~~

~~(Revised Ords. 1978, § 16-16-2)~~

### **~~Sec. 16-16-3. Indemnity and Liability Coverage.~~**

~~(a) It is expressly understood and agreed by and between the Grantee and the City that the Grantee shall hold the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence on the part of the Grantee in the construction, operation or maintenance of its system in the City. The City shall notify the Grantee's representative in the City within thirty (30) days after the presentation of any claim or demand, either by suit or otherwise, made against the City on account of any negligence as aforesaid on the part of the Grantee. The Grantee agrees to maintain and keep in full force and effect at all times during the term of this franchise ordinance sufficient liability insurance coverage to protect the City against any such claims, suits, judgments, executions or demands in a sum not less than one hundred thousand dollars (\$100,000.00) per person in any one claim for personal injury to any one person and not less than three hundred thousand dollars \$300,000.00) as to all claims arising from any one occurrence. The amounts for property damage shall be not less than fifty thousand dollars (\$50,000.00) as to any one claim and not less than two hundred thousand dollars \$200,000.00) aggregate in any single policy year. Copies of the policy of insurance above mentioned, the City to be named as insured, will be filed with the City Recorder of the City before work is commenced and copies of the renewal certificates shall be filed annually on the same date thereafter.~~

~~(b) The Grantee shall maintain a local business office or agent which subscribers may telephone during regular business hours each day except Saturdays, Sundays and other holidays proclaimed by national, state or local governmental authority without incurring added message or toll charges so that CATV maintenance service shall be promptly available. Complaints for other than regular working hours may be made to a separate telephone maintained for that purpose which shall be listed in the telephone directory, or the same telephone number may be used, at the option of the Grantee. Complaints received prior to 11:00 a.m. of any working day shall be investigated within six (6) hours and those received at all other times shall be investigated within twelve (12) hours. If the problem is caused by Grantee owned equipment, it shall be repaired as soon as reasonably possible, and the customer shall not have to pay for any day when service is not available for over six (6) hours. Provided, however, the Grantee does not guarantee in any way the functioning of television receivers owned by the customer, it being contemplated that the investigation will be made with a telephone receiver maintained by the Grantee for the investigation of complaints as aforesaid. Should a subscriber have an unresolved complaint regarding the quality of cable television service, equipment malfunctions or similar matters, representative of the City and a representative of the Grantee within thirty (30) days to fully discuss such matters.~~

~~(Revised Ords. 1978, § 16-16-3)~~

### **~~Sec. 16-16-4. Compliance with Applicable Laws and Ordinances, Including Federal Regulations.~~**

~~(a) The Grantee shall, at all times during the life of this franchise, be subject to all lawful exercise of the policy power by the City, and to such reasonable regulation as the City shall hereafter by resolution or ordinance provide, and shall fully comply with all applicable rules and regulations now in effect or hereafter adopted by the Federal Communications Commission, the State of Utah and the United States Government.~~

~~(b) Any modification resulting from any amendment of any section of the Rules and Regulations of the Federal Communications Commission which apply to Franchise Standards shall be incorporated into this franchise as of the date such modifications become obligatory under FCC regulations, or in the event no obligatory date is established, within one year of adoption or at the time of franchise renewal, whichever occurs first. If there are any conflicts between the provisions of this ordinance and the provisions of any other City ordinance, provisions of this ordinance shall prevail.~~

~~(Revised Ords. 1978, § 16-16-4)~~

### **~~Sec. 16-16-5. Use of System by City.~~**

~~(a) The City shall have the right, without cost during the life of this franchise to make, install and maintain attachments to poles owned and/or used by the Grantee and also to use the cables of the Grantee within the City for wires used by the City in connection with its fire alarms or police signals and surveillance systems, such attachments~~

~~to be installed and maintained in accordance with the most recent requirements of the National Electrical Safety Code pertaining to such construction, and only after written notice to the Grantee; provided however, that the Grantee shall assume no liability nor be put to any additional expense in connection therewith, and provided further that the City's use thereof shall be in such manner as not to interfere with the Grantee's use of the same. In further consideration of the granting of this franchise, the Grantee will furnish without installation charge or monthly service fee, connections to all public schools in the corporate limits of the City, to the City Center, City Library, the Senior Citizens Center, the City Police Station, the City Fire Stations, hospitals and such other public and other facilities as may from time to time be mutually agreed upon by the City and Grantee, may also receive such benefit.~~

~~(b) In addition, the City shall have exclusive right to the use of one dedicated channel for its municipal and civic system, universities and other agencies to produce and broadcast appropriate program materials. All cost for acquisition and maintenance of equipment required to conduct such programming and broadcasting shall be the responsibility of agencies other than the Grantee.~~

~~(c) The City may also add to its broadcasting capability without cost to the Grantee such other innovative technological advancements as may become practical and feasible such as bidirectional communications, computer-aided instruction, video disc broadcasts, multiple signal bidirectional usage, etc., provided the same does not use electronic capability in excess of the channel specified. The Grantee further agrees to work with the City to provide technical advice concerning other types of applications which the City or its associated agencies can and ought to make of its broadcast capability.~~

~~(Revised Ords. 1978, § 16-16-5)~~

#### **Sec. 16-16-6. Consent to Use Existing Utility Facilities.**

~~The City hereby gives its consent to Mountain States Telephone and Telegraph Company, Utah Power and Light Company and any other utility or company to authorize the Grantee to use their poles, underground conduits and other facilities within the City for the purpose of conducting the business of the Grantee and to attach coaxial and other cables, lines, conduits, transformers, and other electrical equipment thereto. Grantee shall nevertheless obtain appropriate consent and shall contract with such companies for approval for the use of such poles, towers and conduits as are owned by said Mountain States Telephone and Telegraph Company, Utah Power and Light Company and other utilities and companies respectively pursuant to the provisions of such ordinance. The rights granted to the Grantee pursuant to the provisions of Section 1 of this chapter shall be supplemental and additional to those granted to the Mountain States Telephone and Telegraph, Utah Power and Light Company and other utilities and companies who have been granted franchises; provided, nevertheless, that the poles of such telephone and power companies shall be utilized by the Grantee hereunder wherever practicable.~~

~~(Revised Ords. 1978, § 16-16-6)~~

#### **Sec. 16-16-7. Payment to City and Rates.**

~~(a) In consideration for this grant of franchise, the Grantee agrees to pay to the Treasurer for the City a sum equal to three (3) percent of the gross revenue receipts per annum derived by the Grantee from the monthly service charges received by the Grantee from the subscribers to its services within the City. Within sixty (60) days after the first days of January and July, following commencement of service and within sixty (60) days after the first days of January and July of each calendar year thereafter during the term of this franchise, the Grantee shall file with the Treasurer of the City a report of such revenue as described in this section for the preceding six (6) month period, which report shall include a computation of the sum due. The Treasurer shall determine the accuracy of the computation and if he finds any errors shall report the same to the Grantee for correction. The records of the Grantee reflecting the information relevant in determining revenues described in this paragraph shall be available for inspection by the City Council of Sandy City or its duly authorized representative at all reasonable hours and upon reasonable notice.~~

~~(b) Gross revenue receipts defined. The phrase "gross revenue receipts per annum derived by the Grantee from monthly service charges" shall be interpreted to include only those revenues derived from the supplying of regular subscriber service; that is, "gross subscriber revenues," as defined by the Commission in paragraph 95 of the Clarification, 46 FCC 2d 175 (1974).~~

~~(c) The City shall regulate rates by adopting resolutions.~~

(Revised Ords. 1978, § 16-16-7)

**Sec. 16-16-8. Approval of Transfer.**

The Grantee shall not sell or transfer its plant or system to another nor transfer any rights under this franchise to another without prior written approval of the Sandy City Council and provided that no sale or transfer shall be effective until the vendee, assignee or lessee has filed in the office of the City Recorder an instrument, duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of the franchise, and agreeing to perform all the conditions thereof.

(Revised Ords. 1978, § 16-16-8)

**Sec. 16-16-9. Commencement of Construction.**

The Grantee will proceed to submit the system for approval by the Federal Communications Commission within thirty (30) days after approval by the City of the system layout plans, and within ninety (90) days after receipt of a Certificate of all licenses, permits and other authority requisite for the operation of microwave facilities is obtained and pole line agreements and all necessary legal requirements for the installation of the system are satisfied, shall commence construction of the system. Layout plans shall be submitted by December 31, 1979.

(Revised Ords. 1978, § 16-16-9)

**Sec. 16-16-10. Supervision and Inspection.**

All construction or installation work performed subject to the provisions of this ordinance shall be subject to approval of the City Engineer and to such inspection as he shall find necessary to insure compliance with governing ordinances.

(Revised Ords. 1978, § 16-16-10)

**Sec. 16-16-11. Color Transmissions.**

The signals transmitted over the cable system shall be capable of distributing color television signals, and when the signals the Grantee distributes are received in color, they shall be distributed in color where technically feasible.

(Revised Ords. 1978, § 16-16-11)

**Sec. 16-16-12. Emergency and Disaster Use.**

In case of any emergency or disaster, the Grantee shall, upon the request of the City, make available its facilities to the City for emergency use during such emergency or disaster.

(Revised Ords. 1978, § 16-16-12)

**Sec. 16-16-13. Resident Agent.**

The Grantee shall maintain a force of one or more resident agents or employees at all times and shall have sufficient employees to provide safe, adequate and prompt service for its facilities.

(Revised Ords. 1978, § 16-16-13)

**Sec. 16-16-14. City Rules and Amendments.**

The right is hereby reserved to the City to adopt, in addition to the provisions herein contained and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations, by ordinance or otherwise, shall be reasonable, and shall not be in conflict with the laws of the State of Utah. Further, it shall be the policy of the City to liberally amend this franchise, upon application of the Grantee, when necessary to enable the Grantee to take advantage of any developments in the field of transmission of television and radio signals or other electronic impulses for communications or other electronic services which will afford it an opportunity to more effectively, efficiently, or economically serve its subscribers. However, this shall not in any way be construed to require the City to make any such amendment.

(Revised Ords. 1978, § 16-16-14)

**Sec. 16-16-15. Forfeiture.**

~~Any violation by the Grantee, its vendee, lessee or successor of the provisions of this franchise, or any material portions thereof, or the failure to promptly perform any of the provisions hereunder to the City, after written notice to the Grantee and continuation of such violation, failure or default, sixty (60) days after such notice shall be cause for termination of this franchise and forfeiture of all rights hereunder. Upon termination, Grantee shall remove its installations at its own expense.~~

~~(Revised Ords. 1978, § 16-16-15)~~

**~~Sec. 16-16-16. Binding on Assigns.~~**

~~The right granted by this franchise ordinance shall be binding upon and inure to the benefit of the heirs, assigns, grantees and successors in interest of the parties. Approval of the City Council is required prior to assignment of any kind.~~

~~(Revised Ords. 1978, § 16-16-16)~~

**~~Sec. 16-16-17. Severability.~~**

~~If any section, subsection, sentence, clause or any portion of this chapter is found to be invalid and unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of remaining portions of this franchise.~~

~~(Revised Ords. 1978, § 16-16-17)~~

**~~Sec. 16-16-18. The Company's Qualifications.~~**

~~The Grantee's legal, character, financial, technical and other qualifications, and the adequacy and feasibility of its construction arrangements may be approved by the City Council as part of a full public proceeding affording due process, at the conclusion of which the subject franchise may be awarded.~~

~~(Revised Ords. 1978, § 16-16-18)~~

**~~Sec. 16-16-19. Local Ordinance.~~**

~~The Grantee herein shall abide by any and every City ordinance pertaining to the activities, construction, maintenance and operation of the business of the Grantee.~~

~~(Revised Ords. 1978, § 16-16-19)~~

**~~Sec. 16-16-20. Pornographic or Lewd Materials and Extra Charges.~~**

~~Grantee shall not originate in its system for viewing within the City any materials for viewing which are pornographic, lewd or which, if presented in public, would be violation of any ordinance of the City or the State of Utah.~~

~~(Revised Ords. 1978, § 16-16-20)~~

**~~Sec. 16-16-21. Preparation Fees.~~**

~~Grantee for this privilege shall pay to Sandy City Corporation the sum of four hundred dollars (\$400.00) for review by engineers, legal counsel, and publication of this ordinance, to be paid into the general fund of the City upon the effective date of this ordinance.~~

~~(Revised Ords. 1978, § 16-16-21)~~

**~~Sec. 16-16-22. Bond.~~**

~~Grantee, within thirty (30) days from the effective date hereof, shall provide a corporate surety bond in the sum of ten thousand dollars (\$10,000.00), in a form satisfactory to the City Attorney the condition of which shall be the commencement and the completion of the construction of the system as herein set forth. The said bond shall continue in force for a period of three (3) years. Thereafter, a like bond in the amount of six thousand dollars (\$6,000.00) shall be maintained throughout the life of this franchise.~~

~~(Revised Ords. 1978, § 16-16-22)~~

## **CHAPTER ~~17-6-12~~. DISCONNECTION FEE**

### **Sec. 6-12-1. Disconnection Fee Established.**

Any application made to the City for assistance in or approval of a disconnection of property from the City limits in conformance with ~~Section 10-2-421 or with Sections 10-4-1 through 10-4-5, U.C.A. 1953 as amended, U.C.A. 1953, title 10, ch. 2, pt. 5 (U.C.A. 1953, § 10-2-501 et seq.)~~ shall be accompanied by a fee in an amount as established by resolution of the City Council.

(Revised Ords. 1978, § 16-17-1)

### **Sec. 6-12-2. Necessity of Fee.**

No application for assistance in accordance with a petition for disconnection or boundary adjustment shall be given by the City until such time as the fees prescribed in Section 6-12-1 shall have been paid.

(Revised Ords. 1978, § 16-17-2)

## **CHAPTER 26. CABLE TV FRANCHISE**

### **Sec. ~~16-26-1~~. Grant of Franchise Authority.**

(a) ~~There is hereby granted by Sandy City, hereinafter referred to as the "City," a nonexclusive franchise to THE MISCO GROUP, a limited partnership organized under the laws of the State of Nevada, having a trade name of South Valley Cablevision, as registered with the State of Utah, hereinafter referred to as Grantee, its successors and assigns for a period beginning from and after the effective date of this ordinance and for a period of fifteen (15) years thereafter, the right and privilege to construct, operate, sell this service from and maintain in, upon, along, across, above, under and over the streets, alleys, public ways and public places now or hereafter lain out or dedicated, and all extension thereof and additions thereto in Sandy City, Utah, poles, wires, coaxial and other cables, underground conduits, manholes, and such other television conductors and fixtures as are necessary or proper for the maintenance and operation in the City of a custom for the transmission of television, FM radio, and electrical impulses and signals for all public and private use; provided, however, that such poles or other fixtures placed on any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line on the lot abutting said alleys on said streets, alleys, and public ways, and provided further that underground conduits, cables and other facilities shall be located and constructed in a manner and placed at such depths as not to interfere with the facilities of the City or any public utility operating by virtue of any prior ordinance or franchise adopted by the City or otherwise, or with the grading and maintenance of such streets, alleys and public ways and, before constructing any such facilities, the City shall be furnished complete drawings of any construction pursuant to the provisions of this ordinance, and that the City shall keep and maintain permanent records of the locations and character of any underground facilities constructed and the relationship of such facilities to those of the City and public utilities operating within the City.~~

(b) ~~Nonexclusive grant. The right to use and occupy said streets, alleys, public ways, and places for the purpose herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person, firm or corporation at any time during the period of this franchise.~~

(c) ~~System construction and extension. Within one year of the receipt of final orders granting all necessary permits and authorizations which are required in the conduct of its business, including but not limited to any utility joint use attachment agreements, microwave carrier licenses, a certificate of compliance as issued by the Federal Communications Commission, and any other permits, licenses, and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems or their associated microwave transmission facilities, shall have been received by the Grantee, the Grantee shall have commenced construction upon the proposed system. The Grantee shall also have within six (6) months after commencement of construction an operable head end completed, and shall have extended energized trunk cable to at least 20% of residential dwellings which are not being served by a CATV system in the City each year after the commencement of construction until 100% of all areas included in the franchise area which are not being served by a CATV system have been covered by and are accessible to energized trunk cable. However, the Grantee will not be held liable for the completion as hereinabove set forth when delayed by any action of the City, or when it is prevented from doing so by circumstances beyond its control such as unavailability of materials, acts of nature or civil strife.~~

~~(d) No person, firm or corporation in the Grantee's service area shall be arbitrarily refused service. However, in recognition of the capital costs involved, for unusual circumstances, such as more than 150 feet of distance from distribution cable to connection of service to subscribers, or a density of less than ten subscribers per 1,320 feet of trunk line, in order to prevent inequitable burdens on potential cable subscribers in more densely populated areas, service may be available on the basis of cost of materials, labor and easements.~~

~~(e) In the event additional adjacent territory is incorporated within the City's limits, by annexation or otherwise, Grantee's rights and duties under this ordinance shall be deemed to include such additional territory.~~

~~(Revised Ords. 1978, § 16-26-1)~~

**Sec. 16-26-2. Conditions on Street Occupancy.**

~~(a) Use. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.~~

~~(b) Restoration. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own cost and expense, and in a manner approved by the City Engineer and consistent with other City ordinances on the subject of excavation in public streets, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed to its original condition of safety and utility. Grantee shall obtain and pay for all permits required by ordinance for and shall be subject to all ordinances relating to excavations or obstructions made by Grantee in streets or alleys. Such restoration work will be guaranteed by the Grantee for a period of one year to be free from structural defects and in the event there is any problem with such restoration work shall, upon notice given, repair the same within fifteen (15) days after said notice. If the Grantee fails to complete such repairs as requested, the City may then do so at the Grantee's expense.~~

~~(c) Relocation. In the event that any time during the period of this franchise, the City shall lawfully elect to alter the grade of any street, alley or other public way, the Grantee, upon reasonable notice by the City, shall remove and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense so as to comply with the requirements of Grantor.~~

~~(d) Placement of fixtures and conformance to electrical standards. The Grantee shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixture, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys and public ways. Grantee agrees to conform to requirements of the City in regard to all installations, and specifically that in any area where electrical utilities are installed underground, that Grantee will likewise install all equipment and cables underground. The Grantee shall install all equipment and cables underground. The Grantee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the most recent edition of the National Electrical Safety Code promulgated by the National Bureau of Standards and the National Electrical Code of the National Board of Fire Underwriters and in such a manner that it will not interfere with any uses by the City or by a public utility serving the City.~~

~~(e) Use of poles and underground lines. It is mutually understood that the Grantee may use poles or underground lines erected or owned and maintained by the City, insofar as the City's easement rights so permit, or by Utah Power and Light and/or Mountain States Telephone, where separate rental agreements can be reached for the use of the same, but where the use of such poles or underground lines is not practical or mutually satisfactory, the Grantee shall have the right to erect and maintain its own poles or install cable along underground rights-of-way of the City as may be necessary for the proper construction and maintenance of the television distribution system provided the Grantee shall obtain prior approval under the conditions previously set forth in this chapter from the City as to the necessity for the location of any new poles to be erected or underground cable to be installed. However, any poles erected by the Grantee may be acquired by the City on such terms as are equitable, and thereafter be the property of the City and subject to the rental rates as herein agreed.~~

~~(f) Where underground lines are required. In any area where service is now provided, or where service may later be provided by underground power lines, the Grantee's lines shall also be placed underground in accordance~~

with local subdivision regulations and with an appropriate rental schedule agreed upon, and if there are underground telephone lines then they shall be used where satisfactory rental agreement can be reached with the telephone company.

(g) ~~Temporary removal of wire for building moving. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall not be given less than seventy two (72) hours advance notice to arrange for such temporary wire changes.~~

(h) ~~Tree trimming. The Grantee shall have the authority to trim trees upon and overhanging over streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense and liability of the Grantee.~~

(Revised Ords. 1978, § 16-26-2)

### **Sec. 16-26-3. Indemnity and Liability Coverage.**

(a) ~~It is expressly understood and agreed by and between the Grantee and the City that the Grantee shall hold the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence in the part of the Grantee in the construction, operation or maintenance of its system in the City. The City shall notify the Grantee's representative in the City within thirty (30) days after the presentation of any claim or demand, either by suit or otherwise, made against the City on account of any negligence as aforesaid on the part of the Grantee. The Grantee agrees to maintain and keep in full force and effect at all times during the term of this franchise ordinance sufficient liability insurance coverage to protect the City against any such claims, suits, judgments, executions or demands in a sum not less than one hundred thousand dollars (\$100,000.00) per person in any one claim for personal injury to any one person and not less than three hundred thousand dollars (\$300,000.00) as to all claims arising from any one occurrence. The amounts for property damage shall be not less than fifty thousand dollars (\$50,000.00) as to any one claim and not less than two hundred thousand dollars (\$200,000.00) aggregate in any single policy year. Copies of the policy of insurance above mentioned, the City to be named as insured, will be filed with the City Recorder of the City before work is commenced and copies of the renewal certificates shall be filed annually on the same date thereafter.~~

(b) ~~The Grantee shall maintain a local business office or agent which subscribers may telephone during regular business hours each day except Saturdays, Sundays and other holidays proclaimed by national, state or local governmental authority without incurring added message or toll charges so that CATV maintenance service shall be promptly available. Complaints for other than regular working hours may be made to a separate telephone maintained for that purpose which shall be listed in the telephone directory, or the same telephone number may be used, at the option of the Grantee. Complaints received prior to 11:00 a.m. of any working day shall be investigated within six (6) hours and those received at all other times shall be investigated within twelve (12) hours. If the problem is caused by Grantee owned equipment, it shall be repaired as soon as reasonably possible, and the customer shall not have to pay for any day when service is not available for over six (6) hours. Provided, however, the Grantee does not guarantee in any way the functioning of television receivers owned by the customer, it being contemplated that the investigation will be made with a telephone receiver maintained by the Grantee for the investigation of complaints as aforesaid. Should a subscriber have an unresolved complaint regarding the quality of cable television service, equipment malfunctions or similar matters, the subscriber shall be entitled to meet jointly with a representative of the City and a representative of the Grantee within thirty (30) days to fully discuss such matters.~~

(Revised Ords. 1978, § 16-26-3)

### **Sec. 16-26-4. Compliance with Applicable Laws and Ordinances, Including Federal Regulations.**

(a) ~~The Grantee shall, at all times during the life of this franchise, be subject to all lawful exercise of the policy power by the City, and to such reasonable regulation as the City shall hereafter by resolution or ordinance provide, and shall fully comply with all applicable rules and regulations now in effect or hereafter adopted by the Federal Communications Commission, the State of Utah and the United States Government.~~

~~(b) Any modification resulting from any amendment of any section of the Rules and Regulations of the Federal Communications Commission which apply to Franchise Standards shall be incorporated into this franchise as of the date such modifications become obligatory under FCC regulations, or in the event no obligatory date is established, within one year of adoption or at the time of franchise renewal, whichever occurs first. If there are any conflicts between the provisions of this ordinance and the provisions of any other City ordinance, provisions of this ordinance shall prevail.~~

~~(Revised Ords. 1978, § 16-26-4)~~

**Sec. 16-26-5. Use of System by City.**

~~(a) The City shall have the right, without cost during the life of this franchise to make, install and maintain attachments to poles owned and/or used by the grantee and also to use the cables of the Grantee within the City for wires used by the City in connection with its fire alarms or police signals and surveillance systems, such attachments to be installed and maintained in accordance with the most recent requirements of the National Electrical Safety Code pertaining to such construction, and only after written notice to the Grantee; provided, however, that the Grantee shall assume no liability nor be put to any additional expense in connection therewith, and provided further that the City's use thereof shall be in such a manner as not to interfere with the Grantee's use of the same. In further consideration of the granting of this franchise, the Grantee will furnish without installation charge or monthly service fee, connections to all public schools in the corporate limits of the City, to the City Center, City Library, the Senior Citizens Center, the City Police Station, the City Fire Stations, hospitals and such other public and other facilities as may from time to time be mutually agreed upon by the City and Grantee, may also receive such benefit.~~

~~(b) In addition, the City shall have exclusive right to the use of any dedicated channel for its municipal and civic purposes and may by itself or jointly join with the public school system, universities and other agencies to produce and broadcast appropriate program materials. All cost of acquisition and maintenance of equipment required to conduct such programming and broadcasting shall be the responsibility of agencies other than the Grantee.~~

~~(c) The City may also add to its broadcasting capability without cost to the Grantee such other innovative technological advancements as may become practical and feasible such as bidirectional communications, computer-aided instruction, video disc broadcasts, multiple signal bidirectional usage, etc., provided the same does not use electronic capability in excess of the channel specified. The Grantee further agrees to work with the City to provide technical advice concerning other types of applications which the City or its associated agencies can and ought to make of its broadcast capability.~~

~~(Revised Ords. 1978, § 16-26-5)~~

**Sec. 16-26-6. Consent to Use Existing Utility Facilities.**

~~The City hereby gives its consent to Mountain States Telephone and Telegraph Company, Utah Power and Light Company and any other utility company to authorize the Grantee to use their poles, underground conduits and other facilities within the City for the purpose of conducting the business of the Grantee and to attach coaxial and other cables, lines, conduits, transformers, and other electrical equipment thereto. Grantee shall nevertheless obtain appropriate consent and shall contract with such companies for approval for the use of such poles, towers and conduits as are owned by said Mountain States Telephone and Telegraph Company, Utah Power and Light Company and other utilities and companies respectively pursuant to the provisions of such ordinance. The rights granted to the Grantee pursuant to the provisions of Section 1 of this chapter shall be supplemental and additional to those granted to the Mountain States Telephone and Telegraph, Utah Power and Light Company and other utilities and companies who have been granted franchises; provided, nevertheless, that the poles of such telephone and power companies shall be utilized by the Grantee hereunder wherever practicable.~~

~~(Revised Ords. 1978, § 16-26-6)~~

**Sec. 16-26-7. Payment to City and Rates.**

~~(a) In consideration for this grant of franchise, the Grantee agrees to pay to the Treasurer for the City a sum equal to three (3) percent) of the gross revenue receipts per annum derived by the Grantee from monthly service charges received by the Grantee from the subscribers to its services within the City. Within sixty (60) days after the first days of January and July, following commencement of service and within sixty (60) days after the first days of~~

~~January and July of each calendar year thereafter during the term of this franchise, the Grantee shall file with the Treasurer of the City a report of such revenue as described in this section for the preceding six (6) month period, which report shall include a computation of the sum due. The Treasurer shall determine the accuracy of the computation and if he finds any errors shall report the same to the Grantee for correction. The records of the Grantee reflecting the information relevant in determining revenues described in this paragraph shall be available for inspection by the City Council of Sandy City or its duly authorized representative at all reasonable hours and upon reasonable notice.~~

~~(b) Gross revenue receipts defined. The phrase "gross revenue receipts per annum derived by the Grantee from monthly service charges" shall be interpreted to include only those revenues derived from the supplying of regular subscriber service; that is, "gross subscriber revenues", as defined by the Commission in paragraph 95 of the Clarification, 46 FCC 2d 175 (1974).~~

~~(c) The City shall regulate rates by adopting resolutions.~~

~~(Revised Ords. 1978, § 16-26-7)~~

#### **Sec. 16-26-8. Approval of Transfer.**

~~The Grantee shall not sell or transfer its plant or system to another nor transfer any rights under this franchise to another without prior written approval of the Sandy City Council and provided that no sale or transfer shall be effective until the vendee, assignee or lessee has filed in the office of the City Recorder an instrument, duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of the franchise, and agreeing to perform all the conditions thereof.~~

~~(Revised Ords. 1978, § 16-26-8)~~

#### **Sec. 16-26-9. Commencement of Construction.**

~~The Grantee will proceed to submit the system for approval by the Federal Communications Commission within thirty (30) days after approval by the City of the system layout plans, and within ninety (90) days after receipt of a Certificate of Compliance from the Federal Communications Commission and after all licenses, permits and other authority requisite for the operation of microwave facilities is obtained and pole line agreements and all necessary legal requirements for the installation of the system are satisfied, shall commence construction of the system. Layout plans shall be submitted by December 31, 1979.~~

~~(Revised Ords. 1978, § 16-26-9)~~

#### **Sec. 16-26-10. Supervision and Inspection.**

~~All construction or installation work performed subject to the provisions of this ordinance shall be subject to approval of the City Engineer and to such inspection as he shall find necessary to insure compliance with governing ordinances.~~

~~(Revised Ords. 1978, § 16-26-10)~~

#### **Sec. 16-26-11. Color Transmissions.**

~~The signals transmitted over the cable system shall be capable of distributing color television signals, and when the signals the Grantee distributes are received in color, they shall be distributed in color where technically feasible.~~

~~(Revised Ords. 1978, § 16-26-11)~~

#### **Sec. 16-26-12. Emergency and Disaster Use.**

~~In case of emergency or disaster, the Grantee shall, upon the request of the City, make available its facilities to the City for emergency use during such emergency or disaster.~~

~~(Revised Ords. 1978, § 16-26-12)~~

#### **Sec. 16-26-13. Resident Agent.**

~~The Grantee shall maintain a force of one or more resident agents or employees within a radius of sufficient adjacency so as to afford not more than a ten minute access time by automobile to the franchise area, and at all~~

~~times shall have sufficient employees to provide safe, adequate and prompt service for its facilities.~~

~~(Revised Ords. 1978, § 16-26-13)~~

**~~Sec. 16-26-14. City Rules and Amendments.~~**

~~The right is hereby reserved to the City to adopt, in addition to the provisions herein contained in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations, by ordinance or otherwise, shall be reasonable, and shall not be in conflict with the laws of the State of Utah. Further, it shall be the policy of the City to liberally amend this franchise, upon application of the Grantee, when necessary to enable the Grantee to take advantage of any developments in the field of transmission of television and radio signals or other electronic impulses for communications or other electronic services which will afford it an opportunity to more effectively, efficiently or economically serve its subscribers. However, this shall not in any way be construed to require the City to make any such amendment.~~

~~(Revised Ords. 1978, § 16-26-14)~~

**~~Sec. 16-26-15. Forfeiture.~~**

~~Any violation by the Grantee, its vendee, lessee or successor of the provisions of this franchise, or any material portions thereof, or the failure to promptly perform any of the provisions hereunder to the City, after written notice to the Grantee and continuation of such violation, failure or default, sixty (60) days after such notice shall be cause for termination of this franchise and forfeiture of all rights hereunder. Upon termination, Grantee shall remove its installations at its own expense.~~

~~(Revised Ords. 1978, § 16-26-15)~~

**~~Sec. 16-26-16. Binding on Assigns.~~**

~~The right granted by this franchise ordinance shall be binding upon and inure to the benefit of the heirs, assigns, grantee and successors in interest of the parties. Approval of the City Council is required prior to assignment of any kind.~~

~~(Revised Ords. 1978, § 16-26-16)~~

**~~Sec. 16-26-17. Severability.~~**

~~If any section, subsection, sentence, clause or any portion of this chapter is found to be invalid and unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of remaining portions of this franchise.~~

~~(Revised Ords. 1978, § 16-26-17)~~

**~~Sec. 16-26-18. The Company's Qualifications.~~**

~~The Grantee's legal, character, financial, technical, and other qualifications, and the adequacy and feasibility of its construction arrangements may be approved by the City Council as part of a full public proceeding affording due process, at the conclusion of which the subject franchise may be awarded.~~

~~(Revised Ords. 1978, § 16-26-18)~~

**~~Sec. 16-26-19. Local Ordinances.~~**

~~The Grantee herein shall abide by any and every City ordinance pertaining to the activities, construction, maintenance and operation of the business of the Grantee.~~

~~(Revised Ords. 1978, § 16-26-19)~~

**~~Sec. 16-26-20. Pornographic or Lewd Materials.~~**

~~Grantee shall not originate in its system for viewing within the City any materials for viewing which are pornographic, lewd or which, if presented in public, would be violation of any ordinance of the City or the State of Utah.~~

~~(Revised Ords. 1978, § 16-26-20)~~

**~~Sec. 16-26-21. Preparation Fees.~~**

~~Grantee for this privilege shall pay to Sandy City Corporation the sum of four hundred dollars (\$400.00) for review by engineers, legal counsel, and publication of this ordinance, to be paid into the general fund of the City upon the effective date of this ordinance.~~

~~(Revised Ords. 1978, § 16-26-21)~~

**Sec. 16-26-22. Bond.**

~~Grantee, within thirty (30) days from the effective date hereof, shall provide a corporate surety bond in the sum of ten thousand dollars (\$10,000.00), in a form satisfactory to the City Attorney the condition of which shall be the commencement and the completion of the construction of the system for a period of three (3) years. Thereafter, a like bond in the amount of six thousand dollars (\$6,000.00) shall be maintained throughout the life of this franchise.~~

~~(Revised Ords. 1978, § 16-26-22)~~

**CHAPTER ~~27-6-13~~. CABLE COMMUNICATIONS**

**Sec. 6-13-1. Definitions.**

~~For the purpose of this chapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely discretionary. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- (1) *Act* means the Communications Act of 1934, including the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996.
- (2) *Cable service* shall have the meaning provided under federal law and regulations.
- (3) *Cable system* shall have the meaning provided under federal law and regulations.
- (4) *City* means Sandy City, Utah, and all territories within its present municipal boundaries and any additions thereto by annexation or other legal means.
- (5) *City Code* means the ordinances, rules and regulations adopted by the City, from time-to-time.
- (6) *Grantee* means any person granted a franchise by the City to provide cable service and the lawful successor, transferee, or assignee of such person.
- (7) *Gross revenue*.
  - a. The term "gross revenue" means any and all revenue of any kind or nature received directly or indirectly by a grantee, its affiliates, parent and any person, firm or corporation in which the grantee has a financial interest or which has a financial interest in the grantee, arising from or attributable to the grantee's operation of its cable system to provide cable services that requires the use of the City's public right-of-way, including, but not limited to:
    1. Revenue from all charges for cable service provided to subscribers;
    2. Revenue directly derived and attributable to the sale of commercial advertising upon the cable system;
    3. Revenue from all charges for the leased use of studios;
    4. Revenue from all charges for the use of or lease of leased access channels;
    5. Monthly recurring revenue from all charges for the installation, removal, connection and reinstatement of equipment necessary for a subscriber to receive cable services; and
    6. Revenue from the sale, exchange, use or cablecast of any programming developed for community use or institutional subscribers.

- b. The term "gross revenue" shall not include taxes or fees (except the franchise fee) collected by the grantee on behalf of any governmental authority; any increase in the value of stock, security or asset; any surcharges for underground conversion of cable plant costs; any increase in the value of any stock, security or asset; the value of complimentary service provided to the grantee's employees; ~~and~~ dividends or other distributions made in respect of any stock or securities; value received by the grantee or any of its affiliates through cooperative advertising; or revenues which cannot be collected by the provider and are identified as bad debt (provided, however, that if revenue previously representing bad debt is collected, that revenue shall be included in gross revenue for the collection period).
- (8) *Living unit* means a distinct address as tracked in the grantee's network inventory, used by the grantee to identify existing or potential subscribers. ~~This~~ The term "living unit" includes, but is not limited to, single-family homes, multi-dwelling units (e.g., apartment buildings and condominiums) and business locations.
- (9) *Multiple dwelling unit* or *MDU* means any adjacent buildings such as apartments under common ownership containing more than four dwelling units used as living quarters.
- (10) *Person* means any person, firm, partnership, association, corporation, company or organization of any kind other than the City.
- (11) *Qualified living unit* means any living unit that is identified in the grantee's network inventory as capable of receiving cable service.
- (12) *Reasonable notice*, unless otherwise defined herein or by agreement, means the delivery of written notice to the other party at least 30 days prior to the action proposed for the alleged defect, situation or default. In the event of any emergency that poses an immediate risk of harm to the health safety, welfare or property of the residents of the City, the term "reasonable notice" shall be construed to mean written or verbal notice of the action, condition or defect or situation as soon as practicable under the circumstances.
- (13) *Shall* is always mandatory and not merely discretionary.
- (14) *Street* and *public right-of-way* shall have the meaning set forth in applicable City Codes or rules as defined below.
- (15) *Subscriber* means an authorized recipient lawfully receiving cable service provided by the grantee by means of or in connection with the cable system, whether or not a fee is paid for such service.

(Revised Ords. 1978, § 16-27-1; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-2. Public Policy.**

The City finds and determines that the establishment of cable service in the City and the regulation and control thereof is necessary for the protection of the health, welfare and safety of the inhabitants of the City and that the use of the public rights-of-way for the provision of cable service is a matter of local and municipal concern.

(Revised Ords. 1978, § 16-27-2; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-3. City Authority.**

The City shall have the power to approve any franchise agreement at any time in accordance with applicable law and by ordinance, which shall then become valid and enforceable. Any such franchise granted shall constitute both authority and an obligation to provide cable service in accordance with this chapter. Nothing in any franchise shall be deemed to waive the requirements of other sections of the City Code regarding permits to be paid or manner of construction, except as expressly set forth therein.

(Revised Ords. 1978, § 16-27-3; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-4. Application.**

Every person desiring to install a cable system in the City or obtain approval of a franchise transfer shall file an application to be accompanied by a nonrefundable cashier's check in the amount established by the City Council

to cover administrative, legal, consulting and other processing costs of the City incurred in processing the application. Every such application shall contain, but not be limited to, the following:

- (1) The business form of the person making the application.
- (2) If the applicant is a partnership or limited partnership, the names and addresses of all such partners and their respective interests; if a corporation, the names and addresses of the officers and directors of the corporation and the names of any persons holding more than ten percent of the stock of the company, together with their proportionate interests indicated.
- (3) A proposed plan for the installation, operation and maintenance of the cable system indicating methods of construction, including specifications for design, installation, technical capacity and maintenance and arrangements with any other company or person for use of conduit cables, poles or other facilities of such other company or person.
- (4) The most current financial statement of the applicant.
- (5) The applicant's experience in the field of cable systems.
- (6) Total channel capability and minimum initial channel service.
- (7) The applicant's plan to provide complimentary service to schools and municipal government.
- (8) The applicant's plan to provide local community channels to be operated under the administration of the City.
- (9) The applicant's agreement to pay an annual franchise fee in the maximum amount permitted by the regulations of the Federal Communications Commission (FCC) or legislation enacted by Congress based on a percentage of gross revenue.
- (10) The applicant's agreement to comply with all applicable provisions of the City Code.

(Revised Ords. 1978, § 16-27-4; Ord. No. 16-19, 5-5-2016)

**Sec. 6-13-5. Council Action.**

In determining whether to grant an initial franchise or a franchise renewal, the City shall act within its discretion, in accordance with applicable federal and state law, and the City Code. The City may, if deemed necessary, conduct hearings to determine whether a franchise should be issued. Written notice shall be given to all existing holders of franchises of the filing of the new application, and they shall have 30 days after the mailing of the notice in which to file written objections with the Council to the granting of a new franchise.

(Revised Ords. 1978, § 16-27-5; Ord. No. 16-19, 5-5-2016)

**Sec. 6-13-6. Franchise Content.**

Every franchise shall contain, but not be limited to, provisions regulating the following:

- (1) Grant of non-exclusive revocable authority.
- (2) Territorial area involved; effect of annexation.
- (3) Liability and indemnification of the City.
- (4) Subscriber privacy.
- (5) Signal quality requirements and carriage of signals in accordance with applicable FCC standards.
- (6) Operation and maintenance of system.
- (7) Access channels.

- (8) Service to schools and municipal government facilities.
- (9) Cable system interconnections.
- (10) Emergency use of facilities.
- (11) Safety requirements.
- (12) Conditions of right-of-way occupancy.
- (13) Rights of City on termination.
- (14) Limitations on transfer of franchise.
- (15) Change in control or ownership of franchise.
- (16) Technical capacity and minimum cable services offered.
- (17) Flow-through refunds and subscriber refunds.
- (18) Scheduled payments to City: franchise fee; sales or use tax.
- (19) Force majeure.

(Revised Ords. 1978, § 16-27-6; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-7. Rules and Regulations.**

In addition to the inherent powers of the City to regulate and control cable franchises based on use of the public right-of-way, and those powers expressly reserved by the City or agreed to and provided for in this chapter, the right and power is reserved by the City Council to promulgate such additional regulations as it shall find necessary in the exercise of its lawful police powers and in the furtherance of the terms and conditions of this chapter.

(Revised Ords. 1978, § 16-27-7; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-8. Telecommunications Providers.**

Any telecommunications provider offering or proposing to offer video programming or cable services within the City shall comply with the terms of this chapter prior to construction and commencement of operation and shall maintain compliance thereafter, whether or not such provider is otherwise authorized to use the public rights-of-way, except where specifically prohibited by the City for telecommunications or any other services. However, so long as the telecommunications provider does not provide cable service to subscribers in the City, it will not be subject to the terms and conditions contained in this chapter or the franchise agreement.

(Revised Ords. 1978, § 16-27-8; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-9. Customer Service Standards.**

Grantees shall comply at all times with the customer service provisions set forth in 47 CFR 76.309, 76.1602 and 76.1603.

(Revised Ords. 1978, § 16-27-9; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-10. Franchise required.**

No cable system shall be allowed to occupy or use the streets within the City without a franchise issued in accordance with this chapter.

(Revised Ords. 1978, § 16-27-10; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-11. Use of Public Rights-of-Way.**

(a) For the purpose of operating and maintaining a cable system in the franchise area, the grantee shall comply with all applicable City construction codes and procedures to the extent it constructs in the rights-of-way.

(b) Nothing in any franchise agreement shall abrogate the right of the City to perform any public work or public improvement of any description, including, without limitation, all work authorized by applicable law. If the system interferes with the construction, operation, maintenance, or repair of any such public work or improvement, the grantee shall, at its own cost and expense, promptly protect, alter, or relocate the system or any part thereof as directed by the City.

(c) If the grantee refuses or neglects to so protect, alter, or relocate all or any part of the system, the City shall have the right, in connection with the performance of such public work or public improvement, to break through, remove, alter or relocate all or any part of the system without any liability to the grantee, except for the City's willful misconduct, and the grantee shall promptly pay to the City the costs incurred by such breaking through, removal, alteration or relocation.

(Revised Ords. 1978, § 16-27-11; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-12. Franchises Non-Exclusive.**

Any franchise granted within the City shall be non-exclusive. The City reserves the right to grant, at any time, such additional franchises, upon such terms as it deems appropriate.

(Revised Ords. 1978, § 16-27-12; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-13. Transfer of Ownership or Control.**

(a) Any franchise granted under this chapter cannot be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale or by voluntary sale, merger, consolidation or otherwise, without the prior consent of the City, and then only under such reasonable conditions as may be prescribed by the City, in accordance with applicable law. If the grantee is a corporation, such prior approval of the Council shall be required where there is an actual change in control. The term "control," as used in this subsection, is not limited to major stockholders, but includes actual working control in whatever manner exercised. Such consent is not needed if it is from the grantee to a company controlling, controlled by, or under common control of franchisee.

(b) The grantee shall promptly notify the City of any proposed change in, ~~or~~ transfer of, or acquisition by, any transfer or acquisition of control of the grantee and shall make the franchise subject to cancellation unless and until the City shall have consented thereto.

(c) In seeking the City's consent to any change in ownership or control, the grantee shall, at a minimum, be required to show, to the satisfaction of the City, that the proposed transferee is legally, technically, and financially qualified to maintain and operate the cable system for the remaining term of the franchise under the existing franchise terms. Any pending franchise violations must be cured to the City's satisfaction prior to transfer approval. In addition, the transferee shall indicate, in writing, its willingness to be bound by all terms of any existing franchise agreement and this chapter.

(Revised Ords. 1978, § 16-27-13; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-14. Reimbursement of Expenses.**

In addition to any application fees or any other charge or fee required under any other section of this chapter, for either the initial grant of a franchise, a franchise renewal or a franchise transfer, the grantee shall reimburse the City for reasonable out-of-pocket processing costs in excess of the application fee that are incidental to the award of the grant or transfer, including, but not limited to, the costs of hiring a consultant, administration, and special legal costs upon receipt from the City of an itemization of such costs.

(Revised Ords. 1978, § 16-27-14; Ord. No. 16-19, 5-5-2016)

#### **Sec. 6-13-15. Police Powers and Preemption.**

(a) All rights conferred under this chapter, whether through a separate franchise agreement or otherwise, are

subject to the police power of the City to adopt and enforce general ordinances necessary to the health, safety and welfare of the public, and all franchisees, by accepting a franchise under this chapter, agree to comply with all applicable general laws and ordinances enacted by the City pursuant to such power.

(b) If any area of regulatory authority is preempted from local regulation by federal or state law and such preemption later ceases, the City shall retain the option to resume local regulation to the extent permitted, provided that such regulation shall not conflict with the express terms and conditions of any existing franchise agreement.

(Revised Ords. 1978, § 16-27-15; Ord. No. 16-19, 5-5-2016)

## **CHAPTER ~~28~~ 6-14. CABLE COMMUNICATIONS SERVICE STANDARDS**

### **Sec. 6-14-1. Purpose.**

The purpose of this chapter is to regulate, in the public interest, the service standards of cable communication systems within the City, in order to ensure that the service provided to subscribers within the City by cable television companies is reasonably sufficient to meet community needs.

(Revised Ords. 1978, § 16-28-1)

### **Sec. 6-14-2. Short Title.**

This chapter shall constitute the "Cable Television Service Standards Ordinance" of the City and may be referred to as such.

(Revised Ords. 1978, § 16-28-2)

### **Sec. 6-14-3. Definitions of Terms.**

~~For the purposes of this chapter, the following terms, phrases, words, abbreviations and derivations shall have the following meaning. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms not defined in this chapter shall have the meaning defined in the master cable communication ordinance Chapter 16-13. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.~~

- (1) *Abandoned calls* means telephone calls that are connected to the grantee's general information number but the caller hangs up without being attended by a representative of the grantee or a device capable of problem resolution (e.g., placing a service request, placing a work order, directing a call to appropriate personnel, etc.). Abandoned calls shall in no event be deemed to include calls in which the caller hangs up within 45 seconds of making the call.
- (2) *Business hours* means at least eight hours between 8:00 a.m. through 7:00 p.m. Monday through Friday, provided that at least one hour must be between 5:00 p.m. and 7:00 p.m., and at least five hours between 8:00 to 5:00 Saturdays, except on legal holidays of the State of Utah.
- (3) *Cable service* means:
  - a. The one-way transmission to subscribers of video programming or other programming services; and
  - b. Any subscriber interaction required for the selection of such video programming or other programming service.

(Revised Ords. 1978, § 16-28-3)

### **Sec. 6-14-4. Requirements.**

(a) The grantee shall maintain an office within 15 miles of the City where complaints and requests for repairs, adjustments, or billing matters may be received during business hours. The current local telephone numbers for the office and complaint service shall be listed in telephone directories distributed in the grantee's service area.

(b) The grantee shall maintain an accurate and reasonably complete written record or log of system failures and customer complaints describing the date and nature of the action taken by the grantee, and the resolution of the

problem, and other data on requirements of Sections 6-14-5 and 6-14-6 collected or recorded by the grantee. These records shall be kept at the grantee's local office for a period of at least three years and shall be available for inspection by the City during regular business hours.

(Revised Ords. 1978, § 16-28-4)

#### **Sec. 6-14-5. System Service Standards.**

(a) The grantee shall limit system failures to a minimum time duration by locating and commencing repair promptly. The grantee will generally respond to subscriber outages by the next business day, and if the problem is caused by the grantee's equipment, it shall commence the repair by the next business day from the time a complaint is received and shall prosecute the repair promptly to completion where reasonably possible. In the event of a major system outage, however, such as where a majority of subscribers are without picture in 25 percent or more of the service area, the grantee will respond to such outages within 24 hours after occurrence, irrespective of holidays or non-business hours.

(b) The grantee shall render efficient service making system repairs promptly, and interrupting service only for good cause and for the shortest time reasonably possible. Planned interruptions, insofar as possible, shall be preceded by 24 hours' notice to subscribers, and shall occur during periods of minimum viewership.

(c) Subscribers shall not be required to pay for pay-per-view services for any service or significant part thereof which the customer fails to receive due to a failure of the grantee's system or equipment. The subscriber shall be granted, upon request, a credit for interrupted service which exceeds four hours in any 24-hour period. The credit shall equal a prorated amount of the subscriber's total monthly bill for basic and optional or additional service and the total number of hours that the service is interrupted in excess of the four hours. For purposes of this subsection, the 24-hour period shall be counted from the receipt of notice from the customer of service interruption or degradation.

(Revised Ords. 1978, § 16-28-5)

#### **Sec. 6-14-6. Subscriber Service Standards.**

(a) All calls to the general information number shall be answered by an operator or a device identifying the grantee at all hours all days of the year. The grantee's officers and employees shall be polite and reasonably responsive to all subscribers, persons and inquirers who contact the grantee.

(b) Subject to Section 6-14-9, 85 percent of all customer calls shall be attended within three minutes by a representative of the grantee or a device capable of problem resolution.

(c) The rate of abandoned calls shall be less than 15 percent.

(d) Ninety-five percent of all customer installations shall be completed within 15 working days (unless the customer requests a later date).

(e) Ninety-five percent of all repair and installation appointments shall be met by the grantee on the appointed date, unless satisfactory arrangements are otherwise made with the subscriber. An appointment shall be considered to have been met by the grantee if the subscriber fails to be present to allow the grantee access on the appointed day and the grantee confirms such absence by calling the subscriber's home telephone.

(f) The grantee shall provide the information required to monitor the standards in this section to the franchise authority on a quarterly basis, except that if the grantee has no means of tracking abandoned calls, and if doing so will be a substantial expense, then it shall not be required to do so. The grantee shall be excused for not achieving these standards during periods when conditions exist which are outside of its reasonable ability to control, or when there are system interruptions, outages, or other activities designed to maintain or improve cable service or the system. The grantee shall notify the franchise authority in advance of any maintenance or improvement activity which the grantee claims will make attainment of the standards impracticable.

(g) System staffing and equipment shall be such that not more than seven percent of telephone calls shall receive a busy signal on all the grantee's incoming telephone lines during business hours in any calendar month, except for a showing of good cause beyond grantee's reasonable control.

(Revised Ords. 1978, § 16-28-6)

### **Sec. 6-14-7. Notice and Opportunity to Cure.**

(a) In the event the grantee violates one or more material terms, conditions or provisions of this chapter, including, but not limited to, Sections 6-14-5 and 6-14-6, the City shall give the grantee written notice detailing the nature of the alleged noncompliance. For violations of Section 6-14-6, the grantee shall have 15 business days to cure the default, or if the default cannot reasonably be cured within 15 business days, then the grantee shall have 30 days to initiate reasonable steps to remedy the default and notify the City of the steps being taken and the projected date that they will be completed. After initiating a remedy for a default, the grantee shall prosecute the completion of the project through within a reasonable time. If the grantee disputes the assertion of noncompliance, it must notify the City in writing within five business days of the original notice, stating that it disagrees with the assertion of noncompliance, giving with particularity the reasons for disagreement.

(b) The Mayor or the Mayor's designee shall hear the grantee's dispute at an executive hearing to be held in a timely manner.

(c) Upon a determination by the Mayor or the Mayor's designee that a violation exists, the grantee shall have ten business days to cure the default or to take reasonable steps to remedy the default if it cannot be cured within ten business days.

(d) In the event that the grantee fails to respond to the notice described in Subsection (a) of this section, or in the event that the default is not remedied within the time required, the City may, without further notice and in addition to any other applicable remedies, implement and collect the daily fines pursuant to Section 6-14-8.

(e) Should a subscriber have an unresolved complaint regarding the quality of cable service, equipment, or the matters contained in this chapter or Chapter 6-13 directly affecting the subscriber's service, then, upon request for a meeting with the City and the grantee, the City representative appointed for such purpose may, at the City's discretion, request a meeting with the subscriber and a representative of the grantee. The grantee shall then meet with the City representative and the subscriber within 30 days of receiving the request from the City at a time and place reasonably convenient to all parties.

(Revised Ords. 1978, § 16-28-7)

### **Sec. 6-14-8. Enforcement.**

(a) For violation of a term of this chapter, subject to the provisions of Section 6-14-7, the grantee shall pay a fine determined by the City up to \$250.00 per day, or part thereof, for the first day that such violation continues from and after implementation of the daily fines, pursuant to Section 6-14-7(d). The fine shall increase weekly up to an amount determined by the City of an additional \$250.00 per day to a maximum of \$1,000.00 per day. The grantee shall pay the fine or penalty directly or by notifying the City to draw down the security deposit held by the City pursuant to the Cable Communication Ordinance Chapter 6-13. If the grantee fails to pay the penalty or notify the City to draw down on the security deposit within seven days of notification of the implementation of daily fines, the City may proceed immediately to draw down on the security deposit.

(b) Nothing contained in this chapter shall preclude the exercise of any other right or remedy of the City available at law or equity.

(c) The grantee shall have a reasonable time from the time of the renewal of a franchise hereunder up to a year to comply with the provisions of this chapter.

(Revised Ords. 1978, § 16-28-8)

### **Sec. 6-14-9. Three-Year Review and Modification.**

(a) Every three years after the adoption of the ordinance ~~codified in this chapter~~ from which this chapter is derived, the City and grantee shall undertake a survey within the service area of cable subscribers designed to measure cable subscriber satisfaction of the customer service practices of the grantee. Such survey shall be at the grantee's sole expense, in a form mutually acceptable to the City and the grantee.

(b) In the event that the survey demonstrates that the customer service practices set forth in Section 6-14-6(b) ~~hereof~~ are insufficient to meet the reasonable community needs in light of the anticipated costs thereof, then the percentage set forth in Section 6-14-6 relating to the attending of customer calls shall automatically be deemed to increase by an amount sufficient to meet such community needs. It shall be a rebuttable presumption that such

percentage increase shall be three percent for each three-year review period. In no event will the percentage in Section 6-14-6(b) be greater than 90 percent.

(c) Nothing in this chapter shall limit the City's and the grantee's ability to reduce the percentage set forth in Section 6-14-6(b), except that no reduction may be allowed below the 85 percent initial standard. If, based upon the survey results, a decrease in such percentage is demonstrated to be sufficient to meet the community needs, upon a request of the grantee, the City shall not unreasonably refuse to reduce such percentage.

(Revised Ords. 1978, § 16-28-9)

#### **Sec. 6-14-10. Notices.**

Any and all notices between to the City or the grantee herein provided for or permitted under this chapter or by law shall be in writing and shall be deemed duly served when deposited in the United States mail, certified, postage prepaid, return receipt requested, addressed to the grantee or the City at the address of each at the time of the granting of a franchise, or at such other address specified by the City or the grantee in a notice given pursuant to this section as the address for service of notice on it. For purposes of this section, the grantee's office shall include both its local and national office addresses. However, failure by the City to provide notice to both offices by inadvertence or neglect shall not be a basis for a claim against the City, or a defense against City action under this chapter. If the grantee changes its address during the term of its franchise, then it shall publish in notice thereof in a newspaper of local general circulation at least twice.

(Revised Ords. 1978, § 16-28-10)

#### **Sec. 6-14-11. Miscellaneous Provisions.**

(a) *Preemption.* If any Federal or State body ~~of or~~ agency shall preempt and supersede or preclude the jurisdiction of the franchise authority, the jurisdiction of the franchise authority shall cease while such jurisdiction is preempted, superseded or precluded.

(b) *Severability.* If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of common jurisdiction or by any State or Federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the franchise or any renewal or renewals thereof.

(c) *Franchise Authority Rules.* The City may adopt, in addition to the provisions herein contained in this chapter and other applicable ordinances, such additional regulations as it may find necessary in the exercise of the police power. Any such additional regulations shall be reasonably designed to meet the purposes of this chapter and shall be adopted only after notice and comment are provided.

(d) *Applicability to Existing Franchise.* This chapter shall apply to an existing franchise or grantee only to the extent allowed by federal and state law.

(Revised Ords. 1978, § 16-28-11)

### **~~CHAPTER 29. CABLE COMMUNICATIONS FRANCHISE GRANT -- INSIGHT~~**

#### **~~Sec. 16-29-1. Grant.~~**

~~Having determined that the financial, legal, and technical ability of Insight Communications Company, LP, a Delaware limited partnership ("Insight"), whose local address is 9075 South 700 West, Sandy, Utah 84070, is reasonably sufficient to provide cable television to the community, Insight is hereby granted a nonexclusive franchise which authorizes Insight to construct, operate, and maintain a cable communications system in that part of Sandy City on the east side of the heavy line dividing the City between Insight and T.C.I. Cable Television of Utah, as shown on the map of the City in Exhibit A, attached hereto, except for service to the address of 713 East 10345 South, and except for service to, between, and along feeder cable serving the following addresses on Peony Way (725 East): 10106 S., 10118 S., 10128 S., 10138 S., 10148 S., 10158 S., 10168 S., 10178 S., 10188 S., 10198 S., 10208 S., 10218 S., 10228 S., 10238 S., 10248 S., 10258 S., 10268 S., 10278 S., 10288 S., 10298 S., 10308 S., 10318 S., 10328 S.; according to the requirements and privileges contained in the master cable communication~~

~~ordinance, Chapter 16-27 of the Revised Ordinances of Sandy City (R.O.S.C.), the Cable Television Service Standards Ordinance, Chapter 16-28, R.O.S.C., and other related ordinances of the City as they may be amended from time to time.~~

~~(Revised Ords. 1978, § 16-29-1)~~

**~~Sec. 16-29-2. Term.~~**

~~The Insight franchise shall be for a term of fifteen (15) years from the effective date of the ordinance codified in this chapter unless lawfully terminated or extended pursuant to the cable communication ordinance or other related ordinances of the City.~~

~~(Revised Ords. 1978, § 16-29-2)~~

**~~Sec. 16-29-3. Contract.~~**

~~The City and Insight may enter into a franchise agreement mutually agreeable to the parties in lieu of subjecting Insight to the terms of this chapter, the cable communication ordinance and the cable television service standards ordinance.~~

~~(Revised Ords. 1978, § 16-29-3)~~

**~~Sec. 16-29-4. Surety Bond in Lieu of Security Fund.~~**

~~Pursuant to the terms of Subsection 26-37-30(d), grantee may post a surety bond reasonably acceptable to the City in lieu of the deposit of a security fund.~~

~~(Revised Ords. 1978, § 16-29-4)~~

**~~Sec. 16-29-5. Services.~~**

~~The initial service offerings of Insight and rates related thereto are attached to the ordinance codified in this chapter as Schedule 1 and on file in the office of the City Recorder. Nothing contained in the franchise grant shall be deemed to preclude Insight from adding, deleting, modifying or otherwise offering or changing any of its services, channel locations, levels of service, or rates relating thereto throughout the term of the franchise.~~

~~(Revised Ords. 1978, § 16-29-5)~~

**~~Sec. 16-29-6. Most Favored Franchise.~~**

~~In the event that another cable television operator obtains a franchise from the City, any term of which is more favorable to that other operator than the terms of the franchise are to this grantee, then this grantee's franchise shall be modified to include such more favorable term, except for the following cases:~~

- ~~(a) Where the more favorable term of the other franchise is specifically related to the other grantee's performance;~~
- ~~(b) Where the more favorable term of the other franchise is specifically related to the cable related community needs and interests of that grantee's service area;~~
- ~~(c) Where the less favorable term of the franchise is specific to this grantee's performance or the community needs and interests of this grantee's service area.~~

~~(Revised Ords. 1978, § 16-29-6)~~

**~~Sec. 16-29-7. Effective Date, Acceptance of Franchise.~~**

~~(a) Effective Date, Acceptance. The franchise, together with the rights, privileges and authority granted thereby, shall take effect and be in force immediately upon adoption by the City Council, and compliance by the grantee within ten (10) days hereof with the following requirements:~~

- ~~(1) Grantee shall file with the City Recorder an acceptance of the franchise grant and promise to comply with and abide by all of the provisions, terms and conditions of this Chapter, and Chapters 16-27 and 16-28 to the extent grantee may legally do so. Such acceptances and promises shall be in writing duly executed and sworn to, by or on behalf of grantee before a notary public or other officer authorized by law to administer oaths.~~

~~(2) Grantee shall file with the City a certificate of insurance required in Section 16-27-29.~~

~~(b) No inducements, coercion. Grantee, by accepting the franchise, acknowledges that it has not been induced to accept the franchise by any understanding, promise or other statement, whether verbal or written, by or on behalf of the City concerning any term or condition of the franchise, nor by any coercion or threats.~~

~~(c) Grantee accepts terms of franchise. Grantee, by acceptance of the franchise, acknowledges that it has thoroughly examined and is familiar with the terms and conditions of the franchise.~~

~~(Revised Ords. 1978, § 16-29-7)~~

## **CHAPTER 30. CABLE COMMUNICATIONS FRANCHISE GRANT - TCI**

### **Sec. 16-30-1. Grant.**

~~Having determined that the financial, legal, and technical ability of TCI Cablevision of Utah, Inc., herein called "TCI", 1369 E. 10600 South, Sandy 84092, with a head corporate office address of P.O. 5630, Denver, Colorado 80217-5630, is reasonably sufficient to provide cable television to the community, TCI is hereby granted a nonexclusive franchise which authorizes TCI to construct, operate, and maintain a cable communications system in that part of Sandy City on the east side of the heavy line dividing the City between TCI just as Insight Communications Company, LP, ("Insight") or its successor in interest; and Insight provides service to the west side of the heavy line, as shown on the map of the City in Exhibit A, attached hereto, pursuant to Insight's franchise in Chapter 16-30, Revised Ordinances of Sandy City, except that TCI may provide cable service on the west side of the heavy line to Western Rehabilitation Institute located at 8074 S. 1300 E., according to the requirements and privileges contained in the master cable communication ordinance, Chapter 16-27 of the Revised Ordinances of Sandy City (R.O.S.C.), the Cable Television Service Standards Ordinance, Chapter 16-28, R.O.S.C., and other related ordinances of the City as they may be amended from time to time.~~

~~(Revised Ords. 1978, § 16-30-1)~~

### **Sec. 16-30-2. Effective Date, Term.**

~~The effective date of the franchise shall be May 15, 1993. The TCI franchise shall be for a term of fifteen (15) years from the effective date of the ordinance codified in this chapter unless lawfully terminated or extended pursuant to the cable communication ordinance or other related ordinances of the City.~~

~~(Revised Ords. 1978, § 16-30-2)~~

### **Sec. 16-30-3. Contract.**

~~The City and TCI may enter into a franchise agreement mutually agreeable to the parties in lieu of subjecting TCI to the terms of this chapter, the cable communication ordinance and the cable television service standards ordinance.~~

~~(Revised Ords. 1978, § 16-30-3)~~

### **Sec. 16-30-4. Surety Bond in Lieu of Security Fund.**

~~Pursuant to the terms of Subsection 26-37-30(d), grantee may post a surety bond reasonably acceptable to the City in lieu of the deposit of a security fund.~~

~~(Revised Ords. 1978, § 16-30-4)~~

### **Sec. 16-30-5. Services.**

~~The initial service offerings of TCI and rates related thereto are attached to the ordinance codified in this chapter as Schedule 1 and on file in the office of the City Recorder. Nothing contained in the franchise grant shall be deemed to preclude TCI from adding, deleting, modifying or otherwise offering or changing any of its services, channel locations, levels of service, or rates relating thereto throughout the term of the franchise.~~

~~(Revised Ords. 1978, § 16-30-5)~~

### **Sec. 16-30-6. Most Favored Franchise.**

~~In the event that another cable television operator obtains a franchise from the City, any term of which is more~~

~~favorable to that other operator than the terms of the franchise are to this grantee, then this grantee's franchise shall be modified to include such more favorable term, except for the following cases:~~

- ~~(a) Where the more favorable term of the other franchise is specifically related to the other grantee's performance;~~
- ~~(b) Where the more favorable term of the other franchise is specifically related to the cable-related community needs and interests of that grantee's service area;~~
- ~~(c) Where the less favorable term of the franchise is specific to this grantee's performance or the community needs and interests of this grantee's service area.~~

~~(Revised Ords. 1978, § 16-30-6)~~

**~~Sec. 16-30-7. Effective Date, Acceptance of Franchise.~~**

~~(a) Effective Date, Acceptance. The franchise, together with the rights, privileges and authority granted thereby, shall take effect and be in force beginning May 15, 1993 at 12:01 a.m., provided that a summary of this ordinance be published in a local newspaper of general circulation as required by law, and provided that grantee comply within fifteen (15) days of the passage of this ordinance with the following requirements:~~

- ~~(1) Grantee shall file with the City Recorder an acceptance of the franchise grant and promise to comply with and abide by all of the provisions, terms and conditions of this Chapter, and Chapters 16-27 and 16-28 to the extent grantee may legally do so. Such acceptances and promises shall be in writing duly executed and sworn to, by or on behalf of grantee before a notary public or other officer authorized by law to administer oaths.~~
- ~~(2) Grantee shall file with the City a certificate of insurance required in Section 16-27-29, R.O.S.C.~~

~~(b) No inducements, coercion. Grantee, by accepting the franchise, acknowledges that it has not been induced to accept the franchise by any understanding, promise or other statement, whether verbal or written, by or on behalf of the City concerning any term or condition of the franchise, nor by any coercion or threats.~~

~~(c) Grantee accepts terms of franchise. Grantee, by acceptance of the franchise, acknowledges that it has thoroughly examined and is familiar with the terms and conditions of the franchise.~~

~~(Revised Ords. 1978, § 16-30-7)~~

**CHAPTER ~~31-6-15~~. MUNICIPALITY TRANSIENT ROOM TAX**

**Sec. 6-15-1. Municipal Transient Room Tax Levied.**

As provided for in U.C.A. 1953, §§ 59-12-352 and 59-12-353, there is levied a 1 1/2 percent tax on amounts paid or charged within Sandy City for tourist home, hotel, motel, or trailer court accommodations and services that are regularly rented for less than 30 consecutive days.

(Revised Ords. 1978, § 16-31-1)

**Sec. 6-15-2. Tax Collection and Administration.**

This tax is administered and collected by the Utah State Tax Commission as provided in U.C.A. 1953, § 59-12-354.

(Revised Ords. 1978, § 16-31-2)

**CHAPTER ~~32-6-16~~. TELECOMMUNICATIONS RIGHTS-OF-WAY DECLARATION OF FINDINGS AND INTENT; SCOPE OF CHAPTER**

**Sec. 6-16-1. Declaration of Finding and Intent.**

(a) *Findings Regarding Rights-of-Way.* The City Council of Sandy City finds that the rights-of-way within the City:

- (1) Are critical to the travel and transport of persons and property in the business and social life of the City;
- (2) Are intended for public uses and must be managed and controlled consistent with that intent;

- (3) Can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit, to the enhancement of the health, welfare, and general economic well-being of the City and its citizens; and
- (4) Are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation, and maintenance in the rights-of-way.

(b) *Finding Regarding Compensation.* The City finds that the right to occupy portions of the rights-of-way for limited times for the business of providing telecommunications services is a valuable use of a unique public resource that has been acquired and is maintained at great expense to the City and its taxpayers, and, therefore, the taxpayers of the City should receive fair and reasonable compensation for use of the rights-of-way.

(c) *Finding Regarding Local Concern.* The City finds that while telecommunications systems are in part an extension of interstate commerce, their operations also involve rights-of-way, municipal franchising, and vital business and community service, which are of local concern.

(d) *Finding Regarding Promotion of Telecommunications Services.* The City finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of telecommunications services, on a non-discriminatory basis, responsive to community and public interest, and to ensure availability for municipal, educational and community services.

(e) *Findings Regarding Franchise Standards.* The City finds that it is in the interests of the public to franchise and to establish standards for franchising providers in a manner that:

- (1) Fairly and reasonably compensates the City on a competitively neutral and non-discriminatory basis as provided herein;
- (2) Encourages competition by establishing terms and conditions under which providers may use valuable public property to serve the public;
- (3) Fully protects the public interests and the City from any harm that may flow from such commercial use of rights-of-way;
- (4) Protects the police powers and rights-of-way management authority of the City, in a manner consistent with federal and state law;
- (5) Otherwise protects the public interests in the development and use of the City infrastructure;
- (6) Protects the public's investment in improvements in the rights-of-way; and
- (7) Ensures that no barriers to entry of telecommunications providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting telecommunication services, within the meaning of the Telecommunications Act of 1996 ("Act") (P.L. No. 96-104).

(f) *Power to Manage Rights-of-Way.* The City adopts ~~this Telecommunications Ordinance~~ the ordinance from which this chapter is derived pursuant to its power to manage the rights-of-way, pursuant to common law, the Utah Constitution and statutory authority, and receive fair and reasonable compensation for the use of rights-of-way by providers as expressly set forth by Section 253 of the Act.

(Revised Ords. 1978, § 16-32-1)

### **Sec. 6-16-2. Scope of Chapter.**

This chapter shall provide the basic local scheme for providers of telecommunications services and systems that require the use of the rights-of-way, including providers of both the system and service, those providers of the system only, and those providers who do not build the system but who only provide services. This chapter shall apply to all future providers and to all providers in the City prior to the effective date of ~~this the ordinance~~ from which this chapter is derived, whether operating with or without a franchise as set forth in Section 6-16-45.

(Revised Ords. 1978, § 16-32-2)

### **Sec. 6-16-3. Excluded Activity.**

(1) ~~*General Cable TV.* This Ordinance shall not apply to cable television operators otherwise regulated by Chapters 16 and 26, Title 16, of the Revised Ordinances of Sandy City, Utah (the "Cable Television Ordinance"). This chapter shall not apply to cable television operators franchised by the city.~~

(b) ~~*Wireless Services.* This chapter shall not apply to personal wireless service facilities regulated by Chapter 36, Title 15 of the Land Development Code of Sandy City, Utah 1996. Chapter 21-11.~~

(c) *Provisions Applicable to Excluded Providers.* Providers excused by other law that prohibits the City from requiring a franchise shall not be required to obtain a Franchise, but all of the requirements imposed by this chapter through the exercise of the City's police power and not preempted by other law shall be applicable.

(Revised Ords. 1978, § 16-32-3)

#### **Sec. 6-16-4. Definitions.**

~~For purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The terms "shall" and "will" are mandatory, and the term "may" is permissive. Words not defined shall be given their common and ordinary meaning.~~

- (1) *Application* means the process by which a provider submits a request and indicates a desire to be granted a franchise to utilize the rights-of-way of all, or a part, of the City. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a provider to the City concerning: the construction of a telecommunications system over, under, on or through the rights-of-way; the telecommunications services proposed to be provided in the City by a provider; and any other matter pertaining to a proposed system or service.
- (2) *City* means Sandy City, Utah.
- (3) *Completion date* means the date that a provider begins providing services to customers in the City.
- (4) *Construction costs* means all costs of constructing a system, including make ready costs, other than engineering fees, attorneys' or accountants' fees, or other consulting fees.
- (5) *Control* or *controlling interest* means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the system or of a provider. A rebuttable presumption of the existence of control or a controlling interest shall arise from the beneficial ownership, directly or indirectly, by any person, or group of persons acting in concert, of more than 35 percent of any provider (which person or group of persons is hereinafter referred to as "controlling person"). The term "control" or "controlling interest," as used herein, may be held simultaneously by more than one person or group of persons.
- (6) *FCC* means the Federal Communications Commission, or any successor thereto.
- (7) *Franchise* means the rights and obligations extended by the City to a provider to own, lease, construct, maintain, use or operate a system in the rights-of-way within the boundaries of the City. Any such authorization, in whatever form granted, shall not mean or include:
  - a. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;
  - b. Any other permit, agreement or authorization required in connection with operations on rights-of-way or public property, including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the City or a private entity, or for excavating or performing other work in or along the rights-of-way.
- (8) *Franchise agreement* means a contract entered into in accordance with the provisions of this chapter between the City and a franchisee that sets forth, subject to this chapter, the terms and conditions under which a franchise will be exercised.

- (9) *Gross revenue* includes all revenues of a provider that may be included as gross revenue within the meaning of U.C.A. 1953, title 11, ch. 26 (U.C.A. 1953, § 11-26-1 et seq.), as amended. In the case of any provider not covered within the ambit of such chapter, the definition of the term "gross revenue" shall be that set forth in the franchise agreement.
- (10) *Infrastructure provider* means a person providing to another, for the purpose of providing telecommunication services to customers, all or part of the necessary system which uses the rights-of-way.
- (11) *Open video service* means any video programming services provided to any person through the use of rights-of-way, by a provider that is certified by the FCC to operate an open video system pursuant to Section 651 et seq., of the Telecommunications Act (to be codified at 47 USC Title VI, Part V), regardless of the system used.
- (12) *Open video system* means the system of cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams, and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing open video services to or from subscribers or locations within the City.
- (13) *Operator* means any person who provides service over a telecommunications system and directly or through one or more persons owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.
- (14) *Ordinance* or *Telecommunications Ordinance* means this Telecommunications Ordinance concerning the granting of franchises in and by the City for the construction, ownership, operation, use or maintenance of a telecommunications system.
- (15) *Person* includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the City.
- (16) *Personal wireless services facilities* has the same meaning as provided in Section 704 of the Act (47 USC 332(c)(7)(c)), which includes what is commonly known as cellular and PCS services that do not install any system or portion of a system in the rights-of-way.
- (17) *Provider* means an operator, infrastructure provider, resaler, or system lessee.
- (18) *PSC* means the Public Service Commission, or any successor thereto.
- (19) *Resaler* refers to any person that provides local exchange service over a system for which a separate charge is made, where that person does not own or lease the underlying system used for the transmission.
- (20) *Rights-of-way* means the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing as such within the City.
- (21) *Signal* means any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information in either analog or digital format.
- (22) *System lessee* refers to any person that leases a system or a specific portion of a system to provide services.
- (23) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing (e.g., data, video, and voice), without change in the form or content of the information sent and received.
- (24) *Telecommunications system* or *system* means all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased, or used by a provider, located in the rights-of-way and utilized in the provision of services, including fully digital or analog, voice, data and video imaging and other enhanced telecommunications services. The term "telecommunications system" or "system" also includes an open video system.
- (25) *Telecommunications services* or *services* means any telecommunications services provided by a provider within the City that the provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the services provided within the City, except

that these terms do not include cable service as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (47 USC 521 et seq.), and the Telecommunications Act of 1996. The term "telecommunications system" or "systems" also includes an open video system.

- (26) *Wire* means fiber optic telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

(Revised Ords. 1978, § 16-32-4)

#### **Sec. 6-16-5. Non-Exclusive Franchise.**

The City is empowered and authorized to issue non-exclusive franchises governing the installation, construction, operation, use and maintenance of systems in the City's rights-of-way, in accordance with the provisions of this chapter. The franchise is granted through a franchise agreement entered into between the City and provider.

(Revised Ords. 1978, § 16-32-5)

#### **Sec. 6-16-6. Every Provider Must Obtain.**

Except to the extent exempted by federal or state law, every provider must obtain a franchise prior to constructing a telecommunications system or providing telecommunications services, and every provider must obtain a franchise before constructing an open video system or providing open video services via an open video system and shall be subject to the customer service and consumer protection provisions applicable to the cable TV companies. The fact that particular telecommunications systems may be used for multiple purposes does not obviate the need to obtain a franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide telecommunications services over the same system, must also obtain a telecommunications franchise.

(Revised Ords. 1978, § 16-32-6)

#### **Sec. 6-16-7. Nature of Grant.**

A franchise shall not convey title, equitable or legal, in the rights-of-way. A franchise is only the right to occupy rights-of-way on a non-exclusive basis for the limited purposes and for the limited period stated in the franchise; the right may not be subdivided, assigned, or subleased. A franchise does not excuse a provider from obtaining appropriate access or pole attachment agreements before collocating its system on the property of others, including the City's property. This section shall not be construed to prohibit a provider from leasing conduit to another provider, so long as the lessee has obtained a franchise.

(Revised Ords. 1978, § 16-32-7)

#### **Sec. 6-16-8. Current Providers.**

Except to the extent exempted by federal or state law, any provider acting without a franchise on the effective date of ~~this the ordinance from which this chapter is derived~~ shall request issuance of a franchise from the City within 90 days of the effective date of ~~this the ordinance from which this chapter is derived~~. If such request is made, the provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a franchise is not granted, the provider shall comply with the provisions of Section 6-16-37.

(Revised Ords. 1978, § 16-32-8)

#### **Sec. 6-16-9. Nature of Franchise.**

The franchise granted by the City under the provisions of this chapter shall be a non-exclusive franchise providing the right and consent to install, operate, repair, maintain, remove and replace its system on, over and under the rights-of-way in order to provide services.

(Revised Ords. 1978, § 16-32-9)

#### **Sec. 6-16-10. Regulatory Approval Needed.**

Before offering or providing any services pursuant to the franchise, a provider shall obtain any and all

regulatory approvals, permits, authorizations or licenses for the offering or provision of such services from the appropriate Federal, State and local authorities, if required, and shall submit to the City, upon the written request of the City, evidence of all such approvals, permits, authorizations or licenses.

(Revised Ords. 1978, § 16-32-10)

**Sec. 6-16-11. Term.**

No franchise issued pursuant to this chapter shall have a term of less than five years or greater than 15 years. Each franchise shall be granted in a non-discriminatory manner.

(Revised Ords. 1978, § 16-32-11)

**Sec. 6-16-12. Compensation.**

As fair and reasonable compensation for any franchise granted pursuant to this chapter, a provider shall have the following obligations:

- (1) *Application Fee.* In order to offset the cost to the City to review an application for a franchise and in addition to all other fees, permits or charges, a provider shall pay to the City, at the time of application, ~~\$500~~ as a nonrefundable application fee, the amount established in the fee schedule. The application fee shall also be paid when an amendment to an application is filed with the City.
- (2) *Franchise Fees.* The franchise fee, if any, shall be set forth in the franchise agreement. The obligation to pay a franchise fee shall commence on the completion date. The franchise fee is offset by any business license tax or fee enacted by the City.
- (3) *Excavation Permits.* The provider shall also pay fees required for an excavation permit.
- (4) *Timing.* Unless otherwise agreed to in the franchise agreement, all franchise fees shall be paid on a monthly basis within 45 days of the close of each calendar month.
- (5) *Fee Statement and Certification.* Unless a franchise agreement provides otherwise, each fee payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.
- (6) *Future Costs.* A provider shall pay to the City or to third parties, at the direction of the City, an amount equal to the reasonable costs and expenses that the City incurs for the services of third parties (including, but not limited to, attorneys and other consultants) in connection with any renewal or provider-initiated renegotiation, transfer, amendment or other modification of this chapter or a franchise; provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations.
- (7) *Taxes and Assessments.* To the extent taxes or other assessments are imposed by taxing authorities, other than the City, on the use of the City property as a result of a provider's use or occupation of the rights-of-way, the provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall be in addition to any other fees payable pursuant to this chapter.
- (8) *Interest on Late Payments.* In the event that any payment is not actually received by the City on or before the applicable date fixed in the franchise, interest thereon shall accrue from such date until received at the rate charged for delinquent State taxes.
- (9) *No Accord and Satisfaction.* No acceptance by the City of any fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be construed as a release of any claim the City may have for additional sums payable.
- (10) *Not in Lieu of Other Taxes or Fees.* The fee payment is not a payment in lieu of any tax, fee or other assessment except as specifically provided in this chapter, or as required by applicable law. By way of example, and not limitation, excavation permit fees are not waived and remain applicable.
- (11) *Continuing Obligation and Holdover.* In the event a provider continues to operate all or any part of the system after the term of the franchise, such operator shall continue to comply with all applicable provisions of this chapter and the franchise, including, without limitation, all compensation and other

payment provisions throughout the period of such continued operation, provided that any such continued operation shall in no way be construed as a renewal or other extension of the franchise, nor as a limitation on the remedies, if any, available to the City as a result of such continued operation after the term, including, but not limited to, damages and restitution.

- (12) *Costs of Publication.* A provider shall assume any publication costs associated with its franchise that may be required by law.

(Revised Ords. 1978, § 16-32-12)

**Sec. 6-16-13. Franchise Application.**

To obtain a franchise to construct, own, operate, maintain or provide services through any system within the City, to obtain a renewal of a franchise granted pursuant to this chapter, or to obtain the City approval of a transfer of a franchise, as provided in Section 6-16-26, granted pursuant to this chapter, an application must be filed with City on a form designated by the City.

(Revised Ords. 1978, § 16-32-13)

**Sec. 6-16-14. Application Criteria.**

In making a determination as to an application filed pursuant to this chapter, the City may, but shall not be ~~limited~~required to, request or consider the following:

- (1) Obtaining an order from the PSC granting a Certificate of Convenience and necessity, if any is necessary for the provider's offering of services within the State of Utah.
- (2) Certification of the provider's financial ability to compensate the City for the provider's intrusion, maintenance and use of the rights-of-way during the franchise term proposed by the provider;
- (3) The provider's agreements to comply with the requirements of Section 6-16-26 ~~of this Ordinance.~~

(Revised Ords. 1978, § 16-32-14)

**Sec. 6-16-15. Franchise Determination.**

The City, in its discretion, shall determine the award of any franchise on the basis of these and other considerations relevant to the use of the rights-of-way, without competitive bidding.

(Revised Ords. 1978, § 16-32-15)

**Sec. 6-16-16. General Requirement.**

No provider shall receive a franchise unless it agrees to comply with each of the terms set forth in this section governing construction and technical requirements for its system, in addition to any other requirements or procedures specified by the City or the franchise, including requirements regarding co-location and cost sharing. A provider shall obtain an excavation permit, pursuant to the Excavation Ordinance, before commencing any work in the rights-of-way.

(Revised Ords. 1978, § 16-32-16)

**Sec. 6-16-17. Quality.**

All work involved in the construction, operation, maintenance, repair, upgrade and removal of the system shall be performed in a safe, thorough and reliable manner using materials of good and durable quality. If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the system, including, without limitation, any means used to distribute signals over or within the system, is harmful to the public health, safety or welfare, or quality of service or reliability, then a provider shall, at its own cost and expense, promptly correct all such conditions.

(Revised Ords. 1978, § 16-32-17)

**Sec. 6-16-18. Licenses and Permits.**

A provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses or other forms of approval or authorization necessary to construct, operate, maintain, upgrade or repair the

system, including, but not limited to, any necessary approvals from persons and/or the City to use private property, easements, poles and conduits. A provider shall obtain any required permit, license, approval or authorization, including, but not limited to, excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval or authorization is required.

(Revised Ords. 1978, § 16-32-18)

**Sec. 6-16-19. Relocation of the System.**

(a) *New Grades or Lines.* If the grades or lines of any rights-of-way are changed at any time in a manner affecting the system, then a provider shall comply with the requirements of the excavation ordinance.

(b) *The City Authority to Move System.* The City may, at any time, in case of fire, disaster or other emergency, as determined by the City in its reasonable discretion, cut or move any parts of the system and appurtenances on, over or under the rights-of-way of the City, in which event the City shall not be liable therefor to a provider. The City shall notify a provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this section. Notice shall be given as provided in Section 6-16-42.

(c) *A Provider Required to Temporarily Move System.* A provider shall, upon prior reasonable written notice by the City or any person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its system to permit the moving of said structure. A provider may impose a reasonable charge on any person other than the City for any such movement of its systems.

(d) *Rights-of-Way Change, Obligation to Move System.* When the City is changing a right-of-way and makes a written request, a provider is required to move or remove its system from the right-of-way, without cost to the City. This obligation exists whether or not the provider has obtained an excavation permit.

(Revised Ords. 1978, § 16-32-19)

**Sec. 6-16-20. Protect Structures.**

In connection with the construction, operation, maintenance, repair, upgrade or removal of the system, a provider shall, at its own cost and expense, protect any and all existing structures belonging to the City. A provider shall obtain the prior written consent of the City to alter any water main, power facility, sewerage or drainage system, or any other municipal structure on, over or under the rights-of-way of the City required because of the presence of the system. Any such alteration shall be made by the City or its designee on a reimbursable basis. A provider agrees that it shall be liable for the costs incurred by the City to replace or repair and restore to its prior condition, in a manner as may be reasonably specified by the City, any municipal structure or any other rights-of-way of the City involved in the construction, operation, maintenance, repair, upgrade or removal of the system that may become disturbed or damaged as a result of any work thereon by or on behalf of a provider pursuant to the franchise.

(Revised Ords. 1978, § 16-32-20)

**Sec. 6-16-21. No Obstruction.**

In connection with the construction, operation, maintenance, upgrade, repair or removal of the system, a provider shall not unreasonably obstruct the rights-of-way of fixed guide way systems, railways, passenger travel, or other traffic to, from or within the City without the prior consent of the appropriate authorities.

(Revised Ords. 1978, § 16-32-21)

**Sec. 6-16-22. Safety Precautions.**

A provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A provider shall comply with all applicable Federal, State and local requirements, including, but not limited to, the National Electric Safety Code.

(Revised Ords. 1978, § 16-32-22)

**Sec. 6-16-23. Repair.**

After written reasonable notice to the provider, unless, in the sole determination of the City, an eminent danger exists, any rights-of-way within the City which are disturbed or damaged during the construction, operation, maintenance or reconstruction by a provider of its system may be repaired by the City at the provider's expense, to a condition as good as that prevailing before such work was commenced. Upon doing so, the City shall submit to such a provider an itemized statement of the cost for repairing and restoring the rights-of-ways intruded upon. The provider shall, within 30 days after receipt of the statement, pay to the City the entire amount thereof.

(Revised Ords. 1978, § 16-32-23)

**Sec. 6-16-24. System Maintenance.**

A provider shall:

- (1) Install and maintain all parts of its system in a non-dangerous condition throughout the entire period of its franchise.
- (2) Install and maintain its system in accordance with standard prudent engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations.
- (3) At all reasonable times, permit examination by any duly authorized representative of the City of the system and its effect on the rights-of-way.

(Revised Ords. 1978, § 16-32-24)

**Sec. 6-16-25. Trimming of Trees.**

A provider shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over rights-of-way so as to prevent the branches of such trees from coming in contact with its system.

(Revised Ords. 1978, § 16-32-25)

**Sec. 6-16-26. Notification of Sale.**

(a) *PSC Approval.* When a provider is the subject of a sale, transfer, lease, assignment, sublease or disposed of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the provider or its successor entity shall promptly notify the City of the nature of the transaction and, if applicable, request a transfer of the franchise to the successor entity. A request for a transfer shall include a certification that the successor entity unequivocally agrees to all of the terms of the original provider's franchise agreement.

(b) *Transfer of Franchise.* Upon receipt of a request to transfer a franchise, the City designee, as provided in Section 6-16-34, may send notice approving the transfer of the franchise to the successor entity. Such approval shall not be unreasonably withheld. If the City has reason to believe that the successor entity may not comply with this chapter or the franchise agreement, it may require an application for the transfer. The application shall comply with Sections 6-16-13 through 6-16-15.

(Revised Ords. 1978, § 16-32-26)

**Sec. 6-16-27. If PSC Approval is No Longer Required.**

If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in Section 6-16-26, then the following events shall be deemed to be a sale, assignment or other transfer of the franchise requiring compliance with Section 6-16-26:

- (1) The sale, assignment or other transfer of all or a majority of a provider's assets to another person;
- (2) The sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a provider by one or more of its existing shareholders, partners, members or other equity owners so as to create a new controlling interest in a provider;

- (3) The issuance of additional capital stock or partnership, membership or other equity interest by a provider so as to create a new controlling interest in such a provider; or
- (4) The entry by a provider into an agreement with respect to the management or operation of such provider or its system.

(Revised Ords. 1978, § 16-32-27)

#### **Sec. 6-16-28. Insurance, Indemnity, and Security.**

Prior to the execution of a franchise, a provider will deposit with the City an irrevocable, unconditional letter of credit or surety bond as required by the terms of the franchise, and shall obtain and provide proof of the insurance coverage required by the franchise. A provider shall also indemnify the City as set forth in the franchise.

(Revised Ords. 1978, § 16-32-28)

#### **Sec. 6-16-29. Oversight.**

The City shall have the right to oversee, regulate and inspect periodically the construction, maintenance, and upgrade of the system, and any part thereof, in accordance with the provisions of the Franchise and applicable law. A provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a provider to prove, in reasonable detail, to the satisfaction of the City at all times throughout the term, that a provider is in compliance with the franchise. A provider shall retain such records for not less than the applicable statute of limitations.

(Revised Ords. 1978, § 16-32-29)

#### **Sec. 6-16-30. Maintain Records.**

A provider shall at all times maintain:

- (1) On file with the City, a full and complete set of plans, records and as-built hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the City's existing GIS system, of all existing and proposed installations and the types of equipment and systems installed or constructed in the rights-of-way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all rights-of-ways where work will be undertaken. As used herein, "as-built" maps includes "file construction prints." Maps shall be drawn to scale. As-built maps, including the compatible electronic format, as provided above, shall be submitted within 30 days of completion of work or within 30 days after completion of modification and repairs. As-built maps are not required of the provider who is the incumbent local exchange carrier for the existing system to the extent they do not exist.
- (2) Throughout the term, ~~a provider shall~~ maintain complete and accurate books of account and records of the business, ownership, and operations of a provider with respect to the system in a manner that allows the City at all times to determine whether a provider is in compliance with the franchise. Should the City reasonably determine that the records are not being maintained in such a manner, a provider shall alter the manner in which the books and/or records are maintained so that a provider comes into compliance with this section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the State of Utah, and generally accepted accounting principles, shall be deemed to be acceptable under this section.

(Revised Ords. 1978, § 16-32-30)

#### **Sec. 6-16-31. Confidentiality.**

If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a provider, and to the extent permitted by law, such information shall be treated as a protected record within the meaning of the Utah Government Records Access and Management Act ("GRAMA"), making it available only to those who must have access to perform their duties on behalf of the City, provided that a provider notifies the City of, and clearly labels the information which a provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the provider.

(Revised Ords. 1978, § 16-32-31)

**Sec. 6-16-32. Provider's Expense.**

All reports and records required under this chapter shall be furnished at the sole expense of a provider, except as otherwise provided in this chapter or a franchise.

(Revised Ords. 1978, § 16-32-32)

**Sec. 6-16-33. Right of Inspection.**

For the purpose of verifying the correct amount of the franchise fee, the books and records of the provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the City at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records. The provider agrees to reimburse the City the reasonable costs of an audit if the audit discloses that the provider has paid 95 percent or less of the compensation due the City for the period of such audit. In the event the accounting rendered to the City by the provider herein is found to be incorrect, then payment shall be made on the corrected amount within 30 calendar days of written notice, it being agreed that the City may accept any amount offered by the provider, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

(Revised Ords. 1978, § 16-32-33)

**Sec. 6-16-34. Enforcement and Remedies.**

(a) *Enforcement, City Designee.* The City is responsible for enforcing and administering this chapter, and the City or its designee, as appointed by the Mayor, is authorized to give any notice required by law or under any franchise agreement.

(b) *Enforcement Provision.* Any franchise granted pursuant to this chapter shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this chapter, including, but not limited to, defining events of default, procedures for accessing the Bond/Security Fund, and rights of termination or revocation.

(Revised Ords. 1978, § 16-32-34)

**Sec. 6-16-35. Force Majeure.**

In the event a provider's performance of any of the terms, conditions or obligations required by this chapter or a Franchise is prevented by a cause or event not within a provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of a provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

(Revised Ords. 1978, § 16-32-35)

**Sec. 6-16-36. Extended Operation and Continuity of Services.**

(a) *Continuation after Expiration.* Upon either expiration or revocation of a franchise granted pursuant to this chapter, the City shall have discretion to permit or require a provider to continue to operate its system or provide services for an extended period of time not to exceed six months from the date of such expiration or revocation. A provider shall continue to operate its system under the terms and conditions of this chapter and the franchise granted pursuant to this chapter.

(b) *Continuation by Incumbent Local Exchange Carrier.* If the provider is the incumbent local exchange carrier, it may be permitted to continue to operate its system and provide services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

(Revised Ords. 1978, § 16-32-36)

**Sec. 6-16-37. Removal or Abandonment of Franchise Property.**

(a) *Abandoned system.* In the event that:

- (1) The use of any portion of the system is discontinued for a continuous period of 12 months, and 30 days after no response to written notice from the City to the last-known address of the provider;
- (2) Any system has been installed in the rights-of-way without complying with the requirements of this chapter or franchise; or
- (3) The provisions of Section 6-16-9 are applicable and no franchise is granted;

a provider, except the provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such system.

(b) *Removal of Abandoned System.* The City, upon such terms as it may impose, may give a provider written permission to abandon, without removing, any system, or portion thereof, directly constructed, operated or maintained under a franchise. Unless such permission is granted or unless otherwise provided in this chapter, a provider shall remove within a reasonable time the abandoned system and shall restore, using prudent construction standards, any affected rights-of-way to their former state at the time such system was installed, so as not to impair their usefulness. In removing its plant, structures and equipment, a provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all rights-of-way in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The City shall have the right to inspect and approve the condition of the rights-of-way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this chapter and any security fund provided in a franchise shall continue in full force and effect during the period of removal and until full compliance by a provider with the terms and conditions of this section.

(c) *Transfer of Abandoned System to City.* Upon abandonment of any system in place, a provider, if required by the City, shall submit to the City a written instrument, satisfactory in form to the City, transferring to the City the ownership of the abandoned system.

(d) *Removal of Above-Ground System.* At the expiration of the term for which a franchise is granted, or upon its revocation or earlier expiration, as provided for by this chapter, in any such case without renewal, extension or transfer, the City shall have the right to require a provider to remove, at its expense, all above-ground portions of a system from the rights-of-way within a reasonable period of time, which shall not be less than 180 days. If the provider is the incumbent local exchange carrier, it shall not be required to remove its system, but shall negotiate a renewal in good faith.

(e) *Leaving Underground System.* Notwithstanding anything to the contrary set forth in this chapter, a provider may abandon any underground system in place so long as it does not materially interfere with the use of the rights-of-way or with the use thereof by any public utility, cable operator or other person.

(Revised Ords. 1978, § 16-32-37)

#### **Sec. 6-16-38. Publicizing Work.**

Before entering onto any private property, a provider shall make a good faith attempt to contact the property owners in advance, and describe the work to be performed.

(Revised Ords. 1978, § 16-32-38)

#### **Sec. 6-16-39. Conflicts.**

In the event of a conflict between any provision of this chapter and a franchise entered pursuant to it, the provisions of this chapter shall control.

(Revised Ords. 1978, § 16-32-39)

#### **Sec. 6-16-40. Severability.**

If any provision of this chapter is held by any Federal, State or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the chapter provisions in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which

had been held invalid or modified is no longer in conflict with such law, the provision in question shall return to full force and effect and shall again be binding on the City and the provider, provided that the City shall give the provider 30 days', or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

(Revised Ords. 1978, § 16-32-40)

**Sec. 6-16-41. New Developments.**

It shall be the policy of the City to liberally amend this chapter, upon application of a provider, when necessary to enable the provider to take advantage of any developments in the field of telecommunications which will afford the provider an opportunity to more effectively, efficiently, or economically serve itself or the public.

(Revised Ords. 1978, § 16-32-41)

**Sec. 6-16-42. Notices.**

All notices from a provider to the City required under this chapter or pursuant to a franchise granted pursuant to this chapter shall be directed to the officer as designated by the Mayor. A provider shall provide in any application for a franchise the identity, address and phone number to receive notices from the City. A provider shall immediately notify the City of any change in its name, address, or telephone number.

(Revised Ords. 1978, § 16-32-42)

**Sec. 6-16-43. Exercise of Police Power.**

To the full extent permitted by applicable law, either now or in the future, the City reserves the right to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.

(Revised Ords. 1978, § 16-32-43)

**Sec. 6-16-44. Construction.**

This chapter shall be construed in a manner consistent with all applicable federal and state statutes.

(Revised Ords. 1978, § 16-32-44)

**Sec. 6-16-45. Chapter Applicability.**

This chapter shall apply to all franchises granted or renewed after the effective date of ~~this the~~ ordinance from which this chapter is derived. This chapter shall further apply, to the extent permitted by applicable federal or state law, to all existing franchises granted prior to the effective date of ~~this the~~ ordinance from which this chapter is derived and to a provider providing services, without a franchise, prior to the effective date of ~~this the~~ ordinance from which this chapter is derived.

(Revised Ords. 1978, § 16-32-45)

**Sec. 6-16-46. Other Applicable Ordinances.**

A provider's rights are subject to the police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A provider shall comply with all applicable general laws and ordinances enacted by the City pursuant to its police powers. In particular, all providers shall comply with the City zoning and other land use requirements.

(Revised Ords. 1978, § 16-32-46)

**Sec. 6-16-47. City's Failure to Enforce.**

A provider shall not be relieved of its obligation to comply with any of the provisions of this chapter or any franchise granted pursuant to this chapter by reason of any failure of the City to enforce prompt compliance.

(Revised Ords. 1978, § 16-32-47)

**Sec. 6-16-48. Construed According to Utah Law.**

This chapter and any franchise granted pursuant to this chapter shall be construed and enforced in accordance

with the substantive laws of the State of Utah.

(Revised Ords. 1978, § 16-32-48)

### CHAPTER 33-6-17. MUNICIPAL ENERGY SALES AND USE TAX\*

\*State law reference—Municipal Energy Sales and Use Tax Act, U.C.A. 1953, § 10-1-301 et seq.

#### Sec. 16-33-1. Definitions.

(a) "Consumer" means a person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.

(b) "Contractual Franchise Fee" means:

(1) a fee;

(i) provided for in a franchise agreement; and

(ii) that is consideration for the franchise agreement; or

(2) (i) a fee similar to subsection (b)(1); or

(ii) any combination of subsections (b)(1) or (b)(2).

(c)(1) "Delivered Value" means the fair market value of the taxable energy delivered for sale or use in the municipality and includes:

(i) the value of the energy itself; and

(ii) any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality;

(2) "Delivered Value" does not include the amount of a tax paid under Part 1 or Part 2 of Chapter 12, Title 59 of the Utah Code Annotated.

(d) "Energy Supplier" means a person supplying taxable energy, except for persons supplying a de minimum amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

(f) "Franchise Agreement" means a franchise or an ordinance, contract, or agreement granting a franchise.

(g) "Franchise Tax" means:

(1) a franchise tax

(2) a tax similar to a franchise tax; or

(3) any combination of subsections (1) or (2).

(h) "Person" includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

(i) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

(1) installment and credit sales;

(2) any closed transaction constituting a sale;

(3) any transaction under which right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

(j) "Storage" means any keeping or retention of taxable energy in Sandy City for any purpose except sale in the regular course of business.

(k) (1) "Use" means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.

(2) "Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular

~~course of business and held for resale.~~

~~(1) "Taxable Energy" means gas and electricity.~~

~~(Revised Ords. 1978, § 16-33-1)~~

**Sec. 6-17-1. Municipal Energy Sales and Use Tax Levied.**

There is hereby levied, subject to the provisions of this chapter, a tax on every sale or use of taxable energy made within Sandy City equaling six percent of the delivered value of the taxable energy to the customer. This tax shall be known as the municipal energy sales and use tax.

- (1) The tax shall be calculated on the delivered value of the taxable energy to the consumer.
- (2) The tax shall be in addition to any sales or use tax on taxable energy imposed by Sandy City authorized by the Local Sales and Use Tax Act (U.C.A. 1953, § 5-12-201 et seq.).

(Revised Ords. 1978, § 16-33-2)

**State law reference**—Tax authorized, U.C.A. 1953, § 10-1-304.

**Sec. 6-17-2. Exemptions from the Municipal Energy Sales and Use Tax.**

(a) No exemptions are granted from the municipal energy sales and use tax except as expressly provided in U.C.A. 1953, § 10-1-305(2)(b).

(b) The following are exempt from the municipal energy sales and use tax, pursuant to ~~Utah Code Ann.~~ U.C.A. 1953, § 10-1-305(2)(b):

- (1) Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under the Motor and Special Fuel Tax Act (U.C.A. 1953, § 59-13-101 et seq.);
- (2) Sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution, or the Utah Constitution;
- (3) ~~Sales and use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated~~ The sales and use of taxable energy purchased or stored for resale;
- (4) Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy of a fuel subject to taxation under the Motor and Special Fuel Tax Act (U.C.A. 1953, § 59-13-101 et seq.);
- (5) Taxable energy brought into the State by a nonresident for the nonresident's own personal use or enjoyment while within the State, except taxable energy purchased for use in the State by a nonresident living or working in the State at the time of purchase;
- (6) The sale or use of taxable energy for any purpose other than as a fuel or energy; and
- (7) The sale of taxable energy for use outside the boundaries of Sandy City.

(c) The sale, storage, use, or other consumption of taxable energy is exempt from the municipal energy sales and use tax levied by this chapter, provided:

- (1) The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by the Municipal Energy Sales and Use Tax Act (U.C.A. 1953, § 10-1-301 et seq.); and
- (2) Sandy City is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this chapter, if the tax due under this chapter exceeds the tax paid to the other municipality.

(Revised Ords. 1978, § 16-33-3)

**Sec. 6-17-3. No Effect Upon Existing Franchises; Credit For Franchise Fees.**

- (a) This chapter shall not alter any existing franchise agreements between Sandy City and energy suppliers.

(b) There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:

- (1) The energy supplier pays the contractual franchise fee to Sandy City pursuant to a franchise agreement in effect on July 1, 1997;
- (2) The contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
- (3) The energy supplier has accepted the franchise.

(Revised Ords. 1978, § 16-33-4)

#### **Sec. 6-17-4. Tax Collection Contract with State Tax Commission.**

(a) On or before the effective date of the ordinance from which this chapter is derived, Sandy City shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the municipal energy sales and use tax, in accordance with this chapter. This contract may be a supplement to the existing contract with the Commission to administer and collect the local sales and use tax, ~~as provided in 16-2-6 of the Revised Ordinances of Sandy City.~~ The Mayor is hereby authorized to enter into agreements with the State Tax Commission that may be necessary to the continued administration and operation of the Municipal Energy Sales and Use Tax Ordinance enacted by this chapter.

(b) An energy supplier shall pay the municipal energy sales and use tax revenues collected from consumers directly to Sandy City monthly if:

- (1) Sandy City is the energy supplier; or
- (2) a. The energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals \$1,000,000.00 or more; and
  - b. The energy supplier collects the municipal energy sales and use tax.

(c) An energy supplier paying the municipal energy sales and use tax directly to Sandy City may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by U.C.A. 1953, § 10-1-307(4).

(Revised Ords. 1978, § 16-33-5)

#### **Sec. 6-17-5. Incorporation of Part 1, Chapter 12, Title 59, Utah Code, Including Amendments.**

(a) Except as herein provided, and except insofar as they are inconsistent with the provisions of the Municipal Energy Sales and Use Tax Act (U.C.A. 1953, § 10-1-301 et seq.), as well as this chapter, all of the provisions of U.C.A. 1953, title 59, ch. 1, pt. 1 (U.C.A. 1953, § 59-12-101 et seq.), as amended, and in force and effect on the effective date of the ordinance from which this chapter is derived, insofar as they relate to sales and use taxes, excepting U.C.A. 1953, § 59-12-101 and 59-12-119 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this chapter as if fully set forth herein.

(b) Wherever to the extent that in U.C.A. 1953, title 59, ch. 1, pt. 1 (U.C.A. 1953, § 59-12-101 et seq.), as amended, the State of Utah is named or referred to as the taxing agency, the name of Sandy City shall be substituted, insofar as is necessary for the purposes of that part, as well as the Municipal Energy Sales and Use Tax Act (U.C.A. 1953, § 10-1-301 et seq.), as amended. Nothing in this subsection shall be deemed to require substitution of the name Sandy City for the word "state" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of Sandy City be substituted for that of the State in any section when the result of such a substitution would require action to be taken by or against Sandy City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.

(c) Any amendments made to U.C.A. 1953, title 59, ch. 1, pt. 1 (U.C.A. 1953, § 59-12-101 et seq.), as amended, which would be applicable to Sandy City for the purpose of carrying out this chapter are hereby incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute.

(Revised Ords. 1978, § 16-33-6)

**Sec. 6-17-6. No Additional License to Collect the Municipal Energy Sales and Use Tax Required, No Additional License or Reporting Requirements.**

No additional license to collect or report the municipal energy sales and use tax levied by this chapter is required, provided the energy supplier collecting the tax has a license issued under U.C.A. 1953, § 59-12-106.

(Revised Ords. 1978, § 16-33-7)

**CHAPTER 34. QUESTAR GAS COMPANY FRANCHISE**

An Ordinance Granting to Questar Gas Company, its Successors and Assigns, a Natural Gas Franchise

**Sec. 16-34-1. Purpose.**

The purpose of this Franchise Ordinance is to grant to Questar Gas Company, a Utah corporation, its successors and assigns (herein called the "Company"), a non-exclusive right to use the Public Way within Sandy City (herein called the "City") for a natural gas franchise, under the constraints and for the consideration enumerated in this Franchise Ordinance.

(Revised Ords. 1978, § 16-34-1)

**Sec. 16-34-2. Short Title.**

The Ordinance shall be known as the Questar Gas "Franchise Ordinance."

(Revised Ords. 1978, § 16-34-2)

**Sec. 16-34-3. Franchise Grant.**

There is hereby granted to the Company, the right, privilege and authority to construct, maintain, excavate, and operate in, under, along, over and across the present and future Public Way (as defined below), a gas distribution system, together with all reasonably necessary appurtenances for the sole purpose of furnishing natural gas to the City, the inhabitants thereof, and persons, businesses and agencies (hereinafter collectively referred to as "residents"). This Franchise Ordinance is applicable only to the Public Way as defined in this Franchise Ordinance and should not be deemed as an authorization or right for the Company to place Company Facilities (as defined below) on any other property owned by the City, including City Parks or City office buildings.

(Revised Ords. 1978, § 16-34-3)

**Sec. 16-34-4. Definitions.**

For the purposes of this Franchise Ordinance, the following words and terms shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Unless otherwise expressly stated or clearly contrary to the context, words and terms not defined herein shall be given the meaning set forth in the Revised Ordinances of Sandy City; if not defined in the Revised Ordinances of Sandy City, the meaning set forth in any State energy regulatory agency orders of general applicability; and if not defined either in the Revised Ordinances of Sandy City or in a general State energy regulatory agency order, their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future tense and vice versa; words in the plural number include the singular number and vice versa; and the masculine gender includes the feminine gender and vice versa. The words "shall" and "will" are mandatory; the word "may" is permissive.

(a) "City" shall mean Sandy City, Utah, and its successors and assigns.

(b) "City Property" shall mean all properties, facilities or objects currently or in the future owned or operated by the City within the present and/or future corporate limits of the City.

(c) "Company" shall mean Questar Gas Company and its successors and/or assigns.

(d) "Company Facilities" shall include, but not be limited to, mains, pipes, laterals, and all attachments, appurtenances, incidental accessories and related equipment located within the Public Way within the City limits, whether located above or below ground, currently or in the future owned or operated or otherwise controlled by the Company reasonably needed to provide natural gas service.

(e) "Construction" or "Construct" shall mean, without limitation, constructing, acquiring, laying, maintaining, testing, operating, extending, renewing, relocating, removing, replacing, repairing, and using Company Facilities.

~~(f) "Emergency" shall mean any event which causes or may cause: (i) a safety hazard or reasonably imminent damage to Company Facilities or City Property; (ii) an imminent threat of personal injury or property damage; or (iii) a natural gas service interruption.~~

~~(g) "Maintenance," "maintaining," or "maintain" shall mean, without limitation, repairing, replacing, relocating, examining, testing, and inspecting.~~

~~(h) "Person" shall mean any individual, person, firm, partnership, association, corporation, company, governmental entity, or organization of any kind.~~

~~(i) "Public Way" shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, public way, alley, court, boulevard, parkway, or drive owned by the City or any easement now or hereafter held by the City for the purpose of public use, and shall include other easements or rights of way as shall be now held or hereafter held by the City which shall, within their proper use and meaning entitle the Company to the use thereof for the purposes of installing, maintaining and operating Company Facilities.~~

~~(j) "Services" shall mean all natural gas service provided by the Company, in the form of the transportation, delivery and/or sale of natural gas.~~

~~(Revised Ords. 1978, § 16-34-4)~~

**Sec. 16-34-5. Term.**

~~(a) Initial Term. The term of the franchise granted herein is for a period from and after its effective date, until January 30, 2020; subject to early termination, or revocation as provided herein below in Section 16-34-21.~~

~~(b) Renewal. The Company shall notify the City Administrator in writing at least eighteen (18) months before expiration of the initial term and again at least nine (9) months before expiration. The notice shall recite this section in a manner clearly to alert the City of the need to renew the Franchise Ordinance. In the event that the Company fails to provide such notice or the parties are unable to negotiate a renewal by the termination date, then notwithstanding other language contained herein, this Franchise Ordinance shall continue from month to month after the end of the initial term subject to termination upon thirty (30) days written notice by the City. The Company shall pay all costs of legal notices required for the public hearing prior to ordinance renewal adoption and the ordinance publication costs thereafter.~~

~~(Revised Ords. 1978, § 16-34-5)~~

**Sec. 16-34-6. Acceptance by Company.**

~~Within thirty (30) days after the adoption of this Franchise Ordinance by the City Council, the Company shall file an unqualified written acceptance thereof with the City Recorder of Sandy; otherwise, this Franchise Ordinance and the rights granted herein shall be null and void.~~

~~(Revised Ords. 1978, § 16-34-6)~~

**Sec. 16-34-7. Non-Exclusive Franchise.**

~~The right to use and occupy the Public Way for the purposes herein set forth is not, and shall not be deemed to be an exclusive franchise, and the City reserves the right to itself to make or grant a similar use in the Public Way to any other person, firm, or corporation.~~

~~(Revised Ords. 1978, § 16-34-7)~~

**Sec. 16-34-8. City Regulatory Authority.**

~~Recognizing that the City has certain nondelegable duties regarding the safety of its streets, the City expressly reserves, and the Company expressly recognizes the City's right and duty to adopt, from time to time, in addition to the provisions herein contained, such ordinances, rules and regulations as the City may deem necessary in the exercise of its police power in the performance of such duties for the protection of the health, safety and welfare of its citizens and their properties.~~

~~(Revised Ords. 1978, § 16-34-8)~~

**Sec. 16-34-9. Subdivision Plats.**

~~The Company shall promptly review subdivision plats sent to it for approval, and shall make good faith efforts to promptly resolve any objections it has or issues raised by such review in accordance with applicable law.~~

~~(Revised Ords. 1978, § 16-34-9)~~

**~~Sec. 16-34-10. Extension of City Limits.~~**

~~(a) City Annexations. Upon the annexation of any territory to the City, the right and franchise granted herein shall extend to the territory so annexed to the extent the City has authority. All facilities owned, maintained, or operated by the Company located within, under, or over the Public Way of the territory so annexed shall thereafter be subject to all terms hereof.~~

~~(b) Notice of Addresses to Be Annexed. When territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to the Company: (a) each site address to be annexed as recorded on County assessment and tax rolls; (b) a legal description and map of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. Such notices shall be mailed to:~~

~~Questar Gas Company~~

~~Vice President, Operations 180 East 100 South~~

~~Salt Lake City, Utah 84111~~

~~With a copy of the notice to:~~

~~Questar Gas Company~~

~~Office of the General Counsel 180 East 100 South~~

~~Salt Lake City, Utah 84111~~

~~(c) Annexation of Questar Gas Property. When any property owned in fee by the Company becomes eligible for voluntary annexation to the City, the Company will, upon request of the City, petition to annex that property, provided that no condition of such annexation shall impair the Company's ownership of its property. Except as herein provided, the Company agrees to comply with all terms and conditions imposed upon the annexation by the City which are no more stringent than those generally imposed upon property owners seeking annexation of their land to the City. The foregoing obligation shall not apply with respect to the Company's natural gas corridor(s) extending beyond City boundaries, except to the extent that such natural gas corridor is or will be contiguous to and parallel with a City boundary~~

~~(Revised Ords. 1978, § 16-34-10)~~

**~~Sec. 16-34-11. Indemnification.~~**

~~(a) No City Liability. Except as otherwise specifically provided herein, the City shall not be responsible nor liable in any manner for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by the Company of the Company Facilities and the franchise granted herein, including but not limited to the construction, operation and maintenance of its lines and appurtenances hereunder.~~

~~(b) Company Indemnification of City. The Company shall indemnify, defend and hold the City harmless from and against any and all claims, lawsuits, demands, liens and all liability or damage of whatsoever kind on account of or arising from the grant of this Franchise Ordinance and the exercise by the Company of the related rights, or from the operations of the Company within the City, and shall pay the City's costs of defense, including all reasonable attorney's fees and costs except to the extent any such claim, lawsuit, demand, lien, liability or damage is caused by the negligent acts or omissions or reckless or willful misconduct of the City or any of its officers, employees, agents, officials or volunteers. Said indemnification shall include but not be limited to the Company's negligent acts or omissions or reckless or willful misconduct pursuant to its use of the rights and privileges of this Franchise Ordinance, including construction, operation and maintenance of natural gas lines and appurtenances whether or not any use, act or omission complained of is authorized, allowed or prohibited by the Franchise Ordinance. This indemnity shall include but is not limited to and shall apply, without limitation, to any action or cause of action for bodily injury or death, property damage, invasion of privacy, defamation, antitrust, errors and~~

~~omissions, theft, fire, violation or infringement of any copyright, trademark, trade names, service mark or patent, or any other right of any Person, firm or corporation, whether or not any act or omission complained of is authorized, allowed or prohibited by this ordinance or any Agreement, except to the extent any such claim, action, damage, loss and/or expense is caused by the negligent acts or omissions or reckless or willful misconduct of the City or any of its officers, employees, agents, officials, or volunteers.~~

~~(e) — Notice of Indemnification. The City shall: (a) give prompt written notice to the Company of any claim, demand, lawsuit or lien with respect to which the City seeks indemnification hereunder; and (b) unless in the City's reasonable judgment a conflict of interest may exist between the City and the Company with respect to such claim, lawsuit, demand or lien, permit the Company to assume the defense of such claim, demand, lawsuit or lien with counsel satisfactory to City. Notwithstanding any provision hereof to the contrary, the Company shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand, lawsuit or lien arises out of or in connection with any negligent act or omissions or reckless or willful misconduct of the City or any of its officers, employees, agents, officials, or volunteers.~~

~~(d) — Survive. This Section 16-34-11 of this Franchise Ordinance and its subparts shall survive the termination of this Franchise Ordinance.~~

~~(e) — Defense. In the event that the City's tender of its defense to Company under this indemnity provision is rejected by the Company and Company is later found by a court of competent jurisdiction to have a duty to defend, Company agrees to pay City's reasonable settlement of claims, costs, expenses and attorney's fees incurred in proving such duty, defending itself, and enforcing this indemnity provision.~~

~~(Revised Ords. 1978, § 16-34-11)~~

#### **Sec. 16-34-12. Insurance and Bonding.**

~~(a) — Insurance. The Company shall responsibly self insure or maintain insurance in an amount sufficient to cover its obligations and liabilities set forth in Section 16-34-11, in lieu of any insurance as may be required in any City ordinances.~~

~~(b) — Bonding. Pursuant to Section 13-1-14(b) of the City ordinances, the requirement to file a corporate surety bond is expressly waived. Notwithstanding the foregoing sentence, however, the Company shall maintain on file with the City a self bond in an amount of \$25,000 or in such other amount as is acceptable to the City based upon the amount of construction and excavation work that requires a permit.~~

~~(Revised Ords. 1978, § 16-34-12)~~

#### **Sec. 16-34-13. City Authority.**

~~The City's Mayor, or any successor or temporary head of the executive branch of government, is hereby designated the official of the City having full power and authority to take appropriate action for and on behalf of the City and its inhabitants to enforce the provisions of this Franchise Ordinance and to investigate any alleged violations or failures of the Company to comply with the provisions hereof or to adequately and fully discharge its responsibilities and obligations hereunder. The failure or omission of the Mayor to so act shall not constitute any waiver or estoppel.~~

~~(a) — Delegate. The Mayor may delegate certain oversight responsibilities to the department directors responsible for construction within the Public Way or for the finances of the City. When acting as the Mayor's designee, a department director shall have all the power and authority conferred herein upon the Mayor.~~

~~(b) — Access to Books. For the sole and limited purpose of facilitating the duties defined in this Franchise Ordinance, the Company agrees to grant the Mayor, or his representatives or agents reasonable access to the books and records of the Company insofar as they relate to any matters covered by this Franchise Ordinance; to provide the Mayor with such reasonable and necessary reports containing or based on information readily obtainable from the Company's books and records within thirty (30) days after written request; and to provide the Mayor, upon written request not more than once every year, a list of utility related real property owned or leased by the Company within the City. The Company agrees to cooperate fully with the City in conducting the inspection and/or audit and to correct any discrepancy~~

affecting the City's interest in a prompt and efficient manner.

(Revised Ords. 1978, § 16-34-13)

**Sec. 16-34-14. Plan, Design, Construction and Installation of Company Facilities.**

~~(a) Annual Information Coordination. Upon request by either the City or the Company, not more often than annually, the Company and the City shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the City, with a view toward coordinating their respective activities in those areas where such coordination may prove mutually beneficial. On or before January 30 of each year, the Company will provide to the City Engineer a construction schedule which identifies, in reasonable detail, the location, and anticipated start date and completion date, of all anticipated work to be conducted within the Public Way during the next twelve (12) month period. Failure of the Company to identify work in the annual construction schedule shall not of itself preclude the issuance of any permit for such work. Any documents received by the City from the Company regarding future capital improvements that may involve land acquisition shall be protected under Utah Code Ann., Section 63G-2-305(2), or under any successor statute or ordinance to the extent allowed by law, and provided the Company meets its obligations thereunder.~~

~~(b) Installation and Maintenance of Company Facilities.~~

~~(i) The Company shall obtain all necessary permits or approvals for construction, maintenance and operation of Company Facilities, and shall at all times be subject to and comply with all laws, statutes, codes, rules, regulations, standards, and procedures regarding the construction, operation or maintenance of Company's Facilities, whether Federal, State or local, now in force or which, hereafter, may be promulgated (including but not limited to zoning, land use, historic preservation ordinances, safety standards, and other applicable requirements) and good industry practices. The City may inspect the manner of such work and require remedies as may be necessary to assure compliance. In the event the Company should fail to comply with the terms of any City ordinance, regulation or requirement in the construction, maintenance and operation of Company Facilities, the City shall give the Company written notice of such non-compliance and the time for correction provided by ordinance, or a reasonable time for correction if there is no applicable ordinance.~~

~~(ii) All work in City streets shall be done in a safe manner, and shall follow the City Standard Specifications for Construction as it may be amended from time to time, and the latest version of the Manual of Uniform Traffic Control Devices (MUTCD) adopted and published by the Federal Highway Administration (FHWA). Upon the City's request, the Company will provide the City with a status report of such measures.~~

~~(iii) All Company Facilities shall as mutually agreed to by both the Company and the City, be located so as to cause minimum interference with: (A) public use of the Public Way; (B) the City's water mains, storm water infrastructure, street lights, or any other municipal use of the Public Way; and (C) trees and other natural features when in the Public Way.~~

~~(iv) The installation, maintenance, renovation, and replacement of Company Facilities in the Public Way shall be performed and maintained in a commercially good and workmanlike manner.~~

~~(c) Emergency Repairs. It is understood that the repair of Company Facilities involves the health, safety, and welfare of the community and from time to time must be done under Emergency circumstances which will make the prior acquisition of a permit infeasible. In any Emergency event where a City street is cut or excavated, the Company shall provide the City Public Works Director with notification of such work through Valley Emergency Communications Center (VECC-911) or its successor as soon as reasonably practicable, but not later than one hour following the commencement of such work, or, if the time of notice of such work occurs after the close of City business, then within the first hour of the next day on which the City is open for business.~~

~~(d) Damage to Public Property. If, during the course of work on Company Facilities, the Company causes damage to or alters any Public Way, the Company shall (at its own cost and expense and in a manner approved by the City's Director of Public Works) replace and restore it in as good a condition as existed before the work commenced. Except in case of Emergency, the Company shall, prior to commencing work in the Public Way, obtain a permit to perform such work from the City. Such permit shall not be unreasonably withheld. The Company~~

~~will abide by all applicable ordinances, rules, regulations and requirements of the City Engineer for such work(s).~~

~~(e) Safety. The Company shall at all times operate, repair, and maintain the Company Facilities in a safe and careful manner.~~

~~(Revised Ords. 1978, § 16-34-14)~~

**~~Sec. 16-34-15. Company Excavations and Relocations.~~**

~~(a) Excavations. The Company shall comply with all City requirements for excavation and construction, with the exception of insurance and bonding requirements that shall be in accordance with Section 16-34-12. The Company shall be responsible for obtaining all applicable permits, except as provided in Section 16-34-14(c). The City shall have the right, but not the obligation, to inspect all construction or excavation. All construction and excavation work done by the Company shall be performed in a timely and expeditious way in conformity with the applicable laws and ordinances, including the City Standard Specifications and Details for Municipal Construction and in a manner which minimizes the inconvenience to the public or individuals. All public property in or adjacent to the Public Way disturbed by Company construction or excavation activities and, unless otherwise agreed to by Company and private landowner, all private property in or adjacent to the Public Way likewise disturbed, shall be restored as soon as possible by the Company, at its expense, to substantially its former condition or better, subject to inspection by the City and compliance by the Company with reasonable remedial action required by the City Engineer or his representative pursuant to said inspection. The Company shall comply with the City's requests for reasonable and prompt action to remedy all damage to public property in or adjacent to the Public Way where the Company is performing excavation or construction work. Restoration of any private property by Company shall comply with applicable City ordinances and conditions.~~

~~(b) Relocation. Whenever the City shall, in the interest of the public convenience, necessity, health, safety and general welfare require the relocation or reinstallation of any Company Facility within a Public Way, the Company shall, upon at least two weeks notice by the City, promptly commence the relocation or reinstallation process and diligently complete work to remove and relocate or reinstall such Company Facility as may be reasonably necessary to meet the requirements of the City. Such relocation, removal or reinstallation by the Company shall be at no cost to the City. Before requiring a relocation of Company Facilities, the City shall, after making a reasonable effort to consult with the Company on the relocation, identify a reasonable alignment for the relocated Company Facilities within the Public Way if one is available. If a City project is funded by Federal or State monies that specifically includes an amount allocated to defray the expenses of relocation of Company Facilities, the City shall reimburse the Company up to the extent of such specified amount for any reasonable relocation costs mandated by the project to the extent that the City actually receives or is otherwise authorized to direct or approve payment of such Federal or State funds earmarked for that purpose. The requirements of this subsection (b) shall not be construed to be in derogation of any right or cause of action for reimbursement the Company may have against a developer or other private interest which causes the need to move Company Facilities. Such right or cause of action, however, shall not be used as an excuse to delay or avoid its obligations under this subsection (b).~~

~~(Revised Ords. 1978, § 16-34-15)~~

**~~Sec. 16-34-16. No Waiver.~~**

~~Neither the City nor the Company shall be excused from complying with any of the terms and conditions of this Franchise Ordinance by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.~~

~~(Revised Ords. 1978, § 16-34-16)~~

**~~Sec. 16-34-17. No Assignment without City Approval.~~**

~~This Franchise Ordinance may not be assigned or transferred without the express written approval of the City, which approval shall not be unreasonably withheld; except that the Company may freely assign the Franchise granted under this ordinance in whole or in part (i) to any successor in interest or transferee of Company having all necessary approvals, including those from the Utah Public Service Commission or its successor, to provide utility service within the City, (ii) to a parent, subsidiary or affiliated entity or, (iii) as part of any internal corporate financing, reorganization, or refinancing. Any proposed assignment which requires City approval shall be submitted~~

~~to the City together with written confirmation of the assignee's written acceptance of all terms and conditions of the Franchise Ordinance and promise of compliance. The City shall have at least 90 days in which to approve in writing such a proposed assignment before the proposed effective date of the assignment. The City may inquire or hold formal or informal hearings as determined by the Council into the ability and willingness of the proposed transferee to operate, including, but not limited, to financial, technical, and other capability to operate the Company under this Franchise Ordinance. In the event of transfer or assignment in whole or in part to secure indebtedness, consent by the City shall not be required. The Company shall promptly file with the City any assignment or transfer which does not require prior City approval within 30 days of its effective date.~~

~~(Revised Ords. 1978, § 16-34-17)~~

**~~Sec. 16-34-18. Amendment.~~**

~~At any time during the term of this Franchise Ordinance, the City through its City Council, or the Company may propose amendments to this Franchise Ordinance by giving Thirty (30) days written notice to the other of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise Ordinance shall be effective until mutually agreed upon by the City and the Company and formally adopted as an ordinance amendment.~~

~~(Revised Ords. 1978, § 16-34-18)~~

**~~Sec. 16-34-19. Non-Contestability.~~**

~~Neither the City nor the Company will take any action for the purpose of securing modification of this Franchise Ordinance before either the Public Service Commission or any Court of competent jurisdiction; provided, however, that neither party shall be precluded from seeking relief from a court of competent jurisdiction in the event the Public Service Commission's or other regulatory authority's orders, rules or regulations make performance under the Franchise Ordinance illegal.~~

~~(Revised Ords. 1978, § 16-34-19)~~

**~~Sec. 16-34-20. Notices.~~**

~~Unless otherwise specified herein, all notices from the Company to the City pursuant to or concerning this Franchise Ordinance shall be delivered to the City's Director of Public Works, and Director of Public Utilities. Unless otherwise specified herein, all notices from the City to the Company pursuant to or concerning this Franchise Ordinance shall be delivered to the Vice President, Operations of Questar Gas Company at 180 East 100 South, Salt Lake City, Utah 84111 or such other officer as the Company may advise the City of by written notice.~~

~~(Revised Ords. 1978, § 16-34-20)~~

**~~Sec. 16-34-21. Early Termination, Revocation or Forfeiture.~~**

~~(a) Terminate or Revoke Franchise Ordinance. The City may terminate or revoke this Franchise Ordinance and all rights and privileges herein provided for any of the following reasons:~~

- ~~(i) The Company, by act or omission, materially violates a duty or obligation herein set forth in any particular within the Company's control, and with respect to which redress is not otherwise herein provided. In such event the City acting by or through its Council may, after hearing, determine that such failure is of a material nature; and thereupon, after written notice given the Company of such determination, the Company shall, within fifteen (15) days of such notice, commence and diligently pursue to completion efforts to remedy the conditions identified in the notice, and will have such time as is reasonably necessary to complete the needed work up to thirty (30) days from the date it receives notice to remedy the conditions, except where the Company cannot reasonably complete the work in such time, in which case the time reasonably needed to complete the work shall be allowed (the "Remedial Period"). After the expiration of such Remedial Period and failure to correct such conditions, the City may terminate or revoke this Franchise Ordinance provided however, that any such termination or revocation shall be subject to judicial review as provided by law; or~~
- ~~(ii) The Company becomes insolvent, unable or unwilling to pay its debts, is adjudged bankrupt, or all or~~

~~part of its facilities should be sold under an instrument to secure a debt and is not redeemed by the Company within thirty (30) days.~~

~~(b) Council Action. No Franchise Ordinance revocation or termination may be affected under this Section until the City Council shall first take action to terminate the Franchise Ordinance and set forth therein the reasons therefor, following not less than thirty (30) days prior written notice to the Company of the public hearing on the ordinance. The Company shall have an opportunity at the public hearing to be heard upon the proposed termination and, if terminated, the Council shall make findings of fact and state its reasons for such action.~~

~~(c) Company's Right to Challenge City Action. Nothing contained herein shall be deemed to preclude Company from pursuing any legal or equitable rights or remedies it may have to challenge the action of the City Council or any successor governing body of the City following the adoption of the Franchise Ordinance.~~

~~(Revised Ords. 1978, § 16-34-21)~~

**Sec. 16-34-22. Inspection, Audit and Quality Control.**

~~The City shall have the right to inspect any portion of the Company's system used to serve the City and its residents at all reasonable times upon three days written notice, or shorter notice where the City reasonably requests.~~

~~(Revised Ords. 1978, § 16-34-22)~~

**Sec. 16-34-23. Protect City Property.**

~~The Company shall protect all City Property against injury which may arise out of the exercise by the Company of any rights or privileges herein granted. Except to the extent caused by the negligent acts or omissions or reckless or willful misconduct of the City, or any of its officers, employees, agents, officials or volunteers, the Company shall be liable for any interference, damage or injury suffered by the City as a result of the exercise by the Company of any rights or privileges herein granted. This Section shall be applicable only to City and Company relationships. Nothing herein contained shall be construed to affect the liability of the Company to third party claims.~~

~~(Revised Ords. 1978, § 16-34-23)~~

**Sec. 16-34-24. Payment of Municipal Energy Sales and Use Tax and Preservation of Rights.**

~~The Company acknowledges that the City has levied a municipal energy sales and use tax (MET) of six percent (6%) on the sale or use of the delivered value of taxable energy within the City. The Company agrees to collect the MET and pay it directly to the City as provided in U.C.A. §10-1-301, et. seq. or any successor statute. To the extent legally permitted, the City may adjust the amount of the MET. Nothing in this Franchise Ordinance shall affect the City's right, under the MET, as provided by statute, or any other applicable law, to prospectively impose upon, charge or collect any lawful fee, tax, license fee, license tax, franchise fee or similar charge, or any combination of any of the foregoing, provided the City is or becomes legally authorized to do so. In the event that the MET, or similar successor tax or fee is declared illegal, unconstitutional or void for any reason by any court or other proper authority, or in the event the Company provides other services than natural gas, or receives other revenues for services or for the use of its Company Facilities in the Public Way not covered by the MET, then the Company shall be contractually bound to pay the City as a franchise fee, on the same schedule as provided herein for the MET, an aggregate amount equal to the amount which would have been paid as the MET or such maximum amount as is allowed as a franchise fee for such service under law. In addition, if the franchise fee is determined invalid by a court or authority having jurisdiction, the City shall have the right to impose occupation and license fees and permit charges reasonably equivalent on an annual rate to said franchise fee as allowed by law.~~

~~(Revised Ords. 1978, § 16-34-24)~~

**Sec. 16-34-25. Meet and Discuss; Mediation.**

~~Notwithstanding any other provision contained herein, before the City or the Company brings an action or claim before any court or regulatory body arising out of a duty or right arising under this Franchise Ordinance, the Company and the City shall first make a good faith effort to resolve their dispute by discussion and then, if that fails, by nonbinding mediation by a mediator acceptable to both parties, the cost of which shall be borne equally by the parties.~~

~~(Revised Ords. 1978, § 16-34-25)~~

## **~~CHAPTER 35. ROCKY MOUNTAIN POWER ELECTRIC POWER FRANCHISE~~**

### **Sec. 16-35-1. Purpose.**

The purpose of this Franchise Ordinance is to grant to Rocky Mountain Power, a d/b/a of PacifiCorp, an Oregon corporation, its successors and assigns (herein called the "Company"), a non-exclusive right to use the public streets, alleys, and public ways within Sandy City (herein called the "City") for its business purposes, under the constraints and for the consideration enumerated in this Franchise Ordinance.

(Revised Ords. 1978, § 16-35-1)

### **Sec. 16-35-2. Short Title.**

The Ordinance shall be known as the Rocky Mountain Power "Franchise Ordinance."

(Revised Ords. 1978, § 16-35-2)

### **Sec. 16-35-3. Franchise Grant.**

There is hereby granted to the Company, the right, privilege and authority to construct, maintain, excavate, and operate in, under, along, over and across the present and future Public Ways (as defined below), electric power lines, together with all reasonably necessary appurtenances (including underground conduits and structures, poles, towers, wires, transmission lines, and communication lines for its own use), for the sole purpose of selling and supplying electric power and energy to the City, the inhabitants thereof, and persons, businesses and agencies (hereinafter collectively referred to as "residents") and beyond the limits thereof for light, power and other purposes subject to the terms of this Franchise Ordinance. This Franchise Ordinance is applicable only to Public Ways as defined in this Franchise Ordinance and should not be deemed as an authorization or right for the Company to place Company Facilities on any other property owned by the City, including City Parks or City office buildings. This Franchise Ordinance shall not be deemed as an authorization or right for the Company to provide cable television, telecommunication, or other data transmission services through Company Facilities except for the Company to monitor and operate Company Facilities in providing electricity service.

(Revised Ords. 1978, § 16-35-3)

### **Sec. 16-35-4. Definitions.**

For the purposes of this Franchise Ordinance, the following words and terms shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Unless otherwise expressly stated or clearly contrary to the context, words and terms not defined herein shall be given the meaning set forth in the Revised Ordinances of Sandy City; if not defined in the Revised Ordinances of Sandy City, the meaning set forth in any State energy regulatory agency orders of general applicability; and if not defined either in the Revised Ordinances of Sandy City or in a general State energy regulatory agency order, their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future tense and vice versa; words in the plural number include the singular number and vice versa; and the masculine gender includes the feminine gender and vice versa. The words "shall" and "will" are mandatory; the word "may" is permissive.

(a) "City" shall mean Sandy City, Utah, and its successors and assigns.

(b) "City Property" shall mean all properties, facilities or objects currently or in the future owned or operated by the City within the present and/or future corporate limits of the City.

(c) "Company" shall mean PacifiCorp and its successors and/or assigns.

(d) "Company Facilities" shall include, but not be limited to, electrical power lines, conduits, feeders, regulators, substations, meters, fixtures, connections, and all attachments, appurtenances, and incidental accessories located within the Public Ways within the City limits, whether located above or below ground, currently or in the future owned or operated or otherwise controlled by the Company reasonably needed to provide electric service.

(e) "Construction" or "Construct" shall mean, without limitation, constructing, acquiring, laying, maintaining, testing, operating, extending, renewing, relocating, removing, replacing, repairing, and using Company Facilities.

(f) "Emergency" shall mean any event which causes or may cause: (i) a safety hazard or reasonably imminent damage to Company Facilities or City Property; (ii) an imminent threat of personal injury or property; or (iii) a

~~power interruption.~~

~~(g) ——— "Maintenance," "maintaining," or "maintain" shall mean, without limitation, repairing, replacing, relocating, examining, testing, and inspecting.~~

~~(h) ——— "Person" shall mean any individual, person, firm, partnership, association, corporation, company, governmental entity, or organization of any kind.~~

~~(i) "Public Ways" shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, public way, alley, court, boulevard, parkway, or drive owned by the City or any easement now or hereafter held by the City for the purpose of public use, and shall include other easements or rights of way as shall be now held or hereafter held by the City which shall, within their proper use and meaning entitle the Company to the use thereof for the purposes of installing, maintaining and operating Company Facilities.~~

~~(j) "Services" shall mean all electricity service provided by the Company, in the form of transmission of or the delivery and/or sale of electricity to others.~~

~~(Revised Ords. 1978, § 16-35-4)~~

**~~Sec. 16-35-5. Term.~~**

~~Initial Term. The term of the franchise granted herein is for a period from and after its effective date, until January 30, 2026 and shall automatically be renewed for an additional ten year period, unless, within sixty days before the end of the first ten year term, either party objects, in writing, to the automatic renewal. If either party objects to the automatic renewal of this Agreement, the parties shall have one (1) year to negotiate a new Franchise Agreement. The initial term and the renewal term are both subject to early termination, or revocation as provided herein below in Section 16-35-21.~~

~~(Revised Ords. 1978, § 16-35-5)~~

**~~Sec. 16-35-6. Acceptance by Company.~~**

~~Within thirty (30) days after the adoption of this Franchise Ordinance by the City Council, the Company shall file an unqualified written acceptance thereof, with the City Recorder of Sandy; otherwise, this Franchise Ordinance and the rights granted herein shall be null and void.~~

~~(Revised Ords. 1978, § 16-35-6)~~

**~~Sec. 16-35-7. Non-Exclusive Franchise.~~**

~~The right to use and occupy the Public Ways for the purposes herein set forth is not, and shall not be deemed to be an exclusive franchise, and the City reserves the right to itself to make or grant a similar use in the Public Ways to any other person, firm, or corporation.~~

~~(Revised Ords. 1978, § 16-35-7)~~

**~~Sec. 16-35-8. City Regulatory Authority.~~**

~~The City expressly reserves, and the Company expressly recognizes the City's right and duty to adopt, from time to time, in addition to the provisions herein contained, such ordinances, rules and regulations as the City may deem necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the law of Utah or City Ordinance.~~

~~(Revised Ords. 1978, § 16-35-8)~~

**~~Sec. 16-35-9. Subdivision Plat Notification.~~**

~~The City shall require Company signature on each subdivision plat before it is granted final approval.~~

~~(Revised Ords. 1978, § 16-35-9)~~

**~~Sec. 16-35-10. Extension of City Limits.~~**

~~(a) —City Annexations. Upon the annexation of any territory to the City, the right and franchise granted herein shall extend to the territory so annexed to the extent the City has authority. All facilities owned, maintained, or~~

~~operated by the Company located within, under, or over the Public Ways of the territory so annexed shall thereafter be subject to all terms hereof.~~

~~(b) Notice of Addresses to Be Annexed. When territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to the Company: (a) each site address to be annexed as recorded on County assessment and tax rolls; (b) a legal description and map of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. Such notices shall be mailed to:~~

~~PacifiCorp  
Customer Contact Center P.O. Box 400  
Portland, Oregon 97202-0400  
With a copy of the notice to:  
Office of the General Counsel  
1407 W. North Temple, Suite 320  
Salt Lake City, Utah 84111~~

~~(c) Annexation of PacifiCorp Property. When any property owned by the Company becomes eligible for voluntary annexation to the City, the Company will, upon request of the City, petition to annex that property, provided that no condition of such annexation shall impair the Company's ownership of its property. Except as herein provided, the Company agrees to comply with all terms and conditions imposed upon the annexation by the City which are no more stringent than those generally imposed upon property owners seeking annexation of their land to the City. The foregoing obligation shall not apply with respect to the Company's transmission corridor(s) extending beyond City boundaries, except to the extent that such corridor is or will be contiguous to and parallel with a City boundary.~~

~~(Revised Ords. 1978, § 16-35-10)~~

**Sec. 16-35-11. Indemnification. Insurance.**

~~(a) No City Liability. Except as otherwise specifically provided herein, the City shall not be responsible nor liable in any manner for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by the Company or the Company Facilities or the franchise granted herein, including but not limited to the construction, operation and maintenance of its lines and appurtenances hereunder.~~

~~(b) Company Indemnification of City. The Company shall indemnify, defend and hold the City harmless from and against any and all claims, lawsuits, demands, liens and all liability or damage of whatsoever kind on account of or arising from the grant of this Franchise Ordinance, the exercise by the Company of the related rights, or from the operations of the Company within the City, and shall pay the City's costs of defense, including all reasonable attorney's fees and costs. Said indemnification shall include but not be limited to the Company's negligent acts or omissions pursuant to its use of the rights and privileges of this Franchise Ordinance, including construction, operation and maintenance of electrical lines and appurtenances whether or not any use, act or omission complained of is authorized, allowed or prohibited by the Franchise Ordinance.~~

~~(c) Notice of Indemnification. The City shall: (a) give prompt written notice to the Company of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) unless in the City's reasonable judgment a conflict of interest may exist between the City and the Company with respect to such claim, demand or lien, permit the Company to assume the defense of such claim, demand, or lien with counsel satisfactory to City. Notwithstanding any provision hereof to the contrary, the Company shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent act or failure to act of the City or any of its officers or employees.~~

~~(d) Survive. This Section 16-35-11 of this Franchise Ordinance and its subparts shall survive the termination of this Franchise Ordinance unless this Franchise is superseded by a new Franchise Agreement.~~

~~(e) Defense. In the event the Company refuses to pay the costs of such indemnification because the Company~~

~~finds the City's defense inadequate and the Company assumes its own defense but it is later found by a court of competent jurisdiction to have been negligent as aforesaid, Company agrees to pay City's reasonable settlement of claims, costs, expenses and attorney's fees incurred in proving such negligence, defending itself, and enforcing this indemnity provision.~~

~~(f) Insurance. The Company shall responsibly self insure or maintain insurance in an amount sufficient to cover its obligations and liabilities set forth in this Section 16-35-11.~~

~~(Revised Ords. 1978, § 16-35-11)~~

### **~~Sec. 16-35-12. City Authority.~~**

~~The City's Mayor, or any successor or temporary head of the executive branch of government, is hereby designated the official of the City having full power and authority to take appropriate action for and on behalf of the City and its inhabitants to enforce the provisions of this Franchise Ordinance and to investigate any alleged violations or failures of the Company to comply with the provisions hereof or to adequately and fully discharge its responsibilities and obligations hereunder. The failure or omission of the Mayor to so act shall not constitute any waiver or estoppel.~~

~~(a) Delegate. The Mayor may delegate certain oversight responsibilities to the department directors responsible for construction within the Public Ways or for the finances of the City. When acting as the Mayor's designee, a department director shall have all the power and authority conferred herein upon the Mayor.~~

~~(Revised Ords. 1978, § 16-35-12)~~

### **~~Sec. 16-35-13. Plan, Design, Construction and Installation of Company Facilities.~~**

~~(a) Annual Information Coordination. Upon request by either the City or the Company, not more often than annually, the Company and the City shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the City, with a view toward coordinating their respective activities in those areas where such coordination may prove mutually beneficial. The Company agrees to provide the City with its five (5) year capital construction plan, to the extent such plan is available. On or before January 30 of each year, the Company will provide to the City Engineer a construction schedule which identifies, in reasonable detail, the location, and anticipated start date and completion date, of all anticipated work to be conducted within the Public Ways during the next twelve (12) month period. Failure of the Company to identify work in the annual construction schedule or five (5) year capital plan shall not of itself preclude the issuance of any permit for such work. Any information regarding future capital improvements that may involve land acquisition shall be treated with confidentiality under Section 63-2-304, Utah Code Ann., or a similar designation under any successor statute or ordinance.~~

~~(b) Place Distribution Lines in New Subdivisions Underground. In addition to the installation of underground electric distribution lines as provided by applicable state laws and regulations, the Company shall, upon payment of all charges provided by statute or in its tariffs or their equivalent, place newly constructed electric distribution lines underground in new residential subdivision areas as may be required by subdivision regulations adopted by the City.~~

~~(c) Cooperation in Placing Power Lines Underground. The Company shall cooperate with the City in the event the City elects to place any Company power lines underground, provided that this shall not relieve the City of its obligation to pay for placing the power lines underground as required by State law.~~

~~(d) City Use of Company Poles. The City shall have the right without cost to the City to use all poles and suitable overhead structures owned by the Company within the City for City wires used by the City in connection with its fire alarms, police signal systems or other communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet or similar services to the public. Provided further, that the Company shall assume no liability nor shall it have to incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as not to constitute a safety hazard or to interfere with the Company's use of same. Nothing herein shall be construed to require the Company to increase pole size, or alter the manner in which Company attaches its equipment to poles, or alter the manner in~~

~~which it operates and maintains its equipment. Such City attachments shall be installed and maintained in accordance with the reasonable requirements of Company and the then current National Electrical Safety Code pertaining to such construction. Further, said City attachments shall be attached or installed only after written approval by the Company, which approval will be timely processed and will not be unreasonably withheld. The City's use rights also shall be subject to the parties reaching an agreement regarding maintenance of such City attachments, to be done either for a reasonable fee by the Company or by a qualified party who shall fully indemnify and hold the Company harmless from any liability and whose service would not materially prejudice the Company's interests in safety and insulation from liability.~~

~~(e) Installation and Maintenance of Company Facilities:~~

~~(i) The Company shall obtain all necessary permits or approvals for construction, maintenance and operations and shall at all times be subject to and comply with all laws, statutes, codes, rules, regulations, standards, and procedures regarding the construction, operation or maintenance of the Company's facilities, whether Federal, State or local, now in force or which, hereafter, may be promulgated (including but not limited to zoning, land use, historic preservation ordinances, safety standards, and other applicable requirements) and good industry practices. The City may inspect the manner of such work and require remedies as may be necessary to assure compliance. In the event the Company should fail to comply with the terms of any City ordinance, regulation or requirement, the City shall give the Company written notice of such non-compliance and the time for correction provided by ordinance or a reasonable time for correction if there is no applicable ordinance.~~

~~(ii) All work in City streets shall be done in a safe manner, and shall follow the City Standard Specifications for Construction and the Manual of Uniform Traffic Control Devices (MUTCD). However, if any term or condition of this Franchise Ordinance shall be in conflict with any local ordinance, code, rule, or regulation, the provision in this Franchise Ordinance shall govern and control. Upon the City's request, the Company will provide the City with a status report of such measures.~~

~~(iii) All electric distribution facilities constructed by the Company shall be located so as to cause minimum interference with: (A) public use of Public Ways; (B) the City's water mains, storm water infrastructure, street lights, or any other municipal use of the Public Ways; and (C) trees and other natural features.~~

~~(iv) The installation, maintenance, renovation, and replacement of Company Facilities in the Public Ways shall be kept in a manner consistent with prudent utility standards.~~

~~(f) Emergency Repairs. It is understood that the repair of Company Facilities involves the health, safety, and welfare of the community and from time to time must be done under Emergency circumstances which will make the prior acquisition of a permit infeasible. In any Emergency event where a City street is cut or excavated, the Company shall provide the City Public Works Director with notification of such work as soon as reasonably practicable, but not later than one hour following the commencement of such work, or, if the time of notice of such work occurs after the close of City business, then within the first hour of the next day on which the City is open for business.~~

~~(g) Damage to Public Property. If, during the course of work on its facilities, the Company causes damage to or alters any Public Way, the Company shall (at its own cost and expense and in a manner approved by the City's Director of Public Works) replace and restore it in as good a condition as existed before the work commenced. Except in case of Emergency, the Company shall, prior to commencing work in the public way or street or other public places, obtain a permit to perform such work from the City. Such permit shall not be unreasonably withheld. The Company will abide by all applicable ordinances, rules, regulations and requirements of the City Engineer for such work(s).~~

~~(h) Safety. The Company shall at all times operate, repair, and maintain its Company Facilities in a safe and careful manner.~~

~~(Revised Ords. 1978, § 16-35-13)~~

**Sec. 16-35-14. Authority to Prune and Remove Vegetation.**

~~(a) The Company or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways, to prevent the branches or limbs or~~

~~other part of such trees or vegetation from interfering with the Company's Electrical Facilities. Such pruning shall comply with the American National Standard for Tree Care Operation (ANSI A300) and Best Management Practices: Utility Pruning of Trees, as such standard may be updated from time to time, and be conducted under the direct supervision of an International Society of Arboriculture certified arborist, on-site, not less often than once every three years. For purpose of this section, pruning shall mean the regularly scheduled pruning cycles routinely performed by the Company. Pruning does not include clean-up activities that are necessary due to an outage event or emergency caused by fallen or broken trees or other vegetation. Under such a clean-up event, the company shall not be required to have a certified arborist on-site. A growth inhibitor may be used for trees and vegetation species that are fast growing and problematic.~~

~~(b) The Company shall make a reasonable effort, including written notice, to notify owners of property adjacent to the trees to be trimmed at least 72 hours prior to doing the work. Additionally, the Company shall give at least 72 hours' notice to the City before pruning trees within the Public Ways. The City agrees to coordinate with the Company concerning the types and species of trees planted within the Public Ways and the Company agrees to coordinate with the City concerning the timing and frequency of its tree trimming within the Public Ways. The Company shall promptly replace any trees, shrubs, or other property damaged by the Company or its officers, agents, or employees, including any trees which the Company removes forty percent or more of their branches, trunk, or roots, except where otherwise allowed by the City's Director of Public Works; or in the City's discretion, the Company shall promptly pay the City for the cost of replacing any such trees or shrubs. Any trees or shrubs replaced hereunder shall be of the same size and species as those which were lost or damaged where such replacements can reasonably be found or at the City's discretion, with other size or species approved by the City's Director of Public Works. Trees pruned in compliance with ANSI A300 or the ISA utility pruning best management practice referenced in (a), shall not be construed as having been damaged.~~

~~(c) The Company shall indemnify, defend, and hold harmless the City and its officers, agents and employees from and against any and all damages arising out of or resulting from the pruning or removal of or any injury to any tree or trees proximately caused by the Company or its officers, agents, employees, contractors or subcontractors.~~

~~(Revised Ords. 1978, § 16-35-14)~~

#### **Sec. 16-35-15. Company Excavations and Relocations.**

~~(a) Excavations. The Company shall comply with all City requirements for excavation and construction, including insurance and bonds required by City ordinances, and shall be responsible for obtaining all applicable permits, except as provided in Section 16-35-13(e). The City shall have the right to inspect all construction or excavation. All construction, excavation, maintenance and repair work done by the Company shall be performed in a timely and expeditious way in conformity with the applicable laws and ordinances, including the City Standard Specifications and Details for Municipal Construction and in a manner which minimizes the inconvenience to the public or individuals. All public and private property in or adjacent to dedicated easements disturbed by Company construction or excavation activities shall be restored as soon as possible by the Company, at its expense, to substantially its former condition or better, subject to inspection by the City and compliance by the Company with reasonable remedial action required by the City Engineer or his representative pursuant to said inspection. The Company shall comply with the City's requests for reasonable and prompt action to remedy all damage private and public property adjacent to streets or dedicated easements where the Company is performing excavation or construction work.~~

~~(b) Relocation. Whenever the City shall, in the interest of the public convenience, necessity, health, safety and general welfare require the relocation or reinstallation of any Company Facility within a Public Way, the Company shall, upon notice, promptly commence and diligently complete work to remove and relocate or reinstall such Company Facility as may be reasonably necessary to meet the requirements of the City. Such relocation, removal or reinstallation by the Company shall be at no cost to the City. Before requiring a relocation of Company Facilities, the City shall, after making a reasonable effort to consult with the Company on the relocation, identify a reasonable alignment for the relocated Company Facilities within the Public Ways if one is available. If a City project is funded by federal or State monies that specifically includes an amount allocated to defray the expenses of Relocation of Company Facilities, the City shall reimburse the Company up to the extent of such specified amount for any reasonable Relocation costs mandated by the project to the extent that the City actually receives such federal or State funds earmarked for that purpose. The requirements of this subsection (b) shall not be construed~~

~~to be in derogation of any right or cause of action for reimbursement the Company may have against a developer or other private interest which causes the need to move its lines or facilities. Such right or cause of action, however, shall not be used as an excuse to delay or avoid its obligations under this subsection (b).~~

~~(Revised Ords. 1978, § 16-35-15)~~

**~~Sec. 16-35-16. No Waiver.~~**

~~Neither the City nor the Company shall be excused from complying with any of the terms and conditions of this Franchise Ordinance by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.~~

~~(Revised Ords. 1978, § 16-35-16)~~

**~~Sec. 16-35-17. No Assignment without City Approval.~~**

~~This Franchise Ordinance may not be assigned or transferred without the express written approval of the City, which approval shall not be unreasonably withheld; except that the Company may freely assign the franchise in whole or in part to (i) any successor in interest or transferee of Company having all necessary approvals, including those from the Utah Public Service Commission or its successor, to provide utility service within the City, (ii) a parent, subsidiary or affiliated entity or, (iii) as part of any internal corporate financing, reorganization, or refinancing. Any proposed assignment which requires City approval shall be submitted to the City together with written confirmation of the assignee's written acceptance of all terms and conditions of the Franchise Ordinance and promise of compliance. The City shall have at least 90 days in which to approve in writing such a proposed assignment before the proposed effective date of the assignment. The City may inquire or hold formal or informal hearings as determined by the Council into the ability and willingness of the proposed transferee to operate, including, but not limited, to financial, technical, and other capability to operate the company under this Franchise Ordinance. In the event of transfer or assignment in whole or in part to secure indebtedness, consent by the City shall not be required. The Company shall promptly file with the City any assignment or transfer which does not require prior City approval within 30 days of its effective date.~~

~~(Revised Ords. 1978, § 16-35-17)~~

**~~Sec. 16-35-18. Amendment.~~**

~~At any time during the term of this Franchise Ordinance, the City through its City Council, or the Company may propose amendments to this Franchise Ordinance by giving Thirty (30) days written notice to the other of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise Ordinance shall be effective until mutually agreed upon by the City and the Company and formally adopted as an ordinance amendment.~~

~~(Revised Ords. 1978, § 16-35-18)~~

**~~Sec. 16-35-19. Non-Contestability.~~**

~~Neither the City nor the Company will take any action for the purpose of securing modification of this Franchise Ordinance before either the Public Service Commission or any Court of competent jurisdiction; provided, however, that neither party shall be precluded from seeking relief from a court of competent jurisdiction in the event Public Service Commission orders, rules or regulations make performance under the Franchise Ordinance illegal.~~

~~(Revised Ords. 1978, § 16-35-19)~~

**~~Sec. 16-35-20. Notices.~~**

~~Unless otherwise specified herein, all notices from the Company to the City pursuant to or concerning this Franchise Ordinance shall be delivered to the City's Director of Public Works, and Director of Public Utilities. Unless otherwise specified herein, all notices from the City to the Company pursuant to or concerning this Franchise Ordinance shall be delivered to the Vice President of Utah Power at 1407 W. North Temple, Suite 320, Salt Lake City, Utah 84116 or such other officer as the Company may advise the City of by written notice.~~

~~(Revised Ords. 1978, § 16-35-20)~~

**Sec. 16-35-21. Early Termination, Revocation or Forfeiture.**

~~(a) Terminate or Revoke Franchise Ordinance. The City may terminate or revoke this Franchise Ordinance and all rights and privileges herein provided for any of the following reasons:~~

- ~~(i) The Company, by act or omission, materially violates a duty or obligation herein set forth in any particular within the Company's control, and with respect to which redress is not otherwise herein provided. In such event, the City, acting by or through its Council, may after hearing, determine that such failure is of a material nature; and thereupon, after written notice given the Company of such determination, the Company shall, within fifteen (15) days of such notice, commence and diligently pursue to completion efforts to remedy the conditions identified in the notice, and will have such time as is reasonably necessary to complete the needed work up to thirty (30) days from the date it receives notice to remedy the conditions, except where the Company cannot reasonably complete the work in such time, in which case the time reasonably needed to complete the work shall be allowed (the "Remedial Period"). After the expiration of such Remedial Period and failure to correct such conditions, the City may declare this Franchise Ordinance forfeited, and thereupon the Company shall have no further rights or authority hereunder; provided, however, that any such declaration of forfeiture shall be subject to judicial review as provided by law; or~~
- ~~(ii) The Company becomes insolvent, unable or unwilling to pay its debts, it adjudged bankrupt, or all or part of its facilities should be sold under an instrument to secure a debt and is not redeemed by the Company within thirty (30) days.~~

~~(b) Council Action. No franchise revocation or termination may be affected under this Section until the City Council shall first take action to terminate the Franchise Ordinance and set forth therein the reasons therefor, following not less than thirty (30) days prior written notice to the Company of the public hearing on the ordinance. The Company shall have an opportunity at the public hearing to be heard upon the proposed termination and, if terminated, the Council shall make findings of fact and state its reasons for such action.~~

~~(c) Company's Right to Challenge City Action. Nothing contained herein shall be deemed to preclude Company from pursuing any legal or equitable rights or remedies it may have to challenge the action of the City Council or any successor governing body of the City following said ordinance's adoption.~~

~~(Revised Ords. 1978, § 16-35-21)~~

**Sec. 16-35-22. Inspection, Audit and Quality Control.**

~~The City shall have the right to inspect any portion of the Company's system used to serve the City and its residents at all reasonable times upon three days written notice, or shorter notice where the City reasonably requests.~~

~~(Revised Ords. 1978, § 16-35-22)~~

**Sec. 16-35-23. Protect City Property.**

~~The Company shall protect all City property against injury which may arise out of the exercise by the Company of any rights or privileges herein granted. The Company shall be liable for any interference, damage or injury suffered by the City as a result of the exercise by the Company of any rights or privileges herein granted. This Section shall be applicable only to City and Company relationships. Nothing herein contained shall be construed to affect the liability of the Company to third party claims.~~

~~(Revised Ords. 1978, § 16-35-23)~~

**Sec. 16-35-24. Payment of Municipal Energy Sales and Use Tax and Preservation of Rights.**

~~The Company acknowledges that the City has levied a municipal energy sales and use tax (MET) of six percent (6%) on the sale or use of the delivered value of taxable energy within the City. The Company agrees to collect the MET and pay it directly to the City as provided in U.C.A. § 10-1-301, et. seq. or any successor statute. To the extent legally permitted, the City may adjust the amount of the MET. Nothing in this Franchise Ordinance shall affect the City's right, under the MET, as provided by statute, or any other applicable law, to prospectively impose upon, charge or collect any lawful fee, tax, license fee, license tax, franchise fee or similar charge, or any combination of any of the foregoing, provided the City is or becomes legally authorized to do so. In the event that the MET, or~~

~~similar successor tax or fee is declared illegal, unconstitutional or void for any reason by any court or other proper authority, or receives other revenues for the use of its Facilities in the Public Ways not covered by the MET, then the Company shall be contractually bound to pay the City as a franchise fee, on the same schedule as provided herein for the Municipal Energy Tax, an aggregate amount equal to the amount which would have been paid as the Municipal Energy Tax or such maximum amount as is allowed as a franchise fee for such service under law. In addition, if the franchise fee is determined invalid by a court or authority having jurisdiction, the City shall have the right to impose occupation and license fees and permit charges reasonably equivalent on an annual rate to said franchise fee as allowed by law.~~

~~(Revised Ords. 1978, § 16-35-24)~~

**Sec. 16-35-25. Jury Waiver.**

~~To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.~~

~~(Revised Ords. 1978, § 16-35-25)~~

**Sec. 16-35-26. Cooperation with Other Utilities in Placing Lines Underground.**

~~The City and the Company shall, when undertaking a project of placing utility lines underground, work with other utilities, agencies, or companies which have their lines overhead to have all lines placed underground as part of the same project. When other utilities or companies are placing their lines underground, the Company shall cooperate with these utilities and companies and undertake to place Company Facilities underground as part of the same project where feasible; provided, however that the Company shall have no obligation to incur any costs in placing its Company Facilities underground solely pursuant to this section.~~

~~(Revised Ords. 1978, § 16-35-26)~~

**Sec. 16-35-27. Meet and Discuss; Mediation.**

~~Notwithstanding any other provision contained herein, before the City or the Company brings an action or claim before any court or regulatory body arising out of a duty or right arising under this Franchise Ordinance, the Company and the City shall first make a good faith effort to resolve their dispute by discussion and then, if that fails, by nonbinding mediation by a mediator acceptable to both parties, the cost of which shall be borne equally by the parties.~~

~~(Revised Ords. 1978, § 16-35-27)~~

**Sec. 16-35-28. Effective Date.**

~~This Franchise Ordinance shall become effective as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as provided in Section 16-35-6.~~

~~(Revised Ords. 1978, § 16-35-28)~~

Title ~~4-7~~**PURCHASING PROCEDURES\***

\***State law reference**—Utah Procurement Code, U.C.A. 1953, § 63G-6a-101 et seq.; building improvements and public works projects, U.C.A. 1953, § 11-39-101 et seq.

**CHAPTER 7-1. PURCHASING****Sec. 7-1-1. Purpose.**

(a) The underlying purposes of this chapter are:

- (1) To provide for the economy, efficiency, and to encourage competition in City procurement activities.
- (2) To procure the best services, materials and construction at the most reasonable cost to the City.
- (3) To provide fair treatment of persons who conduct business or wish to do business with the City.

(b) Nothing in this statement of purposes shall create rights, interests, or causes of action against the City, its officers, agents or employees. Failure to follow the procedures set out herein shall not invalidate a procurement unless otherwise provided by law.

(Revised Ords. 1978, § 11-1-1; Ord. No. 18-07, § 1(exh. A, § 11-1-1), 3-16-2018)

**Sec. 7-1-2. Definitions.**

As used in this chapter: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Business day* means a day when Sandy City administration offices are open for public business.
- (2) *City* means Sandy City Corporation.
- (3) *City Purchasing Agent* or *Purchasing Agent* means the Purchasing Agent or assistants whose duties include procurements of goods and services for the entire City.
- (4) *Department Buyer* means the ~~person or~~ persons charged by a City department head to make procurements for that department.
- (5) *Emergency* means an imminent threat to the public's health, welfare, safety or of an imminent and substantial risk of injury or loss to property under conditions which reasonably do not permit fulfilling all of the purchasing requirements provided for in this chapter.
- (6) *Item* means goods, services, or a combination of both, of one type.
- (7) *Professional services* includes, but is not limited to, the following services: medical diagnosis or treatment; veterinary; psychological or emotional diagnosis, testing, analysis, counseling or treatment; auditing; banking; insurance; bonding; risk management; engineering; architectural; legal; public surveying and statistical analysis; hazardous substance consulting and disposal; construction management; tax consulting; financial investment; appraisal; title research; geology consulting; hydrology; history; technical writing; seismic consulting; impresarios, producers, directors, music conductors, choreographers, authors, artists, and other artistic services; and other consulting services which require a high level of training, skill and special knowledge not common among lay people.
- (8) *Provider* means a person who offers or provides goods, services, or a combination of both, to the City under contract.

(Revised Ords. 1978, § 11-1-2; Ord. No. 18-07, § 1(exh. A, § 11-1-2), 3-16-2018)

**Sec. 7-1-3. Purchasing Agent, Specifications.**

The City may appoint a Purchasing Agent whose duties shall be defined by the City Administrator and the Finance Director. Those duties may include procurement, soliciting bids and proposals, negotiating, recommending

and administering contracts, advising departments on procurements, maintaining a bidders' list, vendors' catalogue files, and records needed for the efficient operation of his or her duties, making written determinations for the City, and the development and maintenance of forms as are reasonably needed for the purposes of this chapter, supervise the inspection of supplies and equipment. The Purchasing Agent may recommend rules and regulations to govern matters covered by this chapter, including, but not limited to, protests and appeals, the preparation, maintenance, and content of specifications for supplies, services and construction required by the City. One or more assistants may be employed to assist the City Purchasing Agent in performing his or her duties.

(Revised Ords. 1978, § 11-1-3; Ord. No. 18-07, § 1(exh. A, § 11-1-3), 3-16-2018)

#### **Sec. 7-1-4. Specifications.**

(a) The City may prepare specifications for the purchase of goods, services and construction which contain information and detail which seeks to promote the purposes of this chapter.

(b) The specifications shall be maintained for the period of time required by law. The Purchasing Agent may, in addition, promulgate rules and regulations to govern the preparation, maintenance, and content of specifications for supplies, services and construction required by the City for the purposes set out in this section.

(Revised Ords. 1978, § 11-1-4; Ord. No. 18-07, § 1(exh. A, § 11-1-4), 3-16-2018)

#### **Sec. 7-1-5. Scope.**

(a) *Superior or More Suitable Products.* Whenever the requisitioning department head or his or her designated representative finds in a signed memorandum, a copy of which shall be sent to the Purchasing Agent and the City Administrator, that a particular product significantly surpasses competing products in terms of quality, serviceability or longevity, or that such a product is better suited to the needs of the City in order to lower costs of inventory, to maintain compatibility with City equipment, or because doing so will lower the costs of service or procurements, such a product may be procured notwithstanding the fact that a competing product could be procured at a lower cost.

(b) *State or Federal Purchasing Prices.* The City need not solicit competitive bids or proposals when making procurements through cooperative purchasing contracts administered by the State Division of Purchasing, or an agency of the Federal government, the benefits of which are also available to the City.

(c) *Cooperative Procurements.* The City may join with other units of Federal, State or local government, or with special districts, school districts, and such other similar agencies as the City Council may by resolution direct, in purchasing goods and services. In such cases, the City is encouraged, but is not required, to follow a competitive bidding process or request for proposals where that would be required if the service or goods were procured by the City alone. ~~Notwithstanding the foregoing, purchases shall be made in accordance with State law, such as Section 11-39-103, Utah Code Annotated, regarding contracts for new public improvements construction costs where the estimated cost exceeds \$40,000.~~

(d) *Goods \$2,000.00 or Less—No Bids.* City procurements of goods and services reasonably expected to cost \$2,000.00 or less do not require the solicitation of bids or proposals, although bids may be solicited orally or otherwise if desired. Procurements under this subsection may be made by cash payment, but in such cases the procurer should obtain a receipt for the payment.

(e) *Goods and Services Costing \$2,001.00 to \$5,000.00—Three Oral Quotes.* Procurements of goods and services reasonably expected to cost more than \$2,001.00 but not more than \$5,000.00 in total shall require three telephone, oral, or written quotes for prices from proposed vendors of goods or services. The Purchasing Agent or Department Buyer shall make a signed written record of quotes and reasonably detailed product or service information about each of them, sufficient to compare and make a reasonably informed choice from among the vendors who make offers or bids, including the name of the vendor, the vendor's address and telephone number, and the price quoted. Procurements within this subsection shall be made by purchase order unless made by written contract. In the event three vendors willing to provide quotes cannot reasonably be obtained, then the Purchasing Agent or Department Buyer shall make a signed written record of quotes and product and service information about each vendor willing to provide quotes, and a record of efforts to obtain other quotes. The decision about which vendor to choose for the services or goods shall be made based upon the information submitted. The Purchasing Agent or Department Buyer may allow a person who has prepared or helped to prepare specifications for use in a

City procurement to bid or submit a proposal for the procurement if doing so is not unfair to other bidders or proponents, in the reasonable discretion of the Purchasing Agent or Department Buyer; otherwise, such person shall not be allowed to bid or submit a proposal.

(f) *Goods and Services Costing \$5,001.00 to \$40,000.00—Three Written Bids.* Procurements of goods and services reasonably expected to cost more than \$5,001.00 but not more than \$40,000.00 in total shall require the receipt of three bids or proposals in writing, unless three vendors willing to submit such bids or proposals cannot reasonably be obtained. In the event three vendors willing to provide quotes cannot reasonably be obtained, then the Purchasing Agent or Department Buyer shall make a signed written record of quotes and product and service information about each vendor willing to provide quotes, and a record of efforts to obtain other quotes. Procurements within this subsection shall be made by purchase order unless made by written contract.

(g) *May Use Formal Bidding Requirements.* All formal bidding and requests for proposals shall be issued by the City Purchasing Agent or his or her assistants. The requirements contained herein are minimal requirements, and ~~nothing in this section shall prevent~~ the Purchasing Agent, the City Council, Mayor or the City Administrator may require that the procurement of services, supplies, materials or equipment be competitively bid or that competitive offers be solicited in cases that otherwise would not so require if it is determined that such action to be in the best interest of the City.

(Revised Ords. 1978, § 11-1-5; Ord. No. 18-07, § 1(exh. A, § 11-1-5), 3-16-2018)

### **Sec. 7-1-6. Exceptions.**

The competitive purchasing requirements of this chapter need not be followed in the following circumstances. In such cases, written documentation should be made demonstrating that a procurement falls within one of the following provisions of this section:

- (1) *Grant, Gift, Bequest.* In complying with the terms and conditions of any grant, gift, or bequest to the City, or to one of the City's departments or subdivisions, committees, or a community organization which functions under City auspices if such action is approved by the City Council and is otherwise consistent with law.
- (2) *Federal or State Assistance.* When a procurement involves the expenditure of Federal or State assistance funds, and to the extent that doing so requires that federal or state law or regulations be followed rather than City ordinances.
  - a. *Suspension and Debarment Certification.* For subrecipients and contractors receiving \$40,000.00 or more in Federal funds from the City, request-for-bid or proposal documents will contain language notifying bidders or proponents of Federal or State suspension and debarment requirements, which shall be provided in forms by which bidders or proponents can certify their status. At time of bid, bidders or proponents will be required to certify their suspension and debarment status as a mandatory element of their bids or proposals.
  - b. *System for Award Management (sam.gov).* Purchases in excess of \$40,000.00 in Federal funds where bidding is not required (i.e., in State contracts, or where disbursements exceed \$40,000.00 on existing contracts) the Purchasing Agent or the Department Buyer shall not award contracts or orders to persons suspended or debarred by the United States government, which shall be determined by checking the Federal Suspension And Debarment Website (currently, sam.gov) for a favorable suspension and debarment status for such persons before a bid or proposal is awarded, an order is placed, or a contract for goods or services with such person is signed.
  - c. *Supporting Documentation.* Supporting documentation relating to suspension and debarment status shall be kept by the Purchasing Agent and/or the Department Buyer pursuant to federal, state and City laws and regulations.
- (3) *Emergency Procurements.* Notwithstanding any other provision of this chapter, procurements may be made in emergencies by the Purchasing Agent, a department head, or a designee of either in instances in which the procurement could not reasonably have been made pursuant to this chapter, provided that procurements shall be made with as much competition as practicable under the circumstances. Promptly thereafter the department head of the department which made the procurement shall provide a signed

written statement to the City Purchasing Agent setting out in reasonable detail the item procurement, the price, and cause and basis for the emergency and why the procedures set out in this chapter were not followed. A copy of the statement shall be included in the contract file.

- (4) *Single-Source Provider.* Procurements of products, services or construction items available only from a single provider. The Mayor, City Administrator, department head or the Purchasing Agent shall find in writing that there is only one source for the item or service.
- (5) *Compatibility, Parts, Training.* Procurements of equipment which, by reason of the training of City personnel who service such equipment, or which is an addition to or for the repair or maintenance of equipment owned by the City which may be more efficiently added to, repaired or maintained by a certain brand, person or firm.
- (6) *Additional or Replacement Parts.* Equipment which, due to an inventory of replacement parts maintained by the City, is compatible only with existing equipment owned, leased or used by the City, need not, where the department head or the Purchasing Agent finds in a signed writing that the City's interest is better served by so purchasing, procurement a different brand of such equipment.
- (7) *Professional Services.* Contracts for professional services reasonably expected to cost more than \$7,500.00 for the services specifically set out in the contract shall be awarded at the discretion of the Mayor, or a person designated by the Mayor.
  - a. *Criteria for Award.* Contracts for professional services shall be based on the evaluation of professional qualifications, service ability, cost of service, and other service-related criteria.
  - b. *Manner of Selection.* Criteria for award of professional service contracts costing more than \$7,500.00 may be determined through one or more of the following methods:
    1. Competitive bid;
    2. Request for Proposals (RFP); or
    3. Informal Survey.
  - c. *Award of Contract.* Where criteria for award of professional service contracts costing more than \$7,500.00 are determined through informal survey or through some lesser review, then award of the contract or its proposed award shall be disclosed in writing to the City Council by the department head or a person designated by the department head along with a reasonably detailed written summary of the findings of that survey.
- (8) *Insufficient Bids.* Where fewer than three responses are made to a bid solicitation or request for proposals after reasonable efforts to obtain three or more bids or proposals, the Purchasing Agent or Department Buyer responsible for the purchase may, after making a signed writing setting out the circumstances thereof, a copy of which shall be placed in the contract file, make a purchase which in his ~~or her~~ reasonable discretion meets the purposes of this ordinance by purchasing in a manner which does not conform to the formal bidding or RFP process set out in this chapter.
- (9) *City Council Determinations.* The City Council may authorize the procurement of supplies, equipment and services without complying with the provisions of this chapter when it determines that compliance with the procedure is not in the best interests of the City. A memo shall be placed in the file for the purchase setting out the reasons for doing not following the purchasing provisions which otherwise would apply.
- (10) *Special Opportunity Purchases.* Where a substantial savings will be realized thereby in the purchase of goods or non-professional services costing more than \$40,000.00, and provided that sufficient money has been appropriated for the purchase, a Department may avoid competitive bidding or the RFP requirements set out in Section 7-1-8, by the following streamlined procedures, provided other applicable provisions of this Chapter are met before the purchase is made:
  - a. It shall, in its reasonable discretion, obtain offers from competing sources in a manner most likely to meet the purposes of this Chapter; ~~and~~

- b. The Department Head shall disclose the proposed purchase in a signed written memorandum to the Mayor and City Administrator, setting out in reasonable detail the reason the purchase is recommended, the reason normal purchasing procedures are not recommended, and the proposed savings, and what efforts have been made to obtain competitive offers; and
- c. The Mayor and City Administrator each agrees in a signed memorandum that he ~~or she~~ believes that the purchase is justified, and that the purposes of this Chapter will be met thereby.

(Revised Ords. 1978, § 11-1-6; Ord. No. 18-07, § 1(exh. A, § 11-1-6), 3-16-2018)

#### **Sec. 7-1-7. Splitting Orders to Avoid Competitive Bidding Prohibited.**

No person may split or separate into smaller orders the procurement of supplies, materials, equipment or services for the purpose of evading the competitive bidding or request for proposal provisions of this chapter.

(Revised Ords. 1978, § 11-1-7; Ord. No. 18-07, § 1(exh. A, § 11-1-7), 3-16-2018)

#### **Sec. 7-1-8. Formal Bidding Procedure.**

The following procedures shall apply to the procurements of all materials, supplies, equipment, public improvements, and non-professional services which cost \$40,000.00 or more, and may be used for professional services. All bids and requests for proposals shall be made by the City Purchasing Agent.

- (1) *General.* The Purchasing Agent shall issue invitations to bid or requests for proposals for materials, supplies, equipment, services, insurance, public contracts, and other items required for the City.
- (2) *Invitations to Bid.* An invitation to bid shall describe the material, supplies, equipment, services or insurance with sufficient particularity to allow for competitive bidding and evaluation, and shall include a procurement description, and contractual terms and conditions applicable to the procurement.
- (3) *Bid and Proposal Submissions.* Bidders must submit responsive bids and proposals on or before the bid closing to the Purchasing Agent to be eligible for consideration. The City Purchasing Agent may, in his ~~or her~~ discretion, consider a bid or proposal which was timely submitted via a delivery medium which arrives after the bid closing, provided acceptance of the bid or proposal is reasonably determined by the Purchasing Agent to be in the best interests of the City and there is no evidence or likelihood of collusion or fraud upon the procurement process. Formal bids shall otherwise be opened at a public bid opening.
  - a. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information specified by rules and regulations, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
  - b. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, except that criteria in determining responsible bidders contained in this chapter need not be set forth in the invitation for bids. The Purchasing Agent shall attempt to make selections based on those criteria that will affect the bid price and be considered in evaluation for award ~~shall be~~ that are objectively measurable. The criteria may include discounts, transportation costs, and total or life cycle costs.
  - c. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in the interest of the City in the reasonable discretion of the Purchasing Agent in consultation with a representative of the interested City department. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or to fair competition shall be permitted. Except as otherwise provided by this chapter, or rules and regulations, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes by a provider shall be supported by a written determination made by the Purchasing Agent.
- (4) *Award under Invitation to Bid.* Contracts for procurement under an invitation to bid shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid

meets the requirements and criteria set forth in the invitation for bids. Determinations may be based on one or more or any combination of factors which will serve to meet City requirements at the best economic advantage to the City, including, but not limited to, unit cost, life cycle cost, economic cost analysis, operating efficiency, warranty and quality, compatibility with existing equipment, maintenance costs (to include consideration for the cost associated with proprietary invention), experience and responsibility of bidder. In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed such funds by more than five percent, the chief procurement officer or the head of a purchasing agency is authorized, in situations where time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.

- (5) *Two-Step Awards.* When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
- (6) *Lowest Responsible Bidder.*
- a. In determining lowest responsible bidder, the Purchasing Agent may, in his ~~or her~~ discretion, consider one or more of the following criteria, which may be included as purchase criteria in the invitation for bids:
    1. The quality of supplies offered;
    2. The ability, capacity and skill of the bidder to perform the contract or provide the supplies or services required;
    3. Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
    4. The sufficiency of the bidder's financial resources and the effect thereof on his ability to perform the contract or provide the supplies or services;
    5. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
    6. The quality of bidder's performance on previous orders or contracts for the City or others;
    7. Litigation or claims by the bidder without substantial basis;
    8. Any previous or existing noncompliance by the bidder with laws and ordinances relating to the subject of the contract;
    9. The ability of the bidder to provide future maintenance and service, where such maintenance and service is essential; and
    10. Price.
  - b. Determination of nonresponsibility of a bidder, or written determination of nonresponsibility of a bidder or offeror shall be made in accordance with this chapter. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the department making the purchase and the Purchasing Agent's Office without prior written consent by the bidder or offeror.
  - c. After reasonable notice to the person involved, the Purchasing Agent may debar a person for cause from consideration for award of City contracts.
- (7) *Competitive Sealed Proposals.* As an alternative to the bidding process provided for in this section, competitive proposals may be solicited in the discretion of the Purchasing Agent, the Mayor, City Administrator, or a department head, and a contract may be entered into by competitive sealed proposals.

- a. Competitive sealed proposals may be used for the procurement of services of consultants, professionals, and providers.
- b. Proposals shall be opened so as to avoid disclosure of the contents to competing offerors before a contract is signed with the offeror during the process of negotiation.
- c. A register of proposals shall be prepared and shall list such information with respect to each proposal as is important in making the decision which shall be open for public inspection after award of the contract. The register shall be open for public inspection after award of the contract.
- d. The request for proposals shall state the relative importance of price and other evaluating factors.
- e. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before the contract is awarded for the purpose of obtaining best and final offers. In conducting discussions, reasonable care shall be taken to avoid the disclosure of information derived from proposals submitted by competing offerors which is not known to the competitors.

The contract file shall contain the basis on which the award is made.

- (8) *Waiver of Defects, Technicalities.* The City Purchasing Agent, together with the head of the department purchasing the item or service, may waive defects and technicalities when doing so is in the best interests of the City. The City Purchasing Agent shall, where practicable, take reasonable efforts to notify all bidders of the determination thereof.
- (9) *Bid Bond.* A bid bond may be required on items, contracts, materials and services procurement under this chapter.
- (10) *Notices Inviting Bids and Quotations.* Notices inviting bids or quotations shall be published at least ten days before the date of the opening of the bids in a manner which the Purchasing Agent determines is in the City's best interest to meet the purposes of this chapter, including, but not limited to, publication on an electronic bulletin board, on the Internet, in commonly read trade publications, radio, television, cable television, or in a newspaper of general circulation in the City. Notices advertising pending procurements by bid or request for proposals under this section shall be posted on a public bulletin board in City Hall, and, where practicable, shall be posted at least five days before the procurement is contracted for.
- (11) *Tie Bids.* If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the Purchasing Agent determines that the City's interest is better served by not re-advertising for bids, the City may require the tie bidders to submit a rebid within five days.

(Revised Ords. 1978, § 11-1-8; Ord. No. 18-07, § 1(exh. A, § 11-1-8), 3-16-2018)

**State law reference**—Bidding, U.C.A. 1953, § 63G-6a-601 et seq.

#### **Sec. 7-1-9. Relief Due to Computation Error.**

Any bidder who seeks to withdraw or modify a bid because of inadvertent computational error shall notify the Purchasing Agent no later than three working days following the bid closing. The bidder shall provide worksheets and such other information as may be appropriate or required by the City Purchasing Agent to substantiate the claim of inadvertent error. Failure to do so may bar such relief and allow recourse from the bid surety, in the discretion of the Purchasing Agent. The burden is upon the bidder to prove such error.

(Revised Ords. 1978, § 11-1-9; Ord. No. 18-07, § 1(exh. A, § 11-1-9), 3-16-2018)

**State law reference**—Correction of errors, U.C.A. 1953, § 63G-6a-605.

#### **Sec. 7-1-10. Notice Inviting Bids or Proposals.**

Notice inviting bids or proposals shall include a general description of the articles to be procurement and shall state where bid blank and specifications may be secured, and the time and place for opening bids, along with any other information which the Purchasing Agent deems appropriate.

(Revised Ords. 1978, § 11-1-10; Ord. No. 18-07, § 1(exh. A, § 11-1-10), 3-16-2018)

**Sec. 7-1-11. Construction Projects.**

(a) ~~Municipal construction projects are governed by Section 11-39-103, Utah Code Annotated (1953), as amended. The requirement for obtaining payment bonds in municipal construction contracts is covered by Chapter 14-1, Utah Code Annotated. Notwithstanding the foregoing, Municipal construction projects may be accomplished by any method allowed by law, including those identified in U.C.A. 1953, § 11-39-103.~~

(b) A City department head is authorized to approve extra work or change orders on City construction projects in an amount not to exceed 20 percent of the contract in the best interests of the City in the discretion of the department head. Notice of such provision may be included in the invitation for bids.

(Revised Ords. 1978, § 11-1-11; Ord. No. 18-07, § 1(exh. A, § 11-1-11), 3-16-2018)

**Sec. 7-1-12. Performance and Bid Bonds.**

Performance and bid bonds in such amounts as the Purchasing Agent determines are needed to protect the best interests of the City may be required by the Purchasing Agent. The nature, form and amount of such bonds shall be described in the notice inviting bids or in the request for competitive sealed proposals.

(Revised Ords. 1978, § 11-1-12; Ord. No. 18-07, § 1(exh. A, § 11-1-12), 3-16-2018)

**Sec. 7-1-13. Prequalification of Bidders, Proponents and Suppliers.**

Bidders, proponents and/or suppliers may be prequalified for particular types of supplies, services and construction. Solicitation mailing lists of potential contractors shall include, but shall not be limited to, prequalified suppliers.

- (1) *Standard of Responsibility.* Factors to be considered in determining whether the standard of responsibility has been met by a bidder, supplier or proponent include:
  - a. Availability of the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them, necessary to indicate the capability of the bidder, proponent or supplier to meet all contractual requirements;
  - b. A satisfactory record of performance, including, but not limited to, the record of performance for the City or other governmental agencies, and debarment by any such agency;
  - c. A satisfactory record of integrity;
  - d. Legal qualifications to contract with the City;
  - e. Whether all necessary information has been supplied in connection with the inquiry concerning responsibility; and
  - f. Those considerations in respect to low responsible bidders in Section 7-1-8(6).
- (2) *Information Pertaining to Responsibility.* The proponent, bidder or supplier shall supply information requested by the City concerning the responsibility of such bidder, proponent or supplier. If such information is not supplied, the City shall base the determination of responsibility upon any available information or may find the proponent, bidder or supplier nonresponsible if such failure, as determined by the City, is unreasonable.

(Revised Ords. 1978, § 11-1-13; Ord. No. 18-07, § 1(exh. A, § 11-1-13), 3-16-2018)

**Sec. 7-1-14. Cancellation and Rejection of Bids and Proposals.**

An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the City in the reasonable discretion of the Purchasing Agent or the Department Buyer responsible for the purchase. The reasons for the cancellation shall be made part of the contract file.

(Revised Ords. 1978, § 11-1-14; Ord. No. 18-07, § 1(exh. A, § 11-1-14), 3-16-2018)

**Sec. 7-1-15. Records.**

Except when a longer minimum time is required by state law or City ordinance, the Purchasing Agent or Department Buyer making a procurement of more than \$7,500.00 shall keep records relating to the procurement in accordance with the State retention schedules from the time of the procurement.

(Revised Ords. 1978, § 11-1-15; Ord. No. 18-07, § 1(exh. A, § 11-1-15), 3-16-2018)

**Sec. 7-1-16. Procurement Protests.**

(a) Any actual or prospective bidder or offeror who is aggrieved in connection with the solicitation or award of a contract for procurement may protest the procurement by filing a written protest with the Purchasing Agent. The protest shall contain the following information:

- (1) The protesting party's name, mailing address and daytime telephone number, the signature of the protesting party or the attorney for the protesting party, and the date the protest is signed; and
- (2) The relief sought, a statement of facts and a recitation of the reasons and legal authority in support of the protest sufficient to permit review.

(b) Protests shall be submitted prior to the closing date for receiving bids or proposals, unless the protestor did not know and could not reasonably have known of the facts giving rise to the protest prior to such time, but in any event, all protests shall be submitted within five days after the closing date for receiving bids or proposals.

(c) The City may proceed with the procurement, except that the Purchasing Agent may suspend the procurement process for so long as he or she determines is appropriate.

(d) The Purchasing Agent may designate another individual to assist in reviewing the matter, which assistance may include finding facts, analyzing the protest, and making recommendations to the Purchasing Agent.

(e) The Purchasing Agent or the Purchasing Agent's designated representative may request additional information from the protesting party or from other persons to make a determination. The protesting party shall provide all information requested by the Purchasing Agent reasonably needed to decide the protest, except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair competitive injury to the protestor in spite of the protections for the protestor provided by law, including the Utah Government Records Access and Management Act (U.C.A. 1953, § 63G-2-101 et seq.).

(f) The Purchasing Agent shall review and decide protests, and shall issue a written determination to the ~~protester~~ protesting party within 15 days of receipt of the protest.

(g) The protesting party may appeal the written decision of the Purchasing Agent by filing a written appeal with the Director of Finance. The notice of appeal shall contain the following information:

- (1) The petitioner's name, mailing address and daytime telephone number, the signature of the petitioner or of the attorney for the petitioner, and date the protest is signed; and
- (2) The relief sought, a statement of facts and a recitation of the reasons and legal authority in support of the protest sufficient to permit review.

(h) The Director of Finance or another person selected by the Mayor or City Administrator shall review and hear the appeal. No later than five days after receiving a notice of appeal, the Director shall schedule a hearing on the appeal. Unless otherwise agreed to by the City and the petitioner, the hearing shall be held no sooner than five days and not later than 30 days from the date of the filing of the appeal.

(i) At the hearing before the Director, the appellant and the City's representative shall be allowed to testify, present evidence, and comment on the issues under the direction of the committee chairperson. The Director may allow other interested persons to testify, comment or provide evidence on the issues.

(j) No later than 15 business days after the hearing, the Director shall issue a signed order either granting the petition in whole or in part, or upholding the determination of the Purchasing Agent in whole or in part. The order of the Director shall include:

- (1) The decision, and any reasons for the decision the committee may wish to provide; and
- (2) A statement that any party to the appeal may appeal the decision to the State District Court.
- (k) If the Director fails to issue a decision within 15 business days after the hearing, said failure shall be

considered the equivalent of an order denying the appeal.

(l) The Mayor or the City Administrator may appoint a person other than the Purchasing Agent or the Director of Finance to fulfill their respective responsibilities described in this section.

(Revised Ords. 1978, § 11-1-16; Ord. No. 18-07, § 1(exh. A, § 11-1-16), 3-16-2018)

**Sec. 7-1-17. Ineligibility.**

In addition to all other remedies permitted by law, the Mayor or the City Council may declare a bidder or contractor ineligible to bid on City procurement and public works contracts for a period not to exceed five years for any of the following grounds: two or more claims of computational error in bid submission within a two-year period; a not-reasonably-justified refusal to provide or execute contract documents; unsatisfactory performance of contract; unjustified refusal to perform or complete contract work or warranty performance; unjustified failure to honor or observe contractual obligations or legal requirements pertaining to the contract; conviction under state or federal statutes for fraud, bribery, theft, falsification or destruction of records, receiving stolen property or of any other similar crime or offense indicating a lack of business integrity and which would directly affect the reliability and credibility of performance of such a vendor or contractor with future contracts with the City; or based on the limited department by another government agency.

(Revised Ords. 1978, § 11-1-17; Ord. No. 18-07, § 1(exh. A, § 11-1-17), 3-16-2018)

**Sec. 7-1-18. ~~Penalties~~ Collusion Among Bidders.**

~~Collusion among Bidders.~~ Any agreement or collusion among bidders or prospective bidders is a restraint of freedom of competition and any agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void.

(Revised Ords. 1978, § 11-1-18; Ord. No. 18-07, § 1(exh. A, § 11-1-18), 3-16-2018)

**Sec. 7-1-19. ~~Right to Inspect Place of Business~~ Gratuities.**

~~Gratuities.~~ The acceptance of any gift, benefit or gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the City from a vendor or contractor, or prospective vendor or contractor, which would reasonably be expected to substantially influence the actions of the official or employee in favor of the giver in future procurements or negotiations may be deemed to be a violation of this chapter and may be cause for removal or other disciplinary action.

(Revised Ords. 1978, § 11-1-19; Ord. No. 18-07, § 1(exh. A, § 11-1-19), 3-16-2018)

**Sec. 7-1-20. Personal Purchases.**

(a) Procurements of goods and services ordered on City credit or paid for by the City which are for the personal use of an official or employee of the City shall not be delivered, or if delivered, may be void or voidable at the City's option. Such personal procurements shall not be permitted and may be considered cause for disciplinary action. City officers and employees may purchase goods or services for personal use from suppliers at discounted rates offered to the City where the supplier makes such goods or services available to all City officials and employees on the same terms, provided the official or employee pays for such items from the official's or employee's own money, and provided the purchase is not reasonably likely to improperly influence the official, employee or a City department in the discharge of their duties or in making purchases of supplies or services.

(b) The City may, at reasonable times, inspect the part of the plant or place of business of a contractor, or any subcontractor, which is related to the performance of any contract awarded or to be awarded by the City.

(Revised Ords. 1978, § 11-1-20; Ord. No. 18-07, § 1(exh. A, § 11-1-20), 3-16-2018)

**Sec. 7-1-21. Allowable Incurred Costs.**

The City may allow the reimbursement of costs reasonably and necessarily incurred by a contractor or according to the terms of written contract with the City.

(Revised Ords. 1978, § 11-1-21; Ord. No. 18-07, § 1(exh. A, § 11-1-21), 3-16-2018)

**Sec. 7-1-22. Cost-Plus-Percentage-of-Cost Contract Prohibited Except When Determined Less Costly.**

Subject to the limitations of this section or other applicable law, any type of contract which will promote the best interests of the City may be used, provided that a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing by the Mayor, City Administrator, ~~or~~ Purchasing Agent, ~~the~~ Department Buyer, or ~~the~~ department head, that such contract is likely to be less costly to the City than any other type, or that it is impracticable to obtain the supplies, services or construction required except under such a contract.

(Revised Ords. 1978, § 11-1-22; Ord. No. 18-07, § 1(exh. A, § 11-1-22), 3-16-2018)

**Sec. 7-1-23. Sales of Goods or Services to the City by Officials or Employees.**

City officials and employees may sell goods or services to the City under the following conditions:

- (1) An employee or the employee's spouse, parent, children, or siblings may not sell goods or services to the employee's department unless the sale is first approved in writing by the department head, and either the Mayor or City Administrator;
- (2) All such transactions are subject to applicable provisions regarding ethics or municipal officials and employees of the Utah Code Annotated.

(Revised Ords. 1978, § 11-1-23; Ord. No. 18-07, § 1(exh. A, § 11-1-23), 3-16-2018)

**Sec. 7-1-24. Surplus Real and Personal Property.**

(a) ~~Definitions as used in this section:~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Dispose* or *disposal* means to sell, lease, trade, gift, convey, or encumber surplus property.
  - (2) *Exchange* means transactions where surplus property is transferred as a full or partial consideration for the transfer to the City of other property.
  - (3) *Highest and best return* means maximizing economic return to the City as estimated by one or more of the following methods:
    - a. Competitive bid which may include electronic auction;
    - b. Evaluation by a qualified and disinterested appraiser;
    - c. Other professional publications and valuation services; or
    - d. An informal market survey by the City's Purchasing Agent ("Purchasing Agent") in the case of items of property possessing readily-discernible market value.
  - (4) *Property* means real and personal property.
  - (5) *Reasonable notice* means publication in a newspaper or newsletter of general circulation within the City, posting in public places within the City, Internet posting on the City's website, publication on the City's government and education cable television channel, or other means of notification accessed by City residents.
  - (6) *Significant parcel of real property* means City-owned real property whose reasonable estimated value exceeds \$40,000.00.
  - (7) *Surplus property* means City property that is so used, obsolete, depreciated, excess or is no longer necessary to current and projected needs as to be unfit or undesirable for use or retention by the City.
- (b) The Purchasing Agent shall dispose of surplus property pursuant to existing state law and as follows:
- (1) All department heads shall, from time to time, identify and give notice in a signed writing to the City's Chief Administrative Officer (CAO) and the Purchasing Agent of surplus property within the control of that department.
  - (2) Whenever the surplus property is real property, or personal property with a reasonable estimated value of more than \$2,000.00, prior to its disposal the CAO or his designee shall disclose the disposal to the

Mayor's Cabinet.

- (3) Before any disposal of a significant parcel of real property, the City shall allow an opportunity for public comment on the proposed disposal providing reasonable notice at least 14 days before such public comment.
- (4) The Purchasing Agent shall dispose of the surplus property in a method likely to produce the highest and best return, unless in the opinion of the Purchasing Agent:
  - a. The value of the surplus property is considered negligible in relation to the time, labor and expense of competitive bidding or bidding procedures are deemed unlikely to produce a competitive offer; or
  - b. The surplus property is disposed to units of government or other public or charitable organizations pursuant to existing state law.
- (5) When any surplus property has been disposed, the monies or credit therefor shall be credited:
  - a. To the City department or City office which requested its disposal if the disposal has been contemplated in the current annual budget;
  - b. To the City's General Fund if the disposal has not been contemplated in the current annual budget; or
  - c. To a revenue account within the specific enterprise fund if originally procured from an enterprise fund or from properties attributable by the Mayor to use by an existing enterprise fund.
- (6) The Finance Director shall report any disposal of surplus property to the City Council in the Comprehensive Annual Financial Report.
- (c) Notwithstanding the provisions of this section:
  - (1) Every conveyance or encumbrance of City property shall be made by the Mayor, or under the Mayor's express written authority, and pursuant to existing state law.
  - (2) The City may impose limitations or conditions on the future use of surplus property, in addition to those required under other titles ~~of or~~ City ordinances, which limitations or conditions must be disclosed by the Purchasing Agent prior to its disposal.
  - (3) No provision of this section shall be construed to require or to invalidate any sale, conveyance, transaction, transfer or encumbrance by the City, nor to vest rights of action of any kind against the City, its officers, agents or employees.

(Revised Ords. 1978, § 11-1-24; Ord. No. 18-07, § 1(exh. A, § 11-1-24), 3-16-2018)

#### **Sec. 7-1-25. Participation by Bidder Who Supplies Specifications.**

A person other than a City employee who has prepared specifications used substantially by the City in determining from which bidder or proponent it wishes to purchase goods or services may participate in a bid or proposal procurement in the City where the Purchasing Agent determines in his ~~or her~~ reasonable discretion that such participation will be in the best interest of the City in light of the stated purposes of this chapter contained in Section 7-1-1. A City employee who has prepared specifications used substantially by the City in determining the bidder or proponent from which it wishes to purchase goods or services may participate as a bidder or proponent in a bid or proposal procurement by the City when the Purchasing Agent determines in his ~~or her~~ reasonable discretion that doing so is fair and in the best interests of the City in light of the purposes of this chapter.

(Revised Ords. 1978, § 11-1-25; Ord. No. 18-07, § 1(exh. A, § 11-1-25), 3-16-2018)

#### **Sec. 7-1-26. Period of Time for Contract of Supplies.**

(a) Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the City, provided that the term of the contract and conditions of renewal or expansion, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds.

(b) When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled. The contractor may apply for reimbursement for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the supplies or services delivered under the contract, which may be awarded in the reasonable discretion of the Purchasing Agent. The cost of cancellation may be paid from any appropriations available for that purpose.

(Revised Ords. 1978, § 11-1-26; Ord. No. 18-07, § 1(exh. A, § 11-1-26), 3-16-2018)

**Sec. 7-1-27. Alternative Methods of Construction.**

The City may contract for any method of construction management allowed by law in the reasonable discretion of the department head responsible for the construction, or the Purchasing Agent.

(Revised Ords. 1978, § 11-1-27; Ord. No. 18-07, § 1(exh. A, § 11-1-27), 3-16-2018)

**Sec. 7-1-28. Failure to Follow Chapter.**

The failure to follow any provision of this chapter shall not render a procurement invalid, nor give a bidder or proponent a claim or right against the City or the employee responsible for such failure.

(Revised Ords. 1978, § 11-1-28; Ord. No. 18-07, § 1(exh. A, § 11-1-28), 3-16-2018)

**CHAPTER 7-2. LOST, ABANDONED OR UNCLAIMED PROPERTY**

**Sec. 7-2-1. Disposition of Lost, Abandoned or Unclaimed Property.**

It shall be the duty of the Chief of Police to keep all lost, abandoned or unclaimed property which comes into the possession of the Police Department or any of its members and he shall make all reasonable efforts to identify and locate the ~~owner or~~ owners thereof and restore said property to such owner.

(Revised Ords. 1978, § 11-2-1; Ord. No. 18-07, § 1(exh. A, § 11-2-1), 3-16-2018)

**Sec. 7-2-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Abandoned property* means personal property found under circumstances reasonably indicating that the owner does not intend to control or possess it.
- (b) *Lost property* means personal property, the location of which is unknown to the owner.
- (c) *Unclaimed property* means personal property held by the Police Department for a period of three months or more and is unclaimed within that period by the owner; or is personal property held by the Police Department in connection with a court proceeding, the disposition of which is not otherwise determined by law or court order, and is unclaimed by the owner within a period of three months following the end of said court proceeding.

(Revised Ords. 1978, § 11-2-2; Ord. No. 18-07, § 1(exh. A, § 11-2-2), 3-16-2018)

**Sec. 7-2-3. Identified Owner.**

Whenever the owner of lost, abandoned, or unclaimed property is identified and located, the Chief of Police shall send, by way of registered letter, written notice to the owner, describing the property, giving its present location, stating the circumstances under which he came into possession thereof, and giving notice to the owner that he must claim his property within the time provided by this notice or the property will be disposed of as hereinafter provided.

(Revised Ords. 1978, § 11-2-3; Ord. No. 18-07, § 1(exh. A, § 11-2-3), 3-16-2018)

**Sec. 7-2-4. Advertising Property.**

If the owner of lost, abandoned, or unclaimed property fails to claim such property within 15 days after the receipt of notice, or is not identified and located within a period of three months, the Chief may compile a list of said property for distribution to other City departments as stated in Section 7-2-5. If, after 30 days of notifying other City departments of available property, there is still property for sale, the Chief may advertise the sale of such

property for at least five days in a newspaper of general circulation in the City and may, on the date specified in such advertisement, offer the property to the public at public auction. The time of the public sale shall be scheduled for a date not more than 30 days after published notice of the sale has been completed.

(Revised Ords. 1978, § 11-2-4; Ord. No. 18-07, § 1(exh. A, § 11-2-4), 3-16-2018)

**Sec. 7-2-5. Notifying City Departments.**

The Chief shall also mail the above-described list of all lost, abandoned, or unclaimed property which is available for public sale to the Purchasing Department. The Purchasing Department will then notify the other City departments of the property offered for public sale.

(Revised Ords. 1978, § 11-2-5; Ord. No. 18-07, § 1(exh. A, § 11-2-5), 3-16-2018)

**Sec. 7-2-6. Requests for Use of Property.**

If a City department wishes to utilize any of the lost, abandoned, or unclaimed property offered for sale, then a written request stating which property is needed shall be forwarded to the Police Department and the Purchasing Department not later than seven days before the public sale.

(Revised Ords. 1978, § 11-2-6; Ord. No. 18-07, § 1(exh. A, § 11-2-6), 3-16-2018)

**Sec. 7-2-7. Joint Committee to Review Requests.**

A joint committee comprised of an authorized representative from the Police Department and an authorized representative from the City Purchasing Department shall then review departmental requests for the use of property and shall determine which department, if more than one request for the same property is received, shall be assigned the property. The remaining advertised property will then be offered for public sale on the published date; provided, however, that this joint committee may authorize the Police Department to destroy or otherwise dispose of any property subject to this chapter where such property is determined valueless or of such little value that the costs of conducting a sale and advertising would exceed the amount realized therefrom.

(Revised Ords. 1978, § 11-2-7; Ord. No. 18-07, § 1(exh. A, § 11-2-7), 3-16-2018)

**~~Sec. 11-2-8. Sales of Firearms.~~**

**Sec. 7-2-8. Donated or Destroyed Property.**

All advertised lost, abandoned, or unclaimed property remaining unsold or unassigned for departmental use under the preceding sections of this chapter may then either be destroyed or donated to public or private charities as directed by the joint committee.

(Revised Ords. 1978, § 11-2-9; Ord. No. 18-07, § 1(exh. A, § 11-2-9), 3-16-2018)

**Sec. 7-2-9. Report to the Recorder by Committee.**

The joint committee shall make a report to the City Recorder, at the time of sale or disposition, containing a listing of property sold or distributed under the provisions of this chapter; the amount of money received from public sales; and the fair market value, estimated by the joint committee, of any property distributed for use by a City department.

(Revised Ords. 1978, § 11-2-10; Ord. No. 18-07, § 1(exh. A, § 11-2-10), 3-16-2018)

**Sec. 7-2-10. Separate Fund for Monies Received.**

All money from the public sale of lost, abandoned or unclaimed property shall be kept in a separate fund credited to the City.

(Revised Ords. 1978, § 11-2-11; Ord. No. 18-07, § 1(exh. A, § 11-2-11), 3-16-2018)

**Sec. 7-2-11. Reclaiming of Property by Owner.**

If the owner, his legal representative or successor of any lost, abandoned, or unclaimed property sold at auction or utilized by a City department demands his property within three years from the date the property was received by the Police Department, the City Treasurer shall pay to him, after deducting the fees and expenses of the City in relation to the matter, the proceeds of the public sale or, if the property was assigned for use by a City department,

the fair market value of the property.

(Revised Ords. 1978, § 11-2-12; Ord. No. 18-07, § 1(exh. A, § 11-2-12), 3-16-2018)

**Sec. 7-2-12. Failure to Claim Property by Owner.**

If the owner, his legal representative or successor of any lost, abandoned, or unclaimed property sold at auction does not claim the proceeds from the sale of his property within the three-year period, the proceeds from the public sale shall revert to the City General Fund.

(Revised Ords. 1978, § 11-2-13; Ord. No. 18-07, § 1(exh. A, § 11-2-13), 3-16-2018)

**Sec. 7-2-13. Chief of Police to Act as Depository.**

The Chief shall have the power to receive lost, abandoned, or unclaimed tangible or intangible property from a private citizen. He shall then make reasonable efforts to locate the owner of said property, but, if after three months, the owner has not been located or ~~this~~the property claimed, the property shall be returned to the citizen. If the citizen disclaims the property, then the property shall be distributed according to the provisions of this chapter.

(Revised Ords. 1978, § 11-2-14; Ord. No. 18-07, § 1(exh. A, § 11-2-14), 3-16-2018)

**CHAPTER 7-3. CONSTITUTIONAL TAKINGS**

**Sec. 7-3-1. Purpose/Intent.**

Private property owners should be treated fairly and should not be unconstitutionally deprived of real property interests without just compensation. This chapter shall be construed to provide for the objective and fair review of claims by persons asserting deprivation of vested real property rights or interests, without just compensation. Nothing contained herein shall be construed to limit the ability of the City to lawfully fulfill its duties and functions.

(Revised Ords. 1978, § 11-3-1; Ord. No. 18-07, § 1(exh. A, § 11-3-1), 3-16-2018)

**Sec. 7-3-2. Review of Decision by Mayor.**

Any owner of private real property or a real property right who claims there has been an unconstitutional taking of their property, without just compensation, shall petition for a review of a final decision of any City officer, employee, board, commission, or the Council. Consistent with the separation of powers which is integral to the City's form of government, the Council hereby designates the Mayor to hear and consider such petitions. The Mayor may delegate such responsibility to another individual or board.

(Revised Ords. 1978, § 11-3-2; Ord. No. 18-07, § 1(exh. A, § 11-3-2), 3-16-2018)

**Sec. 7-3-3. Review Procedures.**

The following procedures for review of a final decision shall be followed:

- (1) *Final Decision.* The person petitioning for review shall obtain a final decision before requesting review.
- (2) *Petition for Review.* Within 15 days from the date of the final decision, the person requesting the review shall file, in the office of the City Recorder, a written petition for review of that decision. A copy shall also be filed with the City Attorney.
- (3) *Hearing Date.* The Mayor, or the Mayor's designee, shall set a time to review the decision that gave rise to the petition as soon as reasonably practical. The Mayor, or the Mayor's designee, shall hear and consider the evidence related to and submitted by the petitioner, the City, and other parties whom the City determines have an interest in the proceedings. In the discretion of the Mayor, or the Mayor's designee, the hearing may be oral or based upon written submittals.
- (4) *Applicant Information Submittal.*
  - a. *Initial Filing Information.* In addition to the petition for review, the petitioner shall submit, within seven days prior to the date of the review, the following:
    1. The name of the petitioner requesting review;
    2. The name and business address of the current owner of the property; the form of ownership

- (i.e., whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other); and if owned by other than a real person, the name and address of all partners or shareholders owning ten percent or more of the outstanding shares;
3. A detailed statement of the factual and legal grounds for the claim that there has been an unconstitutional taking, without just compensation;
  4. A legal description of the property allegedly taken and a detailed description of the nature of the property; and
  5. A detailed description of the protectable property interest claimed to be affected.
- b. *Supplemental information.* If the Mayor or the Mayor's designee determines that there may be an unconstitutional taking, and additional information is needed, in his sole discretion, the Mayor, or the Mayor's designee, may further require the following to be submitted:
1. The evidence and documentation as to the value of the property interest claimed taken, including the date and cost at the date the property was acquired. This material should include any evidence of the value of that same property before and after the alleged unconstitutional taking; the name of the party from whom purchased, including the relationship, if any, between the person requesting a review; and the party from whom the property was acquired;
  2. The terms, including sale price, of any previous purchase or sale of a full or partial interest in the property during the three years prior to the date of application;
  3. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
  4. The assessed value of ~~and any~~ ad valorem taxes on the property for the previous three years;
  5. All information concerning current mortgages or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance, term of the loan and other significant provisions, including, but not limited to, the right of purchasers to assume the loan;
  6. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
  7. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
  8. For income-producing property, itemized income and expense statements from the property for the previous three years;
  9. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
  10. The Mayor, or the Mayor's designee, may request additional information reasonably necessary, in their opinion, to arrive at a fair and well supported conclusion concerning the nature of and the value of the alleged unconstitutional taking.

(Revised Ords. 1978, § 11-3-3; Ord. No. 18-07, § 1(exh. A, § 11-3-3), 3-16-2018)

#### **Sec. 7-3-4. Reviewing Guidelines.**

The Mayor or the Mayor's designee shall review the facts and information presented by the petitioner, the City, and other parties whom the City determines have an interest in the proceedings, and determine if the action by the City constitutes an unconstitutional taking. The City Attorney's Office may serve as the City's legal counsel. The Mayor, or the Mayor's designee, shall review the facts in light of the applicable state and federal constitutional law.

(Revised Ords. 1978, § 11-3-4; Ord. No. 18-07, § 1(exh. A, § 11-3-4), 3-16-2018)

#### **Sec. 7-3-5. Time for Final Decision.**

If the Mayor, or the Mayor's designee, fails to hear and decide the petition within 14 days after the filing of the petition, the administrative decision of the City officer, employee, board, commission, or the Council shall be deemed approved; provided, however, the Mayor, or the Mayor's designee, may extend the time to reach a decision, not exceeding an additional 120 days following the receipt of the petitioner's submissions required in Section 7-3-3.

(Revised Ords. 1978, § 11-3-5; Ord. No. 18-07, § 1(exh. A, § 11-3-5), 3-16-2018)

**Sec. 7-3-6. Results of Review.**

After completing the review, the Mayor or the Mayor's designee shall make a determination regarding the petition and may in his or her discretion make a recommendation to the Council or the appropriate officer, employee, board, or commission.

(Revised Ords. 1978, § 11-3-6; Ord. No. 18-07, § 1(exh. A, § 11-3-6), 3-16-2018)

**Sec. 7-3-7. Guidelines Advisory.**

The guidelines adopted and decisions rendered pursuant to the provisions of this chapter are advisory, and shall not be construed to expand or limit the scope of the City's liability for an unconstitutional taking of a property interest. The decision rendered pursuant to the provisions of this chapter are not admissible in court for any purpose other than to demonstrate that the petitioner has exhausted the requisite administrative remedies, and in no event shall any recommended compensation be admissible into evidence.

(Revised Ords. 1978, § 11-3-7; Ord. No. 18-07, § 1(exh. A, § 11-3-7), 3-16-2018)

**Sec. ~~11-3-8. Severability.~~**

~~If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.~~

(Revised Ords. 1978, § 11-3-8; Ord. No. 18-07, § 1(exh. A, § 11-3-8), 3-16-2018)

Title 14-8  
**WATER SYSTEM\***

\***State law reference**—General authority relative to waterworks, U.C.A. 1953, §§ 10-7-4 et seq., 10-8-14, 10-8-15.

**CHAPTER 8-1. GENERAL PROVISIONS**

**Sec. 8-1-1. Purpose.**

This title shall be known as the "Water System Ordinance" and has as its purpose the establishment of requirements, regulations, and procedures for the governing of the Sandy City water system.

(Revised Ords. 1978, § 14-1-1)

**Sec. 8-1-2. Definitions.**

~~For the purpose of this ordinance, the following terms, phrases and words shall mean:~~ The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Aquifer* means an underground formation that contains and transmits groundwater.
- (2) *Bill* means water utility bill.
- (3) *City* means Sandy City, Salt Lake County, Utah.
- (4) *City's public drinking water system.* Refer to ~~Water infrastructure definition.~~
- (5) *Council* means Sandy City Council.
- (6) *County* means Salt Lake County.
- (7) *Cross connections* means unwanted connections which allow non-potable water, liquids, gases, or other substances to infiltrate a potable or culinary water supply.
- (8) *Customer* means any person who has applied for and is granted water service, or who is responsible for payment for the service.
- (9) *Department* means the Sandy City Department of Public Utilities.
- (10) *Developer* means any subdivider or any person or organization that develops, intends to develop, or sells property for the purpose of future development. The term "developer" includes the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
- (11) *Director* means the Director of the Department of Public Utilities or the Director's designee.
- (12) *Dual source sprinkler irrigation systems* means any sprinkler system that is capable of being connected to the City culinary water system and/or secondary water (non-potable) water system or source.
- (13) *Finance Director* means the City's Finance Director or designee.
- (14) *Fire line* means a water line that is connected to the mainline that feeds the fire sprinkler system of a building.
- (15) *Health Director* means the Director of the Salt Lake Valley Health Department.
- (16) *Infraction* means a petty crime with a maximum penalty of \$750.00 and no jail time required.
- (17) *Mainline* means a water line owned and maintained by the City used to distribute water that serves customers.

- (18) *Owner* means any person who, alone, jointly, or severally with others, has legal title to, charge, care, or control of any premises, or equitable owner, agent of the owner, or as executor, administrator, trustee, conservator or guardian of the estate of the owner.
- (19) *Person* means any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.
- (20) *Pollution* means any manmade or man-induced alteration of the chemical, physical, geological, radiological or biological integrity of water under standards of the Utah State Department of Health or the United States Environmental Protection Agency (EPA).
- (21) *Premises* means a lot, plot or parcel of land, including all the buildings or structures thereon.
- (22) *Private landscape* means a parcel of land owned by a private entity upon which grass and plants require irrigation.
- (23) *Private service lateral* means a water line running from the outside of the City's water meter box to a residence or business.
- (24) *Public landscape* means a parcel of land owned by public entities upon which grass and plants require irrigation.
- (25) *Public service lateral* means a water line running from the mainline to and including the meter box.
- (26) *Sewage* means a combination of liquid or water-carried wastes produced by man, animal or fowl from residences, business buildings, institutions, industrial establishments, agriculture, recreation and other locations, including septic tanks, privy vaults and cesspools, together with groundwater, surface water and stormwater.
- (27) *Sprinkler irrigation* means the application of water to land and plants by distributing water under pressure.
- (28) *Watercourse* means aqueducts, pipelines, natural or artificial streams or channels through or in which water flows at any time.
- (29) *Water infrastructure* means the drinking water supply system, including all watercourses, pipes, storage reservoirs, pumps, valves, filtration and treatment equipment, meters, and buildings and structures to house the system, used for the collection, treatment, and distribution of drinking water.
- (30) *Water line* means any pipe that transmits or distributes water from a source to a customer, including mainlines and private and public service laterals.
- (31) *Water service* means the provision of drinking water to a premises through the City's water infrastructure at the owner's request.
- (32) *Watershed* means the total land area that drains into an existing or proposed culinary water diversion point. Sandy Area Watershed is a portion of the watershed adjacent to Sandy City including Little Cottonwood Canyon, Bell Canyon, Middle Fork of Dry Creek, South Fork of Dry Creek, Rocky Mouth Canyon, Big Willow Canyon, and Little Willow, and is described in the Watershed Management Plan. The watershed, over which Sandy City has jurisdiction, includes all or portions of the drainage areas of the Provo River, Weber River and Duchesne River, but the regulations of ~~this~~ Chapter 8-6 apply only to the Sandy Area Watershed as described in the Watershed Management Plan.
- (33) *Well* means a horizontal or vertical excavation or opening into the ground made by digging, boring, drilling, jetting, auguring, or driving or any other artificial method, and left cased or open for utilizing or monitoring underground waters.

(Revised Ords. 1978, § 14-1-2)

### **Sec. 8-1-3. Rules and Regulations.**

The Department may establish rules and regulations which shall govern the establishment, installation, modification and alteration of the City water infrastructure. Such rules and regulations shall be established in

conformance with City policies, ordinances, and regulations.

(Revised Ords. 1978, § 14-1-3)

**Sec. 8-1-4. Owner Obligations.**

Upon taking ownership of property to which the City furnishes water service, the owner shall be obligated to:

- (1) *Water Charges.* Pay all water charges as assessed by the City.
- (2) *Status of Ownership.* Notify the City Utility Billing Office regarding any change in the status of ownership or termination of water service. The Owner of property receiving water service from the City shall be liable for all water supplied to it until a notice of termination of ownership and reasonable proof of new ownership is provided to the City Utility Billing Office according to its procedures.
- (3) *Owner's Responsibility.* In the event that any owner of residential or other property which receives water service from the City shall desire to rent, lease or otherwise give ~~the~~ said property over to the tenancy of another, the owner of such property is obligated as set forth in this section and the owner of such property shall remain responsible for such water service as may be furnished to such property
- (4) *Free Access to Water Infrastructure.* As a condition of a person receiving water service from the City, the Director and his agents shall, upon such notice as is reasonable in the circumstances, at all hours, have free access to premises supplied with water from the City water infrastructure, except as otherwise prohibited by law. This shall be for the purposes of examining the water infrastructure, ascertaining the amount and manner of the use of the water and for such other necessary and reasonable purposes as may be in accordance with the preservation of the City water infrastructure.
- (5) *Service Laterals to be Kept in Good Repair.* All customers shall keep their private service lateral and connections and other infrastructure in good repair and protected from frost at their own expense. No person, except under the direction of the Department, shall be allowed to dig into the street for the purpose of laying, removing or repairing any public service lateral or private service lateral. No person except ~~the~~ Department personnel shall access the meter box.
- (6) *Fire Line.* Fire lines shall be ductile iron pipe, installed according to City standards and connected to the mainline with a flanged gate valve. It shall be the City's responsibility to maintain the valve and the property owner's responsibility to maintain the fire line. Fire lines shall be kept in good repair. No person except Department personnel shall operate the valve.

(Revised Ords. 1978, § 14-1-4)

**Sec. 8-1-5. Metering, Billing and Usage Policies.**

(a) *Application for Water Service.* Any person desiring water service shall request such water service in writing. The Department, as a condition precedent to approving an application for water service, shall collect all installation and other charges required by this title and the City's current Impact Fee Ordinance. All pipes, fittings and other water infrastructure up to and including the meter shall become the property of the City.

(b) *Separate Water Meters.* Every premises which receives water service from the City water system shall have a separate and individual water meter, unless an exception has been granted and authorized by the Director.

(c) *Meter Readings and Estimates.*

- (1) All meters will be read electronically unless there is a question about the electronic read or the electronic system is not working, at which time the meters will be read manually.
- (2) No meter read will be estimated unless:
  - a. The water meter is covered and the meter reader is unable to access the same;
  - b. The water meter is broken;
  - c. Jumpers or bypasses are discovered in the course of attempting to read the meter;
  - d. A change of ownership occurs without a special reading first being made.

In each case, the estimate shall be made by the utility billing office and no such estimate or payments in accordance therewith shall prevent the City from charging the owner for water actually metered, giving due credit for the payment of estimated charges.

(d) *Water Rates and Charges.* The rates for water service, connection fees and other related water services as provided by the City shall be fixed by resolution of the Council. The Council may from time to time fix special rates and conditions for the users of water from the City water infrastructure.

(e) *Regular Billings.* Billings for water service as may be offered and performed by the City shall be sent to each customer on a monthly basis.

(f) *Use Without Payment Prohibited.* It shall be unlawful for any person to use any water from the City water system that has not first been measured by a water meter approved by the Department, and payment made as herein provided, except for the use of temporary connections approved by the Department and subject to such conditions and changes as may be imposed by the Department.

(g) *Tampering Prohibited.* No person, unless otherwise approved by the Department, shall tamper with, modify, obstruct, or damage any water meter, valve, main, pipe, service opening, or other part of the City water system, nor detach, install, use, or knowingly permit the use of any jumper or bypass pipe or other bypass structure on or in connection with any part of the City water system. No person shall impede the natural flow of any water line or pipe in any manner whatsoever.

(h) *Termination of Service.* When any bill shall have been past due for 60 days or more, water service shall be terminated unless:

- (1) The time is extended for up to 15 days by order of the Finance Director;
- (2) The customer files a signed, written appeal with the Finance Director asking for a review of the bill and explaining why he or she believes a billing error may have occurred. The Finance Director may refer the matter for decision to the Director if he deems that the Director should more appropriately make the determination in question.

(i) *Stay of Termination.* Any appeal to the Finance Director, as described in Subsection (h) of this section, shall stay any action by the City to terminate water service for 15 days or until a determination shall be made by the Finance Director, whichever shall first occur. The Finance Director may in his or her reasonable discretion, stay or delay any termination of water service.

(j) *Partial Payments.* All bills shall be paid in full and no partial payments shall be sufficient, absent the written consent of the Finance Director, to prevent the termination of water service.

(k) *Turning on Water after Being Turned off Prohibited.* It shall be unlawful for any person after the water has been turned off for the nonpayment of water service to turn on or allow the water to be turned on or used without authority from the Department. Such person and his or her aiders and abettors shall be guilty of a Class B misdemeanor. If the water is turned off for violation of this title, or for violation of any City water rules or regulations, or for nonpayment of water rates, such violator shall be assessed and pay such expenses and/or penalties as may be established by resolution of the Council for shutting off the service before the water service is again restored.

(l) *Curtailment.* The Mayor may, by resolution and in accordance with applicable state and federal law, regulate, restrict or limit the use of water during water shortage periods and shall have the power to take all necessary steps and make any regulations he/she deems required to protect the City water infrastructure or the users of City water.

(m) *Authorized Customer.* It shall be unlawful for any customer to permit any person from another premises to use or obtain water regularly, continually, or frequently from his premises or the water infrastructure.

(Revised Ords. 1978, § 14-1-5)

**State law reference**—Rates authorized, U.C.A. 1953, § 10-8-22.

### **Sec. 8-1-6. Fire Hydrant Use; Construction Water.**

- (a) *Facility Access.* No persons, other than City personnel acting within the scope of their employment, shall

open a fire hydrant or other access facility, standpipe, or bypass valve on the City water infrastructure, or extract water therefrom by any other means for any purpose except upon permission from the Department.

(b) *Fire Hydrant Meter.* In the event that a fire hydrant meter is requested, the meter may be obtained by submitting a deposit with the City's Utility Billing Office. The deposit shall be refunded, less the amount for water used, upon return of the meter in good condition. In addition to actual consumption, the customer shall pay a monthly meter rental. For deposit and rate amounts see the currently adopted fee schedule.

(c) *On-site Construction Water.* On-site construction water will be provided for a one-time cost to the person requesting a building permit for new construction. On-site construction water shall not be used for the installation and establishment of new landscape. The issuance of a certificate of occupancy will initiate a work order for a meter set at the new construction site.

(Revised Ords. 1978, § 14-1-6)

#### **Sec. 8-1-7. Modifying Water System.**

(a) *Permit to Modify Water System.* It shall be unlawful for any person to make any extension or modification of any portion of the City's water infrastructure for any purpose whatever without first obtaining a written approval from the Department. After approval has been given, the Department shall be notified 48 hours in advance of any such work.

(b) *Unlawful Connections.* It shall be unlawful for any person to attach anything to the public service lateral. Private service laterals shall not be installed between the main and the meter or within the meter box. All such systems shall be installed in conformance with the Standard Specifications and Details from Municipal Construction as established by the Department.

(Revised Ords. 1978, § 14-1-7)

#### **Sec. 8-1-8. Responsibility and Liability of City.**

(a) *Responsibility and Liability.* Except as otherwise provided in the Governmental Immunity Act of Utah, as set forth in U.C.A. 1953, § 63G-7-101 et seq., as amended, the City shall not be liable or responsible for any loss, damage, or injury, direct or indirect, to an owner, the owner's family, guests, tenants, invitees, or any person, or the real or personal property of any person arising out of or caused by the City water system, or by the cessation or interruption of the City water supply.

(b) *City Liability.* Pressure variations, failure, curtailment, suspension, interruptions or interference with the water infrastructure shall not be held to constitute a breach of contract on the part of the City, or in any way affect any liability for payment for water made available or for money due on or before the date of such occurrence.

(Revised Ords. 1978, § 14-1-8)

#### **Sec. 8-1-9. Appeals.**

(a) *Appeals to the Finance Director or Director.* Any appeal of any action with respect to the City water system or service from the water infrastructure shall be made in writing signed by the customer and shall state with reasonable specificity what action is being appealed, the reason the action is being appealed, and shall state what remedy the customer seeks.

- (1) Appeals of City action involving water meter readings and statements for water service and termination of service shall be made to the Finance Director.
- (2) Appeals of all other City action with respect to the City water system, including water connection fees, shall be made to the Director. The Director may refer the matter for decision to the Finance Director if he deems that the Finance Director should more appropriately make the determination in question.

(b) *Handling of Appeals.* The Director to whom the appeal is made or to whom it has been referred shall make a decision on the appeal within 15 days and shall promptly communicate that decision to the customer. The Director to whom the appeal is made may make an investigation of the facts of the matter, and may convene a formal or informal hearing on the matter, and may request the assistance of other persons to advise the Director or to sit with the Director to hear any evidence or argument for or against the appeal.

(c) *Appeals to the Mayor.* Any appeal of a decision made by the Finance Director or the Director shall be in writing, signed by the customer or an attorney representing the same, and shall state with reasonable specificity what action is being appealed, the reason the action is being appealed, and shall state what remedy the person seeks. Each such appeal shall be filed with the Mayor. The Mayor may designate another person to decide the matter, or may request the assistance of one or more other persons in deciding the matter. A formal or informal hearing may be convened on the matter, but shall not be required. The matter may be referred out for investigation before a decision is made. A decision on the appeal shall be made within 15 days, and notice of the decision shall be promptly communicated thereafter to the customer.

(Revised Ords. 1978, § 14-1-9)

## **CHAPTER 8-2. EXTENSION OF WATER SYSTEM**

### **Sec. 8-2-1. Extension of Water Mains to New Developments Within the City.**

(a) *Extensions of Water Mains.* Whenever any developer subdivides, develops, or builds upon any property within the City and the proper development of the property shall require the installation or extension of a water main from an existing main, the developer seeking approval of the subdivision or development of the said property shall, in addition to any other requirements of the City or its officers, agree to and sign a final review and approval letter and adhere to the requirements set forth in the letter.

(b) *Final Review and Approval Letter.* The letter shall set forth the requirements of the developer in order to connect to the Sandy water system. It will list any facilities that need to be upgraded, number of hydrants required, number and size of new meter connections, easements required, any water line reimbursement required and the fees and bonds associated with the project.

(c) *Proper Easements for Perpetual Maintenance.* Proper easements for perpetual maintenance and replacement of the extended system shall be obtained and recorded by the developer, and legal descriptions of such easements shall be submitted to the City for approval before construction begins.

(d) *Property of City.* After final acceptance at the end of the warranty period all water mains and public service laterals become the property of the City. The property owner will retain ownership of the private service laterals.

(Revised Ords. 1978, § 14-2-1)

### **Sec. 8-2-2. Extension of Water Mains Outside City Limits.**

(a) *Extension of Services.* The City may, from time to time, and in reliance upon statute, ordinance and policy, as adopted, extend its water system to areas outside of the corporate limits of the City. In granting the extension of the water service, the City shall charge a water system review fee to the applicant. Such fee shall be established by the resolution of the Council and shall be in an amount as calculated to compensate for costs incurred in reviewing the extension of the City water system outside the corporate limits of the City.

(b) *Availability.* The City will consider selling water outside the City limits provided such water is available on a surplus basis and such sale in no way deprives the residents of the City of water service.

(c) *Application.* Any developer requesting water may make application to the City in accordance with the City's current "Extraterritorial Water Policy," which can be provided by the Department or located on the City's website.

(d) *Installation of Facilities for Extension.* Developers outside the City limits desiring to purchase City water shall install facilities to extend the then-existing City system to meet the City's standard specifications for municipal construction. This extension shall include the purchase and installation of water lines, fire hydrants, control valves and fittings, the size and specification of which shall be in accordance with a plan approved by the Department. Meter locations shall be determined by the City.

(e) *Fire Flow Requirements.* Hydrant location and access shall be approved by the City Fire Marshal. The developer shall obtain a letter from Unified Fire Authority relinquishing its review and approval and deliver it to the City.

(f) *Easement Requirement.* Proper easements for perpetual maintenance and replacement of the extended

system shall be obtained and recorded by the Developer, and legal descriptions of such easements shall be submitted to the City for approval before construction begins.

(g) *Permits.* All necessary permits for improvements shall be obtained by the developer from the proper agency and copies given to the City before any construction on or around a street is begun. Only licensed and bonded contractors shall perform such work. All work shall be inspected and approved by the City during installation or the final approval shall be withdrawn.

(h) *Connection Fees.* Connection fees shall be charged in accordance with the rate as established by resolution of the Council. All fees shall be paid and bonds posted before the final review and approval letter is granted.

(i) *Acceptance of Water Facilities.* The City shall accept and maintain the public service lateral after standards and specifications have been met and the warranty period has expired. All responsibility for maintenance of the private service lateral shall be borne by the owner.

(Revised Ords. 1978, § 14-2-2)

### **Sec. 8-2-3. Installation of Water Service Laterals.**

(a) *Water Lines Installation Responsibilities.* All water lines which extend from any City water main to any premises shall be installed by the developer desiring to obtain water service at said location.

(b) *Developer Bond.* Any developer requiring such service shall furnish an acceptable performance bond in an amount to be determined by the Department for each such installation.

(c) *Installations Cost Responsibilities.* Such installations shall be paid by the developer requiring the water service and shall conform in all respects to the standard specifications for municipal construction which shall be made available to the public.

(d) *Installation Completion.* No installation shall be deemed complete until inspected and approved by the Department. The warranty period will not begin until the installation has been deemed 100 percent complete, at which point ten percent of the bond will be held to cover the one-year warranty period. The developer will not be held responsible for damage caused by acts of God.

(e) *Violation.* It shall be unlawful for any Developer who is not authorized by the Director to open or connect into or tap any City water main. Violation shall be punishable as a Class B misdemeanor.

(Revised Ords. 1978, § 14-2-3)

## **CHAPTER 8-3. WATER CONSERVATION**

### **Sec. 8-3-1. Waste Prohibited.**

It shall be unlawful for any person to wastefully use water from hydrants, faucets or stops or through basins, toilets, urinals, sinks or other appliances, or to use the water for purposes other than for those which he/she has paid, or to use water in violation of the rules and regulations as established from time to time by resolution of the Council. Water for firefighting purposes and hydrant testing is permitted.

(Revised Ords. 1978, § 14-3-1)

### **Sec. 8-3-2. Timing of Landscape Watering.**

(a) Sprinkler irrigation of public and private landscapes is prohibited between the hours of 10:00 a.m. and 6:00 p.m. The provisions of this section shall apply to all landscapes within the City with the following exceptions:

- (1) New lawns that require frequent irrigation for establishment purposes within 90 days of planting.
- (2) Short cycles required for testing, inspecting and maintaining irrigation systems.
- (3) Where pressure problems exist in the water infrastructure requiring an alternate watering time as approved by the Department.

(b) Any person who continues to violate this schedule after written notice may be subject to an infraction.

(Revised Ords. 1978, § 14-3-2)

**Sec. 8-3-3. Curtailment Notice.**

(a) *General.* In the event that any condition exists wherein the Sandy water system is unable to service adequately any given area of the City, the Mayor, in his/her sole discretion, may declare an emergency and cause notice to be given by a press release and post on the City's website.

(b) *Penalty.* When and after the said notice has been posted and published, it shall be a Class B misdemeanor for any person to violate the said schedule by using water in contravention thereto.

(Revised Ords. 1978, § 14-3-3)

**CHAPTER 8-4. CROSS CONNECTIONS**

**Sec. 8-4-1. Short Title.**

This chapter shall be known as the "Sandy City Cross Connection Ordinance," and may be so cited.

(Revised Ords. 1978, § 14-4-1)

**Sec. 8-4-2. Purpose.**

The purpose of this chapter is to protect the Sandy City public drinking water system from contamination or pollution by isolating within its internal distribution systems or its customers' private water systems such contaminants or pollutants which could backflow or back-siphon into the Sandy City's public drinking water system.

(Revised Ords. 1978, § 14-4-2)

**Sec. 8-4-3. Rules and Specifications.**

(a) *Duty to Implement.* The Department and the City's Community Development Department shall be charged with implementing the terms of this chapter, including the following:

- (1) *Hazard Assessment Surveys and Inspections.* Periodic hazard assessment surveys shall be conducted on individual facilities served by the City public drinking water system to determine compliance to this chapter. All new commercial and industrial facilities shall be inspected for compliance to this chapter prior to receiving a certificate of occupancy as issued by the Community Development Department. The Department shall conduct hazard assessment surveys and inspections.
- (2) *Recordkeeping.* The Department, Community Development Department, Fire Department, and the Parks and Recreation Department shall report all installations of backflow prevention devices, assemblies and methods of cross connection correction installed by or communicated to them, as those terms are defined in the current Plumbing Code as adopted by the State of Utah, Utah Rules for Public Drinking Water Systems, and the City's Standard Specifications and Details for Municipal Construction, to the Department. The Department shall maintain an inventory of all said assemblies, notify customers of annual testing requirements, and maintain test and repair records on all said assemblies.
- (b) *Requirements.*
  - (1) All connections to the City's public drinking water system shall be subject to the requirements of the current Plumbing Code as adopted by the State of Utah, the Utah State Rules for Public Drinking Water Systems and City Standard Specifications and Details for Municipal Construction.
  - (2) All cross connections must be eliminated by an approved method of backflow protection. Approved backflow protection shall be installed at each individual point of cross connection (Plumbing Code compliance) or at a point on the incoming service line behind the water meter, but before any service branch of the incoming water service line (meter protection). This includes all dual source landscape irrigation systems.
  - (3) All dual source sprinkler systems must be inspected by the Department. It is the responsibility of the Irrigation Company to notify the Department of any users who install Dual Source systems.

(c) *Discontinuing Service.* Service of water to any premises, at the discretion of the City, may be discontinued if a backflow prevention assembly or device required by this chapter is not installed, tested, and

maintained, or if a backflow prevention assembly or device has been removed, bypassed or if an unprotected cross connection exists at the premises. Where the Director determines that the risk to the City water system is a serious threat to health or safety, ~~then he or she~~ may immediately terminate water service to the premises. The Department may refuse to restore water service to such premises until such conditions or defects are corrected. The City shall give reasonable notice to the customer and/or owner of the premises of the termination of water service to a premises, and where the customer could not reasonably be so notified before termination, ~~then~~ notice shall be given promptly afterwards.

(Revised Ords. 1978, § 14-4-3)

## **CHAPTER 8-5. DRINKING WATER SOURCE PROTECTION**

### **Sec. 8-5-1. Drinking Water Source Protection Zone Map.**

(a) The extent of the recharge areas and the protection zones may be seen on the "Drinking Water Source Protection Zone Map." This map shall be on file with the Department and it shall be maintained by the City and the Department whose groundwater resources are within the City boundaries and jurisdiction. Any amendments, additions, or deletions to this map shall be by the City and/or the Department following written notice after approval by the State of Utah Division of Drinking Water.

(b) Detailed information, including extent and designation of recharge areas and protection zones; permitted uses, Department approval, activities not permitted within recharge areas and protection zones; exclusions and exemptions; and enforcement, violations, and penalties may be found ~~within the Sandy City Land Development Code Chapter 21-17 titled "Drinking Water Source Protection Overlay Zone."~~

(Revised Ords. 1978, § 14-5-1)

## **CHAPTER 8-6. WATERSHED PROTECTION**

### **Sec. 8-6-1. Authority Over Watershed.**

Pursuant to U.C.A. 1953, § 10-8-15, the City declares that its jurisdiction extends over the entire watershed, both within and without the Sandy City corporate limits.

(Revised Ords. 1978, § 14-6-1)

### **Sec. 8-6-2. Watershed Protection Regulations.**

- (a) *Pollution of Waters Prohibited.*
- (1) No person may do or be an accomplice to any act that will pollute any source of water over which the City has jurisdiction.
  - (2) Any person guilty of polluting any source of water over which the City has jurisdiction is guilty of a Class B misdemeanor.
- (b) *Prohibited Acts.* No person may:
- (1) Bathe, swim or wash clothes, diapers, eating or cooking utensils or any other object of any kind in any spring, marsh, watercourse, water source, water system or reservoir within the Sandy Area Watershed;
  - (2) Throw or break bottles or glass anywhere within the Sandy Area Watershed;
  - (3) Throw, deposit, unload, or leave any garbage or other refuse matter of any kind anywhere within the Sandy Area Watershed, except into a garbage disposal site or container approved by the Director;
  - (4) Deposit any garbage, vegetable or other organic matter in any spring, marsh, watercourse, water source or reservoir within the Sandy Area Watershed;
  - (5) Discharge any firearm within the Sandy Area Watershed, except in areas designated for game hunting as designated in the State Hunting Guidebooks;
  - (6) Interfere with, molest, hinder, or obstruct the Director, the County Health Director, law enforcement officers or any of their agents or employees while in the performance of the duties imposed by this section;

- (7) Take down any fence, or let down any bars, or open any gate so as to expose any enclosure, or to ride, drive, walk, lodge, camp, sleep, or build any temporary or permanent structure upon the premises of another within the Sandy Area Watershed without the permission of the owner or legal occupant;
- (8) Operate any type of motor vehicle upon the private property of another within the Sandy Area Watershed without first obtaining written permission of the owner or legal occupant of the property. Note: nothing in this subsection prohibits the use of either private or public property by emergency vehicles.

(c) *Construction Regulations.*

- (1) It shall be unlawful to commence construction of any structure, subdivision or other development in the Sandy Area Watershed without first obtaining approval from the Director as provided in this section.
- (2) All construction and other development in the Sandy Area Watershed shall provide for waste and sewage disposal in accordance with all applicable Sandy City, Salt Lake County and State waste disposal system regulations.
- (3) Approvals for the location, construction, and maintenance of all garbage or sewage disposal systems, vaults and privies, and the disposal of garbage and human waste, shall be under the supervision and control of the Director.
- (4) No construction or other development within the Sandy Area Watershed shall be permitted within 100 feet of any stream, wetland, spring, or other water feature.
- (5) All construction and other development in the Sandy Area Watershed shall conform to the requirements of Chapter 21-15 of the Sandy City Development Code, Sensitive Area Overlay Regulations.

(d) *Requirements for Water Using Facilities.* Unless the ~~enumerated items below~~ following items are equipped with germ killing appliances and the Health Director has granted a written permit, no person may construct, use or maintain, within the Sandy Area Watershed, any of the following:

- (1) Toilet;
- (2) Closet;
- (3) Privy;
- (4) Chemical toilet;
- (5) Outhouse;
- (6) Cesspool;
- (7) Septic tank and/or drain field;
- (8) Urinal;
- (9) Sewage disposal system;
- (10) Public bathhouse;
- (11) Swimming tank;
- (12) Swimming pool.

(e) *Sewage Disposal Requirements.*

- (1) No person may deposit any human excreta within the Sandy Area Watershed unless:
  - a. The person is a backpacker or hiker that potholes and covers the excreta with at least six inches of soil at least 300 feet from a watercourse; ~~or~~
  - b. The person uses a toilet connected to a public sewer system or into a chemical toilet approved by the Health Director; or
  - c. The Health Director has approved other methods of sewage disposal that do not create any health hazard or pollution problem.
- (2) Construction of any sewer line in the Sandy Area Watershed may not begin without prior written

approval of the Director and Health Director.

- (3) The Health Director shall require the pumping of sewage storage vaults in accordance with applicable laws and regulations, including the following:
  - a. The owner of any vault or other approved receptacle for human excreta within the Sandy Area Watershed shall completely empty the receptacle at least once a year; and
  - b. If the vault reaches 80 percent capacity or a point 12 inches or less below any removal or leakage point, or the ceiling of such vault or receptacle, whichever point is lower.
- (4) A notice of violation may be issued by the City if the owner of any vault or other approved receptacle for human excreta allows the receptacle to exceed the conditions outlined above.
- (5) The notice of violation will allow the owner 24 hours to completely empty the receptacle, unless the violation poses an immediate threat to water quality, in which case the Health Director may order immediate emptying of the receptacle.
- (6) If the owner fails to comply with the notice of violation, the house, cabin, human habitation, or camping place, or other facility to which the notice of violation was issued, shall be closed and sealed to prevent the use of such facility until the owner or operator of such facility completely empties the receptacle.
- (7) A sewage disposal system or privy within any City Watershed Area shall be sealed immediately if the Health Director determines that the sewage disposal system is unsanitary or does not comply with the requirements of applicable laws, ordinances or other regulations.
- (8) No person may break or remove any seal placed by the Salt Lake Valley Health Department upon any privy, closet, urinal, or other place where human excreta is deposited or to use any such place so sealed until the nuisance is abated. Any person guilty of breaking the condemning seal shall be guilty of a misdemeanor.
- (9) When the Director and Health Director determines that a privy or other source of pollution is a hazard to the Sandy Area Watershed or water supply system, or both, the Director and Health Director shall provide notice to the owner of the property on which the privy or other pollution source of the hazard and an opportunity to either correct the hazardous condition or otherwise address the hazard to the satisfaction of the Director and Health Director. If the owner cannot be located, or if the hazard cannot be adequately remedied or corrected, the Director and Health Director may order the destruction and removal of the privy or source of pollution. The owner of property from whence the pollution leaked shall be liable for the cost of all remedies needed to clean up the pollution.
- (f) *Alterations to Sanitary Facilities.* In all areas of the Sandy Area Watershed:
  - (1) No person may alter any existing receptacle for human excreta without first having the plans for such alteration approved by the Director and Health Director.
  - (2) No person may construct or install any new receptacle for human excreta without first having the plans for such alteration approved by the Director and Health Director.
  - (3) In all cases, receptacle for human excreta shall be operated and maintained in a manner approved by the Director and Health Director.
  - (4) Failure to operate a receptacles for human excreta in the manner prescribed by the Director and Health Director will result in penalties and fines against the owner of the receptacle.
- (g) *Human Waste Disposal.* It is unlawful for any person, other than the Health Director or his designee, to collect or dispose of human waste within the watershed areas described in this section without a permit from the Health Director, and no such permit shall be granted to any person except a licensed scavenger and then only with the equipment that has already been approved for such work by the Health Director.

(h) *Hauling of Human Waste.* Effluent from all receptacles for human excreta must be hauled by a scavenger licensed by the Health Director, and must be hauled to an approved sewage disposal site at the cost of the owner or occupant. The licensed scavenger hauling the effluent from the receptacle and the owner of the receptacle shall use due care to prevent contamination of any spring, marsh, watercourse, water source or reservoir within the Sandy

Area Watershed. The licensed scavenger shall haul the effluent in a transportable receptacle with a tightfitting cover, securely fastened during the process of removal to the place of ultimate disposal.

(i) *Livestock and Domestic Animals.*

- (1) Except as provided herein, no livestock or domestic animals are allowed in the Sandy Area Watershed on trails or in areas above any drinking water diversion point. All domestic animal waste shall be picked up and removed from the Sandy Area Watershed.
- (2) Whenever any loose livestock or domestic animals are found within the Sandy Area Watershed, the City may impound the animals and deal with them according to law.
- (3) Owners or tenants of residences located within the Sandy Area Watershed must keep domestic pets/livestock on the owner's property, must house and/or fence domestic animals in a clean and sanitary condition at all times, must clean up all fecal waste on a regular basis, and must dispose of it in an acceptable manner, all subject to applicable ordinances of the City.
- (4) The regulations of this section are intended to supplement, and not conflict with or supersede, the regulations of the Town of Alta, Salt Lake City and the U.S. Forest Service applicable to Little Cottonwood Canyon and other portions of the Sandy Area Watershed governing livestock and domestic animals, and all other applicable watershed protection regulations.

(j) *Camping and Campfire Restrictions.*

- (1) No Person may camp overnight within the Sandy Area Watershed except within developed camping areas or by U. S. Forest Service permit in the back country. The campsite must be at least one-half mile from any access or other roadway, and at least 300 feet from any spring, stream or other water source.
- (2) All cooking, washing, bathing and burial of human wastes must be at least 300 feet from all Watercourses and established trails. All trash must be carried out of the Sandy Area Watershed.
- (3) All hiking must be limited to established trails in areas so posted.
- (4) Campfires must be located only in developed campgrounds or established fire rings on U.S. Forest Service property.
- (5) In the Sandy Area Watershed, the Director may:
  - a. Establish areas in which making or having campfires or bonfires is unlawful;
  - b. Prohibit smoking, except in designated areas; and
  - c. Designate day-use only areas.

(k) *Fireworks Restrictions.* The Director may impose restrictions and/or prohibitions on the possession and use of fireworks in the Sandy Area Watershed.

(l) *Canyon-Specific Regulations.* The Director may establish special rules and regulations on a canyon-by-canyon basis in the Sandy Area Watershed to accommodate the specific circumstances of the canyons located in the watershed.

(m) *Penalties.* Any person guilty of conduct proscribed in this section will be guilty of a Class B misdemeanor.

(Revised Ords. 1978, § 14-6-2)

## Title 17-9

**STORMWATER****CHAPTER 9-1. ILLICIT DISCHARGE AND EROSION CONTROL****Sec. 9-1-1. Purpose.**

The purpose of this chapter is to protect the health, safety and welfare of Sandy City, its inhabitants, and downstream entities through the improvement of the storm drain portion of the City's stormwater system by managing and controlling stormwater runoff, protecting property, preventing polluted water from entering the City's stormwater system and other receiving waters to the maximum extent practicable as required by federal and state law. The objectives of this chapter are:

- (1) To minimize entrance of pollutants to the City's storm drain system;
- (2) To prohibit illicit connections and discharges to the City storm drain system;
- (3) To guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of earth on land within the City;
- (4) To minimize increases in non-point source pollution caused by stormwater runoff from development, this would otherwise degrade local water quality;
- (5) To reduce the amount of stormwater runoff, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
- (6) To establish a viable and fair method of financing the construction, management, operation and maintenance of the storm drain system;
- (7) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this chapter;
- (8) To establish a penalty procedure for violations of this chapter; and
- (9) To enable the City to comply with the state and federal laws and regulations

(Revised Ords. 1978, § 17-1-1)

**Sec. 9-1-2. Definitions.**

~~For the purposes of this ordinance, the following shall mean:~~ The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Authorized Enforcement Agent* means the City Public Utilities Director ("Director") and/or any individual designated by the Director or the provisions of this chapter, as an Authorized Enforcement Agent designated to enforce this chapter.
- (2) *Best management practices (BMPs)* Include schedules of activities, practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (3) *City* means Sandy City, Salt Lake County, Utah, with associated jurisdiction.
- (4) *Clean Water Act* means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117, enacted at 33 USC 1251 et seq., and any subsequent amendments thereto.

- (5) *Construction activity* means activities subject to the National Pollutant Discharge Elimination System (NPDES) Construction Permits. ~~These Construction activities~~ include construction projects resulting in land disturbance of one acre or more, or will disturb less than one acre but are part of a larger common plan of development. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.
- (6) *Conveyance system* means any channel or pipe for collecting and directing the stormwater.
- (7) *Culvert* means a covered channel or pipe that directs water flow below the ground surface.
- (8) *Degradation* means:
  - a. *Biological or chemical*. The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide.
  - b. *Geological*. Wearing down by erosion.
  - c. *Water*. The lowering of the water quality of a watercourse by an increase in the amount of pollutants.
- (9) *Detention*. Stormwater detention is temporary storage of a stormwater runoff volume for subsequent release. Examples include detention basins as well as temporary detention in parking lots, depressed grassy areas, etc.
- (10) *Detention basin* means a depression to treat and detain or slow down the flow of stormwater until downstream facilities have sufficient flow capacity to handle the flow. A detention basin consists of an inlet, an outlet, the storage basin itself, and piping between. The intent of the design of the basin and its improvements are that it is to be designed and improved in such a way as to be an asset to the neighborhood and community.
- (11) *Development* means any manmade change to the land, including, but not limited to, site preparation, landscaping, filling, grading, paving, excavation, and construction of buildings or other structures.
- (12) *Discharge* means the release of stormwater or other substance from a conveyance system or storage container.
- (13) *Disturb* means to alter the physical condition, natural terrain, or vegetation of land by clearing, grubbing, excavating, filling, building, or other construction activity.
- (14) *Drainage* means the collection, conveyance, containment, and/or discharge of surface water and stormwater runoff.
- (15) *Equivalent residential unit (ERU)* means a configuration of development, or impervious surfaces on a parcel, contributing runoff to the city's stormwater system or which represents the estimated use of the system that is approximately equal to that contributed by a single-family residential parcel. A single-family residential parcel has been determined to contain an average of 2,816 square feet of impervious surface. One ERU is equal to 2,816 square feet of impervious surface area.
- (16) *Erosion* means the wearing away of land surface by wind, water, ice, gravity, or mechanical processes, including vehicular traffic. Erosion occurs naturally from weather or runoff but can be intensified by land clearing practices related to farming, residential or industrial development, road building, clearing of vegetation, or recreational activities including OHV use, hiking, equestrian, etc.
- (17) *Fill* means a deposit of earth material placed by artificial means.
- (18) *Grading* means the cutting and/or filling of the land surface to a desired slope or elevation.
- (19) *Illicit connection* means any physical connection to a publicly-maintained storm drain system allowing discharge of non-stormwater which has not been permitted by the public entity responsible for the operation and maintenance of the system.
- (20) *Illicit discharge* means any direct or indirect non-stormwater discharge to the storm drain system, except discharges from firefighting activities and other discharges exempted in this chapter.

- (21) *Infiltration* means the downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.
- (22) *Inlet* means an entrance into a ditch, culvert, storm drain, or other waterway.
- (23) *Mulch* means a natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.
- (24) *National Pollutant Discharge Elimination System (NPDES)* means EPA's program to control the discharge of pollutants to waters of the United States.
- (25) *Non-point source* means pollution caused by diffuse sources (not a single location such as a pipe), such as agricultural or urban runoff.
- (26) *NPDES permit* means an authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.
- (27) *On-site* means the entire property that includes the proposed development.
- (28) *Plat* means a map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.
- (29) *Point source* means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, platform, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- (30) *Pollutant* means, generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (31) *Post-construction stormwater maintenance agreement* means a recorded document which provides for long-term maintenance of stormwater management practices of private facilities. Agreements for commercial property are to be recorded with the property. Agreements for residential property are to be referenced in and recorded with the restrictive covenants of the Home Owners' Association (HOA).
- (32) *Public Utilities Department* means the Sandy City Public Utilities Department.
- (33) *Receiving waters* means bodies of water or surface water systems that receive water from upstream constructed (or natural) systems.
- (34) *Retention* means the holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.
- (35) *Riparian* means a relatively narrow strip of land that borders a stream or river.
- (36) *Runoff* means that part of precipitation, snowmelt, or irrigation water that runs off the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.
- (37) *Sandy City Development Standards and Requirements for Stormwater* means current Sandy City stormwater standards and requirements as adopted by the City.
- (38) *Source control* means a practice or structural measure to prevent pollutants from entering stormwater runoff or other environmental media.
- (39) *Storm drain inlet* means a slotted opening and/or curb opening leading to an underground pipe or open ditch for carrying surface runoff.

- (40) *Storm drain system* means a system of surface and underground conveyance, consisting of curb and gutter, street surface, inlet and clean-out boxes, piping, open channels and detention basins, ditches, channels, storm drains, retention basins, owned and operated by the City or private owners, which is designed and used to convey or collect stormwater.
- (41) *Stormwater* means rainfall runoff, snow melt runoff, and drainage. ~~It~~ Stormwater excludes infiltration.
- (42) *Stormwater Pollution Prevention Plan (SWPPP)* means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters. This plan must be prepared prior to obtaining a general state construction stormwater permit.
- (43) *Street* means the entire area of the right-of-way, whether public or private, including curb, gutter, sidewalk, drive approaches, parkstrips, and surface area.
- (44) *Utah General Construction Permit (UGCP)* means permit required by the Utah Department of Environmental Quality, Division of Water Quality for construction in Utah.
- (45) *Utah Pollution Discharge Elimination System (UPDES)* means the State/National program for issuing, modifying, revoking and reissuing, ~~termination-terminating~~, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
- (46) *Waters of the United States* means surface watercourses and water bodies as defined in 40 CFR 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.
- (47) *Wetland* means an area that is regularly saturated by surface water or ground water and subsequently characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples of wetlands include, but are not limited to, swamps, bogs, marshes, and estuaries.

(Revised Ords. 1978, § 17-1-2)

### **Sec. 9-1-3. Applicability.**

This chapter shall apply to all water entering or having potential to enter the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an Authorized Enforcement Agent.

(Revised Ords. 1978, § 17-1-3)

### **Sec. 9-1-4. Responsibility of Administration.**

Except as otherwise provided herein, the Public Utilities Department shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the Authorized Enforcement Agent may be delegated by the Director of Public Utilities to persons or entities acting in the beneficial interest of or in the employ of the Department.

(Revised Ords. 1978, § 17-1-4)

### **Sec. 9-1-5. Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(Revised Ords. 1978, § 17-1-5)

### **Sec. 9-1-6. Development Standards and Requirements.**

(a) Design of stormwater facilities for new development and redevelopment shall be completed in accordance with the following:

- (1) Stormwater Ordinance.

- (2) Land Development Code.
- (3) Sandy City Standard Specifications and Details.
- (4) Development Standards and Requirements for Stormwater.
- (5) Jordan Valley Municipalities Permit (Permit UTS000001), where required.
- (6) Utah General Construction Permit (Permit UTRC00000), where required.
- (b) To the extent there is any conflict, the following shall control in the order set forth:

- (1) Utah General Construction Permit and Jordan Valley Municipalities Permit.
- (2) Stormwater Ordinance and Land Development Code.
- (3) Sandy City Standard Specifications and Details.
- (4) Development Standards and Requirements for Stormwater.

(c) The City adopts as its Best Management Practice Manuals the publications identified in the Development Standards and Requirements for Stormwater.

(d) As part of the Jordan Valley Municipalities Permit, the City encourages a low impact development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use the stormwater for the site to protect water quality.

- (1) All development that warrants compliance with the Utah General Construction Permit (UGCP) regulation must include an LID analysis as defined in the Development Standards and Requirements for Stormwater.

(e) A Post-Construction Stormwater Maintenance Plan must be prepared and submitted with the plans for approval for all privately-owned or -maintained facilities that warrant compliance with the UGCP regulation, according to the Sandy City Development Standards and Requirements for Stormwater.

(f) The owner of a development that warrants compliance with the UGCP regulation must submit a signed stormwater maintenance agreement using the Sandy City agreement template according to the Sandy City Development Standards and Requirements for Stormwater. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the HOA.

(Revised Ords. 1978, § 17-1-6)

#### **Sec. 9-1-7. Illicit Discharges.**

No person shall discharge or cause to be discharged into the City storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards other than stormwater.

- (1) The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as ~~described as follows~~:
  - a. Water line flushing or other potable water sources;
  - b. Landscape irrigation or lawn watering;
  - c. Diverted stream flows;
  - d. Rising groundwater;
  - e. Groundwater infiltration to storm drains;
  - f. Uncontaminated pumped groundwater;
  - g. Foundation or footing drains (not connected to floor drains);
  - h. Crawl space sump pumps;
  - i. Air conditioning condensation;

- j. Springs;
  - k. Individual residential washing of vehicles;
  - l. Natural riparian habitat or wetland flows;
  - m. Swimming pools (if de-chlorinated—typically less than one PPM chlorine);
  - n. Emergency firefighting activities; and
  - o. Discharges specified in writing by the Authorized Enforcement Agent as being necessary to protect public health and safety.
- (2) Dye testing is an allowable discharge, but requires a verbal notification to the Authorized Enforcement Agent prior to the time of the test.
  - (3) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
  - (4) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the City's storm drainage system.
  - (5) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway for the travel of the general public.
  - (6) No vehicle loaded with garbage, waste paper, ashes, refuse, trash, rubbish, waste, lawn cuttings, tree limbs, wire, paper, cartons, boxes, glass, solid waste, scrap metal, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street or other public place.
  - (7) No person shall operate any vehicle so as to track or drop mud, stones, dirt, concrete, gravel or other similar material onto public streets. It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, concrete, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street or other public place to immediately remove the same or cause it to be removed. It shall be the duty of the driver of any vehicle to clean the tires and vehicle undercarriage of dirt or debris before the vehicle enters onto a paved surface public right-of-way.
  - (8) No person shall discharge waste concrete or concrete truck rinse water except into pre-approved discharge facilities or designated areas. Dumping of excess concrete shall not be allowed.
  - (9) No person shall stockpile construction or yard improvement materials or debris in the street or in the gutter unless it is part of the City-approved clean-up program, or unless it is being stored in a self-contained storage unit that has been pre-approved by the Public Utilities Department. This includes, but is not limited to, ramps being constructed for temporary access across the existing curb and gutter; stockpiling of topsoil or other fill material; and stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution to the stormwater system. An exception to this prohibition must be expressly granted to the applicant in the approved SWPPP. All other persons or entities, where a SWPPP is not required, desiring to create a temporary ramp for construction, landscape, or other purposes, may use a gravel ramp of one inch gravel or larger, in combination with a mechanism approved by the City Engineer for seeing that the gravel does not enter into the City's storm drain system. The ramp shall be removed immediately after the development activity ceases or upon notice from the City to do so, whichever occurs first.

(Revised Ords. 1978, § 17-1-7)

**Sec. 9-1-8. Construction.**

(a) *Permits Required.* The following permits shall be required, if applicable:

(1) *State Construction Stormwater Permit.* Any person or business responsible for disturbing one acre or more of ground, or who will disturb less than one acre but is  of a larger common plan of development, shall obtain a State construction stormwater permit (NOI) from the Utah Division of Water Quality. The appropriate fee must be paid to the state. A Stormwater Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the cases provided in ~~Land Development Code (LDC) Chapters 21-15 (Sensitive Areas Overlay Zone), 21-20 (Residential), and 21-23 (Commercial/Industrial)~~ and Title 10—~~Streets and Public Improvements~~ and shall meet the requirements in those sections. The SWPPP shall be managed via an internet-based management system as defined in ~~LDC Chapters 21-15, 21-20, and 21-23~~ and Title 10—~~Streets and Public Improvements~~. Any appropriate fees must be paid.

(2) *Stream Alteration Permit.* A Stream Alteration Permit is filed with the State Department of Natural Resources, Division of Water Rights. This permit overlaps the 404 wetlands permit because it is applicable to the area equal to the stream plus two times the bank's full width up to 30 feet. Any modifications to the stream or banks within this area must comply with the Stream Alteration Permit. A copy of the permit must be submitted to the City prior to the pre-construction meeting for the proposed development. Any appropriate fees must be paid.

(3) *EPA 404 Wetlands Permit.* This permit is filed with the U.S. Army Corps of Engineers. It is applicable for all wetlands within a development. This will apply to all wetlands depending upon the presence of water, soil type, and vegetation as determined in a Wetlands Delineation Report. All waters of the U.S. are affected to the normal high water mark. No fee is typically required for this permit. A letter of non-regulated wetlands may be applicable. Any mitigation that may be required must be done prior to recording a final plat. A copy of the permit must be submitted to the City prior to the pre-construction meeting for the proposed development. Any appropriate fees must be paid.

(b) *Exemptions.* A State Construction Stormwater Permit is not required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) *Application Review Fees.* The fee for review of the SWPPP shall be established by the Sandy City Council in the City's consolidated fee schedule. The fees shall be paid prior to the issuance of any building permit or construction activity for the development.

(d) *Waivers for Providing a SWPPP.* Every development shall provide a SWPPP as required by this chapter and State regulation, unless a waiver is obtained following a written request being filed to waive this requirement. Requests to waive the SWPPP requirements shall be submitted to the Public Utilities Department for approval.

(1) The minimum requirements for a SWPPP may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter.

b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a SWPPP that has been approved by the Public Utilities Department and the implementation of the plan is required by local ordinance.

c. The Public Utilities Department finds that meeting the minimum on-site pollution prevention plans are not feasible due to the natural or existing physical characteristics of a site.

d. Non-structural practices will be used on the site that reduces:

1. The generation of stormwater from the site;

2. The size and cost of stormwater storage; and
3. The pollutants generated at the site.

- (2) In instances where one of the conditions above applies, the Public Utilities Department may grant a waiver from compliance with these SWPPPs, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate, to the satisfaction of the Public Utilities Department, that the variance will not result in the following impacts to downstream waterways:
- a. Deterioration of existing storm drains, culverts, bridges, dams, and other structures;
  - b. Degradation of biological functions or habitat;
  - c. Accelerated stream bank or streambed erosion or siltation;
  - d. Increased threat of flood damage to public health, life, and property.

(e) *Review and Approval.* The Public Utilities Department will review each SWPPP to determine its conformance with the provisions of this regulation. Within 14 working days after receiving the plans, the Public Utilities Engineering Department shall, in writing:

- (1) Approve the SWPPP;
- (2) Approve the SWPPP subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue approval subject to these conditions; or
- (3) Disapprove the SWPPP, indicating the reasons and procedure for submitting a revised plan and/or submission.

(f) *Review of Online SWPPP Management System and Inspection.* Regular review of the online SWPPP management system and field inspections will primarily be conducted by the Sandy City Public Utilities Inspectors to confirm that construction work is being performed in accordance with SWPPP, NOI, and UGCP requirements. Additional inspections may be conducted by the City Public Works Inspectors, the City Building Inspectors, the City Ordinance Enforcement Officer or other designated agents as appointed by the Public Utilities Department.

(g) *As-Built Plans.* All applicants are required to submit actual as-built plans for any stormwater management practices facility located on-site after final construction is completed that are not consistent with the original approved plans. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the Public Utilities Department is required before the release of any performance securities can occur.

(h) *SWPPP Compliance.* All stormwater quality practices shall comply with the approved SWPPP, NOI, and UGCP requirements to ensure the system functions as required and was designed. If a responsible party fails or refuses to meet the requirements of the SWPPP, the Public Utilities Department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Public Utilities Department shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the Public Utilities Department may cause the work to be done and assess the owners of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the County Assessor.

(Revised Ords. 1978, § 17-1-8)

### **Sec. 9-1-9. Notification of Illicit Discharge.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event

of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Sandy City Public Utilities Department, 10000 Centennial Parkway, Sandy, UT 84070, within three business days of the phone notice.

(Revised Ords. 1978, § 17-1-9)

**Sec. 9-1-10. Enforcement and Penalties.**

(a) *Stop-Work Order.* In the event that any person or any holder of a State-issued Construction Stormwater permit pursuant to this chapter violates the terms of the permit, any provision of this chapter, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Public Utilities Department may issue a stop-work order, such that no further work on the development shall be performed or approved, until otherwise authorized by the Public Utilities Department.

(b) *Violation and Penalties.* In addition to the above, the City may avail itself of any of the following non-exclusive remedies to enforce this chapter:

- (1) *Notice and Order.* Whenever the Public Utilities Department finds that a person or entity has violated a prohibition or failed to meet a requirement of this chapter, the Public Utilities Department may order compliance by written Warning Notice or Notice of Violation to the responsible persons. Such notice may require, without limitation:
  - a. The performance of monitoring, analyses, and reporting;
  - b. The elimination of illicit connections or discharges;
  - c. That violating discharges, practices, or operations shall cease and desist;
  - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - e. Payment of a fine to cover administrative and remediation costs;
  - f. The implementation of source control or treatment BMPs; and
  - g. The immediate removal of mud, dirt, or debris left by any vehicle on a street within the City that drains into the City's storm drain system.
- (2) *Nuisance Abatement.* The violation of Subsection (b)(1)g of this section may also be declared and treated as a nuisance and enforced by one of the City's inspectors or Code Enforcement Officers. Each day of violation shall constitute a separate offense.
- (3) *Criminal Penalties.* Any person knowingly, recklessly, or intentionally violating the provisions of this chapter shall be deemed guilty of a Class B misdemeanor and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted, shall constitute a separate offense. City employees in the performance of their assigned duties and responsibilities shall be exempted from any criminal penalty violation.
- (4) *Responsibility.* For the purpose of this chapter, the following persons or entities shall be considered responsible for leaving mud, dirt, or debris on a street within the City:
  - a. *Driver.* The driver of the vehicle leaving the mud, dirt, or debris; and
  - b. *General Contractor.* The general contractor or owner in charge of the job site from which the mud, dirt, or debris comes.
- (5) *Other Penalties and Remedies.*
  - a. *State Penalties.* Violators of this chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.
  - b. *Other Remedies.* In addition to the remedies listed above for a violation of this chapter, the City

shall have the right to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a 25 percent penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.

(c) *Enforcement Authority.* The City Engineer and Public Utilities Director shall have the authority to issue Warning Notices, Notices of Violation, Stop-Work Orders, and to pursue the civil penalties provided in this section. Also, according to the Memorandum of Understanding between Salt Lake County and Sandy City, Salt Lake County Health Department (SLCoHD) has authority ~~for to~~ and is responsible for enforcing state laws, administrative rules, local ordinances, standards and regulations relating to public health, sanitation, safety, and environmental quality.

- (1) With issuance of a grading permit, subdivision plan approval, site plan approval, building permit, or road cut permit, the City Engineer and Public Utilities Department shall be permitted to enter and inspect facilities subject to this chapter at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this chapter may result in punitive actions by Sandy City, SLCoHD, Utah State Division of Water Quality or by other means identified in permits or terms set forth in development applications.

(d) *Powers, Remedies and Penalties.* The powers, remedies and penalties provided in this section are in addition to any other power, remedy or penalty allowed by law, and are cumulative and concurrent. The exercise of one power, remedy or penalty does not preclude, nor require, the exercise of any other power, remedy or power.

(Revised Ords. 1978, § 17-1-10)

#### **Sec. 9-1-11. Bond.**

Each applicant shall post a bond at the time any permit for development or construction is issued for the purpose of ensuring compliance with the conditions of this chapter. The bonded amount shall be determined by the City department issuing the permit and may be included in the calculation of any payment, improvements, or repair bond already required as a condition of permit approval, or as a separate bond.

(Revised Ords. 1978, § 17-1-11)

#### **Sec. 9-1-12. Appeals.**

Any person or entity that believes that any provision of this chapter was interpreted or applied erroneously may appeal to the Public Utilities Director ("Director"). The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten working days of the decision, action, or bill being appealed. The Director may elect to hold a hearing on the appeal. The Director shall decide the appeal within ten working days of when the appeal is filed. If the person or entity is not satisfied with the Director's decision, a further appeal may be made to the Mayor (or his ~~or her~~ designee). The appeal to the Mayor shall follow the same procedure as the appeal to the Director. If the person or entity is not satisfied with the Mayor's decision, the person or entity can seek relief from the District Court.

(Revised Ords. 1978, § 17-1-12)

### **CHAPTER 9-2. STORMWATER RATES AND CHARGES**

#### **Sec. 9-2-1. Purpose.**

The purpose of this chapter ~~of the stormwater ordinance~~ is to:

- (1) Provide and maintain fair, equitable and nondiscriminatory rates and charges for a stormwater system and related services which will generate sufficient revenues for operating, improving and maintaining the stormwater system at a level commensurate with stormwater management needs. The rates and charges previously set shall be modified, when necessary, by considering needed revenues, the amount of impervious surface on developed parcels and the respective stormwater runoff characteristics of the parcel, and ~~apply~~ said rates and charges shall apply consistently for the same class of customers; and

- (2) Establish a policy whereby present and future rates and charges for this service should be fixed with consideration of the difference in cost fairly allocated to the various customers based upon such factors as the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the stormwater system; the quantity of the runoff generated; and other factors which present a reasonable basis for distinction, and which will allow for management of the stormwater system in a manner that protects the public health, safety and welfare.

(Revised Ords. 1978, § 17-2-1)

**Sec. 9-2-2. Stormwater Utility Created.**

Ordinance 80-19, "Storm Sewer Drainage Utility," was adopted by Sandy City in 1998 and formed the Storm Sewer Drainage Utility ("Utility"). The Utility is herein modified and made a part of this chapter and shall be known from this day forward as the Sandy City Stormwater Rates and Charges Ordinance.

(Revised Ords. 1978, § 17-2-2)

**Sec. 9-2-3. Ownership of City Stormwater Facilities and Assets.**

All of the City's stormwater collection system and stormwater facilities and structures (collectively "stormwater facilities") have been transferred to and made a part of the stormwater system. The stormwater system shall operate, maintain and improve all city stormwater facilities used for the conveyance of stormwater, through, under or over lands, watercourses, beginning at a point where stormwater first enters the stormwater system of the city and ending in each instance at a point where the stormwater exits from the system. Governmentally-owned streets and stormwater facilities operated and maintained by, or for, the State or County shall not be deemed stormwater facilities.

(Revised Ords. 1978, § 17-2-3)

**Sec. 9-2-4. System of Rates and Charges.**

(a) *Service Fees Imposed.* The City will, by resolution of the City Council and upon recommendation of the Public Utilities Advisory Board, impose stormwater fee rates and charges on each parcel of real property within the City except governmentally-owned streets and stormwater facilities operated and maintained by, or for, Salt Lake County or the State of Utah. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future stormwater facilities.

(b) *Method of Determining Contribution of Stormwater.*

- (1) Contributions of stormwater from nonresidential parcels and residential parcels larger than duplexes have been ascertained through aerial photography by evaluating land surface and measuring the amount of impervious surface.
- (2) Contributions of stormwater from residential parcels up to and including duplexes have been ascertained to be 2,816 square feet, or one ERU, by random sampling the amount of residential impervious areas.

(c) *Method of Determining Service Fee Rates.* Stormwater service fees shall be assessed on each parcel of real property within the City (including City-owned properties), except government-owned streets and County stormwater facilities. Service fees shall be established by resolution of the City Council and shall be differentiated according to the following classifications:

- (1) *Residential Parcels.* Single-family residential and duplex parcels shall constitute one ERU per month.
- (2) *Undeveloped Parcels.* Any parcel that has not been altered by grading, filling or construction and which has less than five percent impervious surface shall have no charges assessed.
- (3) *Other Parcels.* Charges for all other parcels shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs are calculated by dividing total square feet of impervious surface by 2,816 (one ERU), rounded to the nearest whole number.
- (4) *Credit for On-Parcel Mitigation.* Nonresidential parcels with mitigating stormwater facilities (e.g., approved on-site detention/retention of stormwater, approved discharge of stormwater through a sewer

connection or other approved and complete on-site detention methods that meet the City's design and maintenance standards) may be eligible for a service fee credit. The parcel's owner or agent must make application for this credit to the Director. The amount of credit is based on the following formula:

$$P=30+70(Qr/Qp)$$

Formula symbols have the following meaning:

P = Percentage of storm drainage fees to be applied to the parcel;

30 = Percentage representing Utility's fixed operation and maintenance costs;

70 = Percentage representing costs for Utility's capital improvement program;

Qr = Restricted stormwater discharge from a parcel;

Qp = Peak stormwater discharge from the same parcel that would result if the mitigating facilities were not in place. The Director may, if requested, provide a complete on-site mitigation evaluation at the expense of the parcel's owner or authorized agent.

- (5) *Credit for Regional Stormwater Mitigation.* Nonresidential parcels with mitigating stormwater facilities, that serve the City's regional stormwater needs as prescribed by the Stormwater Master Plan and utilizing methods that meet the City's design and maintenance standards, may be eligible for a service fee credit. The credit may be granted if property owners have not already been compensated for or agreed to construct the facilities as part of the development process. The parcel's owner or agent must make application for this credit to the Director. If a request for mitigation credit is granted, the credit shall be applied to all charges from the time of the appealed billing, and will be reflected on the next billing 30 days after appeal is granted.
- (6) *Low Income Relief.* A single-family residential parcel owner, who qualifies for the City's low income relief, as determined by resolution of the City Council and set forth in the fee schedule, may also be eligible for a reduction in the service charge for their parcel.

(Revised Ords. 1978, § 17-2-4)

#### **Sec. 9-2-5. Billing and Collection.**

(a) *Stormwater System Special Revenue Fund.* The original Storm Sewer Drainage Ordinance created the Storm Sewer Drainage Fund. This chapter maintains the purpose and intent of the original ordinance and continues the Special Revenue Fund, which shall now be known as the Stormwater System Fund (a Special Revenue fund). All revenues received from storm drainage user fees shall be placed in the Special Revenue fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting, and expenditure of all stormwater funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

(b) *Billing.* The City shall bill property owners for stormwater services. Billing amounts shall be included as a separate line item on utility bills. A billing will also be sent to owners of parcels within the city who are not City utility customers.

(c) *Collection.* Partial payments on a combined utility bill shall be applied consistent with the billing procedures established by the City. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action. Pursuant to U.C.A. 1953, § 10-8-38, the City may cause the water service to the property to be shut off for failure to pay for the stormwater service furnished, as set forth on the billing.

(Revised Ords. 1978, § 17-2-5)

#### **Sec. 9-2-6. Appeal of Charges.**

(a) Any customer who disagrees with the stormwater system user fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than 30 days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee and may approve or disapprove an adjustment. In all cases, the Director's decision shall be final, unless appealed.

(b) An appeal of a Director's decision must be filed in writing with the Mayor within 30 days after the customer receives notice by certified mail of the Director's decision. Decision of the Mayor shall be final and conclusive.

(c) If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

(Revised Ords. 1978, § 17-2-6)

PROOFS

Title ~~13~~-10**STREETS AND PUBLIC IMPROVEMENTS\***

\***State law reference**—General authority relative to streets, U.C.A. 1953, § 10-8-8 et seq.

**CHAPTER 10-1. EXCAVATION PERMIT****Sec. 10-1-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Abutting property owner* means the owner of a parcel of property that has a common property line with the property in question. The property is considered abutting regardless of the length of the common property line.
- (2) *Applicant* means any person who makes application for a permit.
- (3) *Business* means any place in the City in which there is conducted or carried on principally or exclusively any pursuit or occupation for profit.
- (4) *City* means Sandy City, a municipal corporation of the State of Utah.
- (5) *Emergency* means any unforeseen circumstances or occurrence, the existence of which constitutes an immediate and substantial danger to persons or property, or which causes interruption of utility or public services.
- (6) *Engineer* means the City Engineer, or his/~~her~~ authorized representative.
- (7) *Fee schedule* means the standard fee schedule adopted by the Sandy City Council as a part of its annual budget process.
- (8) *MUTCD* means the most recent edition of the "Manual on Uniform Traffic Control Devices," published by the U.S. Department of Transportation Federal Highway Administration.
- (9) *No-fee permit* means a permit issued which does not require the payment of a fee where the requirements for such a permit are met. When the Engineer determines that work being done in the public way is:
  - a. Being done by the private property owner in the public way adjacent to the owner's property;
  - b. Non-destructive in nature; or
  - c. ~~Is~~ Being done on a public works-sponsored project.
- (10) *Operator* means any person who provides service over a system, or who otherwise controls or is responsible for the operation of such a system.
- (11) *Permittee* means any person which has been issued a permit to work in the public way.
- (12) *Person* means and includes any natural person, partnership, firm, association, provider, corporation, company, organization, or entity of any kind. "His," "her," "its" and similar possessive pronouns shall refer to a person.
- (13) *Property owner* means ~~a person or~~ persons who have legal title or equitable interest in the property.
- (14) *Provider* means an operator, a reseller of services through a system, a system lessee, or a Public Utility Company.
- (15) *Public Utility Company* means any business organization subject to the jurisdiction of the Utah State Public Service Commission, or any person or entity providing gas, electricity, water, telephone, telecommunications, or other similar utility product or services for use by the general public or businesses.

- (16) *Public way* means and includes all public rights-of-way, public footpaths, walkways and sidewalks, public streets, public roads, public highways, public alleys, and public drainage ways in the City. ~~The term "public way"~~ does not, however, include utility easements not within public ways of the City.
- (17) *Resident* means the person ~~or persons~~ currently making his ~~or her~~ home or having an office or physical place of business in Sandy City.
- (18) *Road base* means a uniform grade of base material suitable for use in the construction of roadways, sidewalks and other public improvements.
- (19) *Sandy City Standard Specifications* or *Standard Specifications* means the latest published version of the Sandy City Standard Specifications and Details for Municipal Construction.
- (t) *Stop-work order* means a suspension or revocation of a permit, either oral or written, by the Engineer to the person performing the work in the public way.
- (20) *Storm drain* means a dedicated pipe, conduit, waterway, or ditch and related facilities installed in a right-of-way or easement for the transmission of storm and drainage water. ~~This~~ The term "storm drain" does not include private drain lines.
- (21) *Subscriber* means a person who has a contract for a service provided by a telecommunications provider.
- (22) *System* means all conduits, manholes, and all other equipment, cable, wire and appurtenances owned, leased, or used by a provider in the construction, ownership, operation, use or maintenance of a telecommunications, cable television, or public utility system.
- (23) *Work*, when used in reference to the public way, means construction, reconstruction, excavation, drilling, trenching, paving, crack sealing, altering the public way, or constructing, installing, reconstructing, repairing, inspecting, removing, any public utility or telecommunications structure, appurtenance or facility, or other part of a system in the public way, or performing any act or service related thereto within the public way. The term "work" shall not include the following when performed in the public way abutting real property of and performed by or at the direction of a property owner with a real or equitable interest in real property: sweeping or blowing leaves, grass, trash, or debris; shoveling, clearing or removing snow or ice; landscaping or landscape maintenance, including, but not limited to, planting, removing, mowing, edging, trimming of grass, bushes, or trees within a parkstrip or other non-traveled parts of the public way; or hand digging excavations for installation or repair of sprinkler systems.
- (24) *Work site restoration* means the restoration of the original ground or paved hard surface, existing facilities or landscaped area to comply with Sandy City Standard Specifications, and includes, but is not limited to, repair, cleanup, backfilling, compaction, stabilization, paving and other work necessary to place the site in acceptable condition following the conclusion of the work, or the expiration or revocation of the permit.

(Revised Ords. 1978, § 13-1-1)

#### **Sec. 10-1-2. Permit Required, Basis for Issuance.**

Any person desiring to perform work in a public way within the City shall make application for a permit. Acceptance of the permit issued by the City and work in the public way constitute an acceptance of the terms of the permit and a promise to comply with the terms of this chapter. The decision by the City to issue a permit shall be based on consideration of the following issues:

- (1) The capacity of the public way to accommodate the facilities or structures proposed to be installed.
- (2) The risk of damage or disruption to public or private facilities, improvements, or landscaping in the public way.
- (3) The public interest in minimizing the cost and disruption of construction from excavations of the public way.
- (4) The public interest in maintaining a reserve capacity in the public way for the installation of public utilities and other facilities which may need to be placed in the public way in the future.

- (5) The extent that the proposed work will interrupt traffic.
- (6) The applicant's record in respect to safety, responsibility, and compliance with this chapter or other municipal ordinances or state statutes respecting work in public rights-of-way during the previous five-year period.
- (7) Other considerations relevant to work in the public way.

(Revised Ords. 1978, § 13-1-2)

### **Sec. 10-1-3. Permit Application Requirements.**

Application for a permit shall be completed and signed by the applicant and filed with the Engineer on a form furnished by the City. Property owners and/or tenants for whom work is being done shall be responsible for obtaining the permits; provided, however, that a contractor performing the work may obtain the permit in the contractor's name.

- (1) *Allowed Permits.* No person shall be eligible to apply for or receive permits to do work within the public ways of the City, except the following:
  - a. Construction contractors licensed by the State of Utah as general contractors;
  - b. A provider holding a Sandy City franchise to use the public way, or who is either licensed by the State of Utah as a general contractor, or which uses a general contractor licensed by the State of Utah to perform the work;
  - c. A property owner who installs, replaces, or maintains sidewalk or driveway approaches or other similar work approved by the Engineer upon a portion of the public way adjacent to real property in which the property owner has a legal or equitable interest;
  - d. A person offering a construction-related or real property-related service which requires occupation of the public way in a way other than as normal vehicular traffic, such as work requiring the erection of scaffolding, staging of a crane, installation or maintenance of electric signs, glass or awnings, trimming of trees, and painting or cleaning of buildings or sign boards or other structures, or similar work.
- (2) *Plans, Drawings, Specifications.* When necessary, in the judgment of the Engineer, to assess the relationship of the work proposed to existing or proposed facilities within the public way, or to determine whether the work proposed complies with the Specifications, the Engineer may require the filing of engineering plans, specifications and drawings, and may suspend the work in the public way or delay issuance of a permit until such items are received and the work is approved.
- (3) *Approved Application Required.* It shall be unlawful for any person to commence work upon any public way until the Engineer has approved the application and until a permit has been issued for such work, except as specifically approved to the contrary pursuant to this chapter, or the Specifications.
- (4) *Traffic Plan.* Prior to the City issuing a permit, a Traffic Plan must be submitted by the permittee for review and approval by the City Traffic Engineer or his designee. The Traffic Plan shall, at a minimum, conform to the current MUTCD, and must be approved prior to performing work in, or any occupation of, the public way.
- (5) *Appeal.* The disapproval, denial, suspension or revocation of an application or permit, or the imposition of conditions by the Engineer, may be appealed by the applicant to the Public Works Director by filing of a written notice of appeal within ten days of the action of the Engineer setting out the applicant's name, mailing address, daytime telephone number, the decision appealed from, the relief sought, and facts, documents or evidence supporting the appeal, and a short statement of the reasons and legal authority in support of the appeal. The City shall notify the Applicant of the date and time of the appeal hearing, at which the applicant shall have an opportunity to be heard. The Public Works Director or his designee shall hear such appeal, and shall render his ~~or her~~ decision promptly, but in any case within ten days of the hearing, or if no hearing is requested, then within ten days of the City's receipt of such written appeal.

- (6) *Protect the Public Health, Safety and Welfare.* In approving or disapproving work within any public way, or permits therefor, in the inspection of such work; in reviewing plans, drawings or Specifications; and generally in the exercise of the authority conferred upon him~~her~~, the Engineer or his designee shall act in such manner as to preserve and protect the public health, safety and welfare, the public way, and the use thereof.
- (7) *Preconstruction Meeting.* At the discretion of the Engineer, when trench length will equal or exceed 350 linear feet within the public way, the permittee may be required to schedule and attend a meeting with the City Engineer or his ~~or her~~ designee at the job site prior to construction.
- (8) *Exception for Hand-Digging.* A permit from the Engineer is not required for hand digging excavations for installation or repair of sprinkler systems and landscaping within the non-traveled areas of the public way, as defined in the Sandy City Standard Specifications; however, non-individual business entities must provide prior notification of time and location of work.
- (9) *Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI).* For all projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation, an NOI must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more, or that are part of a larger common plan of development that affects one acre or more. A SWPPP is required to be prepared and submitted to the Public Works Department for review and approval.
- (10) *When SWPPP Required.* A SWPPP is required for the following cases:
  - a. Land disturbing activity that generally disturbs one or more acres of land;
  - b. Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
  - c. Land disturbing activity of less than one acre of land, and if in the discretion of the City such activity poses a unique threat to water quality, air quality, or public health or safety.
- (11) *Use of State SWPPP Template.* Projects subject to UGCP regulation are required to use the State SWPPP template, in order to satisfy State regulation and shall be managed via an Internet-based management system.
- (12) *Meeting Audit Requirements.* The online SWPPP management system shall meet audit requirements of the State of Utah.
- (13) *Review and Approval of SWPPP by Public Utilities Department.* The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the road cut permit.
- (14) *Reports and Data Available Upon Request.* Reports and data shall be made available upon request.
- (15) *Review Access Rights.* City staff shall have viewing access rights to the SWPPP management system web pages.

(Revised Ords. 1978, § 13-1-3)

#### **Sec. 10-1-4. Emergency Work.**

(a) Any person lawfully maintaining pipes, lines, or facilities in the public way may proceed with work upon existing facilities without a permit when emergency circumstances require the work to be done immediately, provided a permit could not reasonably and practicably have been obtained beforehand.

(b) In the event that emergency work is commenced on or within any public way during regular business hours, the Engineer shall be notified within one hour from the time the work is commenced. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and the direction and control of traffic, and shall be responsible for assuring that work is accomplished according to the City Standard Specifications, the MUTCD, and generally recognized ~~safe~~-safety practices in the road construction industry.

(c) Any person commencing emergency work in the public way during any time other than business hours without a permit must immediately notify the City by calling the Valley Emergency Communications Center

(VECC) at its telephone number, which is currently (801)840-4000. The person must thereafter submit an application for a permit during the first hour of the first regular business day on which City offices are open for business after such work is commenced. A permit for such emergency work may be issued and shall be retroactive to the date when the work was begun, at the discretion of the Engineer.

(Revised Ords. 1978, § 13-1-4)

**Sec. 10-1-5. Permit Fees.**

(a) The permittee shall, before issuance of the permit, pay fees for costs associated with the work performed by the City under the permit as outlined in the fee schedule adopted by the City Council. Fees include the cost for reviewing the project and issuing the permit, inspections of the project, deterioration of the public way or diminution of the useful life of the public way, and other costs to the City associated with the work to be done under the permit.

(b) A no-fee permit may be granted by the Engineer when one or more of the following conditions occurs:

- (1) When ~~an~~ abutting property owners are replacing or repairing any kind of existing public facility, such as drive approaches, sidewalk, or any combination thereof;
- (2) When the Engineer determines that the work covered by the permit is an obstruction only, and will not have a detrimental effect on the existing street improvements; or
- (3) When work is being done for a project sponsored by the City Public Works Department.

(c) Additional charges to cover the reasonable cost and expenses of any required engineering review, inspection, and work site restoration associated with each construction project may be charged by the City to each permittee, in addition to the permit fee, in the City Engineer's reasonable discretion.

(Revised Ords. 1978, § 13-1-5)

**Sec. 10-1-6. Permit, Contents, Duration and Extensions.**

(a) Each permit application shall state the starting date and estimated completion date of the work in the public way, based upon factors reasonably related to the work to be performed under the permit, which may include, in addition to other factors related to the work to be performed, the following factors:

- (1) The scope of work to be performed under the permit;
- (2) The need to maintain the safe and effective flow of pedestrian and vehicular traffic on the public way affected by the work in conformity with the MUTCD;
- (3) Protecting the existing improvements to the public way;
- (4) The season of the year during which the work is to be performed, as well as the expected weather, its impact on public safety, and the use of the public way by the public;
- (5) Use of the public way by public travelers, including for extraordinary events anticipated by the City.

(b) The Engineer shall be notified by the permittee of commencement of the work at least 24 hours prior to commencing work.

(c) The permit shall be valid for the time period specified in the permit. If the work is not completed during such period, prior to the expiration of the permit, the permittee may apply to the Engineer for an extension.

(d) If the Engineer determines that the request for extension is reasonable, he ~~or she~~ may extend the permit for a period of time necessary to complete the project.

(Revised Ords. 1978, § 13-1-6)

**Sec. 10-1-7. Permit, No Transfer or Assignment.**

Permits shall not be transferable or assignable except to a parent company or a wholly-owned subsidiary of a permittee, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing herein contained shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this chapter and under the permit. The

permittee must list all subcontractors as additional insureds on the permittee's certificate of liability insurance, or provide the City with certificates of liability insurance for all of the permittee's subcontractors, in accordance with Section 10-1-14.

(Revised Ords. 1978, § 13-1-7)

**Sec. 10-1-8. Compliance with Specifications, Standards, Traffic Control Regulations; Site Permittee Identification.**

(a) The work performed in the public way shall conform to the requirements of the Standard Specifications and the MUTCD, copies of which shall be available from the Engineer, kept on file in the office of the Engineer and shall be open to public inspection during office hours.

(b) Where a job site is left unattended, before completion of the work, signs with minimum two-inch-high letters shall be attached to a barricade or otherwise clearly posted at the site, indicating the permittee's name, or company name, telephone number, and after-hours telephone number.

(c) All excavations shall be conducted in a manner resulting in a minimum amount of interference or interruption of street or pedestrian traffic. Inconvenience to residents and businesses fronting on the public way shall be minimized. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of the permittee's equipment is removed from the site and the excavation has been properly backfilled and a permanent surface or a proper temporary road base surface is in place meeting the Standard Specifications. From sunset to sunrise, all barricades and excavations must be clearly visible by use of adequate signal lights, torches, or other means permitted under the MUTCD. The Police Department and Fire Department shall be notified at least 48 hours in advance of any planned excavation requiring a street closure or traffic detour.

(d) Construction operations shall be conducted in a manner that a practical minimum amount of interference or interruption of roadway traffic will result, except during emergency conditions or unless authorized by the Engineer. Construction operations such as excavation, backfill and pavement restoration on collector or arterial streets are prohibited during peak traffic hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. weekdays and holidays, or other hours set by the Traffic Engineer. Construction operations in the public way scheduled to start before 7:00 a.m. or to finish after 9:00 p.m. require prior approval from the Public Works Director and Salt Lake Valley Health Department. All provisions of the current "Manual on Uniform Traffic Control Devices" (MUTCD) shall be followed.

(e) Except as otherwise allowed in emergency or road closure situations, the Public Works Department shall be notified by the permittee not less than 48 hours prior to commencing work in the public way. The phone number for such calls is (801) 568-2999. The following information may be provided by phone or in writing: permit number, name, and telephone number of the permittee, date/time work is to commence and cease, and location of work.

(f) The permittee shall perform work in accordance with the SWPPP and NOI requirements where necessary.

(g) The permittee shall control mud, dust and debris at the work site according to the Stormwater Ordinance, Development Code and Standard Specifications, and public ways at all times and shall prevent mud, dust and debris from entering roads and neighborhoods near the work site. The permittee or its contractor shall provide containers for and collect and remove debris, and wet down dusty areas with water. The Engineer or Stormwater Inspector may issue a stop-work order if dust and debris is not controlled. A citation may be issued for tracking mud, soil or debris into a public way or for washing any contaminant or debris into any storm drain, ditch, channel, pipe or gutter. To rescind the stop-work order, the Engineer or Stormwater Inspector may require facilities to be installed to prevent further tracking of soil or debris into any public way.

(h) Any work performed from October 15 until the following April 15 shall be subject to conditions for winter work outlined in the Specifications, including the installation of a temporary patch during this period, and removal and replacement with a permanent patch promptly after April 15 as soon as conditions allow permanent patching.

(Revised Ords. 1978, § 13-1-8)

### **Sec. 10-1-9. Other Highway Permits.**

Holders of permits for work on roads or highways controlled by other government entities, but located within the City limits, shall not be required to obtain permits from the City under the provisions of this chapter, unless the work extends outside of the public way beyond the back side of the curb of such roads, or beyond any other designated jurisdictional boundary. No City permit shall be construed to permit or allow work on another jurisdiction's roadway.

(Revised Ords. 1978, § 13-1-9)

### **Sec. 10-1-10. Work by Other Government Entities.**

Work performed by another government entity (e.g., sewer districts, water conservancy districts, Salt Lake County, Utah State agencies, such as the Utah Department of Transportation, or other municipalities) shall be required to obtain a permit before performing work in the public way. If the work is being done by a subcontractor, normal bonding and insurance requirements apply, as set out in Sections 10-1-14 and 10-1-15. No permit will be required if working on City-owned facilities or structures (e.g., traffic signals).

(Revised Ords. 1978, § 13-1-10)

### **Sec. 10-1-11. Relocation of Structures in Public Ways.**

Any relocation of utilities shall be accomplished in accordance with applicable franchise agreements, ordinances, or license agreements with the City, or if no franchise ordinance or license agreement applies to such relocation, then as directed by the City Engineer. If such facilities are not so moved, then the City may, in its discretion, do so by its own forces, or by contract, the cost of which shall be promptly reimbursed by the owner of such facilities.

(Revised Ords. 1978, § 13-1-11)

### **Sec. 10-1-12. Disturbance and Repair of Excavation on Existing Improvements.**

The following requirements shall be followed in all work affecting existing improvements in the public way:

- (1) If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Said temporary improvement shall be safe for travel, convenient for users, and constructed according to Standard Specifications. Clearly visible signs shall be placed on-site at appropriate locations consistent with the MUTCD if a public walkway is closed.
- (2) Where excavations are made in paved areas, the surface damaged by the permittee's work ~~by the work~~ shall be replaced with a temporary road base surface as soon as the permanent repairs can be properly completed.
- (3) Any time that a permittee disturbs or damages the yard, residence or the real or personal property of a property owner or of the City, such permittee shall promptly restore the property disturbed or damaged to a condition that is equal to or better than the condition that existed prior to the commencement of the work, at the permittee's expense. If the permittee fails to promptly perform such replacement or repair, then the property owner, or the City in its discretion, may perform the work itself or by a contractor, for which the permittee shall promptly reimburse the party which paid for the restoration of the property for the costs of such work.
- (4) After having properly notified "Blue Stakes" and having the area marked, nothing herein shall require the permittee to pay a subscriber or property owner when the permittee, in removing, replacing, or relocating any part of its system at the request of the subscriber or private property owner which causes damage to the property owner or subscriber due to incorrect information from the property owner or subscriber. Examples of types of acts specifically included in this subsection are the following:
  - a. Removal of sod, lawn, shrubbery, flowers, trees, driveways, or fence, to install, trench, repair, replace, remove or locate equipment, cable or other appurtenances of the permittee;
  - b. Installation or removal of equipment or other appurtenances of the permittee's system within a private property owner's property or residence which requires drilling, excavating, surface restoration, or the like on the part of the permittee;

- c. Temporarily relocating or moving a piece of personal property or a fixture of a private property owner (such as a motor vehicle, fence, hard-scape, mail box, tree, or the like) in order to perform some sort of construction, maintenance or repair by the permittee; or
  - d. Permanently removing a permittee's equipment or other appurtenances due to the revocation, termination or non-renewal of the franchise.
- (5) Existing City drainage channels, such as gutters or ditches, shall be kept free of dirt or other debris so that natural flow will not be interrupted. When it is necessary to block or otherwise interrupt flow of the drainage channel, a method of rerouting the flow must be submitted for his ~~or her~~ approval to the Engineer prior to the blockage of the channel.
  - (6) The requirements imposed upon the permittee in this section also extend to any subcontractor or independent contractor that the permittee employs to perform the tasks pursuant to a permit issued or granted by the City to perform work in a public way.
  - (7) The requirements of this chapter shall apply to the installation or removal by a permittee of a structure placed by a property owner in a public way.
  - (8) All repairs and restoration work by a permittee under this section shall be commenced promptly, and shall be diligently pursued to completion.

(Revised Ords. 1978, § 13-1-12)

#### **Sec. 10-1-13. Restoration of Public Property.**

(a) The permittee shall, at its own expense, restore any and all improvements in the public way as outlined in the Sandy City Standard Specifications within the time limits set forth in the permit, unless additional time is granted in writing by the Engineer. Once commenced, all work shall be diligently pursued to completion.

(b) Work shall not proceed until the schedule is approved by the Engineer. The City Engineer may issue a stop-work order to a permittee, or the Engineer may revoke the permittee's permit, or take other action if the permittee fails to follow the schedule. In the event that the construction schedule or resurfacing time limit is exceeded, or if the work site is hazardous to citizens, or impedes traffic, the City may take the necessary steps to make the work site safe and impose penalties as outlined in the fee schedule. In addition, the City may charge the permittee the actual cost to the City to correct the condition.

(c) Laboratory testing for materials, compliance, densities, and strength are the responsibility of the permittee. Testing must be in accordance with Sandy City Standard Specifications. The Engineer may require additional inspection or material testing as needed. All materials shall be tested for conformity to the Sandy City Standard Specifications for any trench equal to or longer than 50 linear feet. The City may, in its discretion, choose to require testing to assess compliance with the Standard Specifications, and the City shall charge the permittee the cost of such additional testing performed should the testing reveal noncompliance with City Specifications. The charge shall include the cost of employee's time and equipment to conduct the testing and the cost of hiring contractors or consultants. The Engineer shall not charge the permittee for the testing if the testing confirms that the permittee has complied with the Standard Specifications unless the permittee failed or refused to share test results with the Engineer when requested.

(Revised Ords. 1978, § 13-1-13)

#### **Sec. 10-1-14. Insurance Requirements.**

(a) Before a permit is issued, the applicant shall furnish to the City evidence that the applicant has a comprehensive general liability and property damage policy that includes contractual and general liability coverage endorsed with the following limits and provisions:

- (1) A minimum of \$1,000,000.00 combined single limit per occurrence for bodily injury, personal injury, and property damage, and not less than \$2,000,000.00 in the aggregate. The coverage shall be in the nature of Broad Form Commercial General Liability coverage. The City may increase or decrease minimum insurance limits, if reasonably required by the City Risk Manager based upon the potential liability of a project.

- (2) All policies shall include the City, its employees, officers, officials, agents, volunteers and assigns, as additional insureds. Any reference to the City in respect to the indemnification for acts by the applicant in this section shall include the City, its employees, officers, officials, agents, volunteers and assigns.
  - (3) The coverage shall be primary insurance as to any other policy of insurance. Any insurance or self-insurance maintained by the City, its employees, officers, officials, agents, volunteers, and assigns shall be in excess of the applicant's insurance and shall not contribute to it.
  - (4) Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the City, its employees, officers, officials, agents, volunteers, and assigns.
  - (5) Coverage shall state that the applicant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.
  - (6) Underwriters shall have no right of recovery or subrogation against the City, it being the intent of the parties that the insurance policy so affected shall protect both parties and be primary coverage for any and all losses covered by the described insurance.
  - (7) The insurance companies issuing the policy ~~or policies~~ shall have no recourse against the City for payment of any premiums due or for any assessments under any form of any policy.
  - (8) Each insurance policy shall be endorsed to state that the coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits, except after 30 days' prior written notice by certified mail, return receipt requested, sent to the City Engineer.
  - (9) Each policy shall be endorsed to indemnify, hold harmless and defend the City and its employees, officers, officials, agents, volunteers, and assigns against any claim or loss, damage or expense sustained on account of damages to persons or property occurring by reason of permit work done by the applicant's subcontractor or agent, whether or not the work has been completed, and whether or not the right-of-way has been opened to public travel.
  - (10) Each policy shall be endorsed to indemnify, hold harmless and defend the City and its employees, officers, officials, agents, volunteers and assigns against any claim or loss, damage or expense sustained by any person occurring by reason of doing any work pursuant to the permit, including, but not limited to, falling objects or failure to maintain proper barricades and/or lights as required from the time work begins until the work is completed and the right-of-way is opened for public use.
- (b) All insurance shall be placed with insurers with an AM Best rating of not less than B+VIII.
- (c) The applicant shall furnish the City with certificates of insurance and original endorsements affecting coverage required by the permit. The certificates and endorsements for each insurance policy shall be signed by a person authorized by the insurer to bind coverage on its behalf. The City expressly reserves the right to require complete, certified copies of all required insurance policies at any time. Consequently, the applicant shall be prepared to provide such copies prior to the issuance of the permit.
- (d) If any of the required policies are, or at any time become, unsatisfactory to the City because they fail to meet the requirements of this section, or if a company issuing any such policy is, or at any time becomes, insolvent or is otherwise unable to meet its obligations, or if there is an order for relief in respect to the insured in a bankruptcy proceeding, the applicant shall promptly obtain a new policy, submit the same to the City for approval, and thereafter submit verification of coverage as required by the City. Upon failure to furnish, deliver and maintain such insurance as provided herein, the City may declare the permit to be in default and the City may pursue any and all remedies the City may have at law or in equity, including those actions outlined in this chapter.
- (e) The applicant shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.
- (f) Any deductibles or self-insured retentions shall be clearly specified on the certificates of insurance and shall be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its employees, officers, officials, agents, volunteers or assigns, or the applicant shall procure a bond, in a form acceptable to the City, guaranteeing payment of self-

insured retention losses and related investigations, claim administration, and defense expenses.

(g) A property owner performing work in the public way adjacent to his/~~her~~ residence may submit proof of a homeowner's insurance policy with the coverage limits specified above in lieu of the insurance requirements of this section.

(h) An applicant may be relieved of the obligation of submitting certificates of insurance under the following circumstances:

- (1) If such company shall submit satisfactory evidence in advance that:
  - a. It is insured in the amounts set forth herein, or has complied with State requirements to become self-insured. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit; and
  - b. Said coverage provides to the City the same scope of coverage that would otherwise be provided by a separate policy as required by this section; or
- (2) The work to be performed under the permit issued to the applicant is to be performed by the City, in which case insurance or other risk transfer issues shall be negotiated between the City and the applicant by separate agreement.

(Revised Ords. 1978, § 13-1-14)

**Sec. 10-1-15. Bond, When Required, Conditions, Warranty.**

(a) Except as noted in this chapter, each applicant, before being issued a permit, shall provide the City with an acceptable excavation bond in the minimum amount of \$10,000.00 to guarantee faithful performance of the work authorized by a permit granted pursuant to this chapter. The amount of the bond required may be increased or decreased at the discretion of the Engineer whenever it appears that the amount and cost of the work to be performed, and not satisfactorily completed, may vary from the amount of \$10,000.00. The form of the bond and the company issuing the bond shall be subject to the approval of the City. Homeowners performing concrete work in the right-of-way are exempt from the bond requirement.

(b) Public utilities franchised by the City shall not be required to file a corporate surety bond if such requirement is expressly waived or is otherwise provided for in the Franchise Ordinance or agreement currently in force.

- (c) The bond required by this section shall meet the following conditions:
- (1) The applicant shall fully comply with the requirements of the Specifications relative to work in the public way, and shall respond to the City in damages for failure to conform therewith;
  - (2) After work is commenced, the permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the public way in accordance with the Specifications, so as not to obstruct the public place or travel thereon more than is reasonably necessary;
  - (3) The permittee shall guarantee the materials and workmanship for a period of one year from completion of such work, reasonable wear and tear excepted; and
  - (4) Unless otherwise authorized by the Engineer on the permit, all paving, resurfacing or replacement of street facilities on all City streets shall be done in conformity to the Sandy City Standard Specifications.

(Revised Ords. 1978, § 13-1-15)

**Sec. 10-1-16. Indemnity; Limitations on City Liability.**

(a) Each excavation permit application shall contain substantially the following language, to which each applicant shall agree in writing prior to issuance of a permit:

"The Permittee agrees to indemnify defend and hold the City, its officers, employees and agents harmless from any and all costs, expenses, including attorneys' fees, damages and liabilities which may accrue or be claimed to accrue by reason of any negligence or other wrongful act or omission of Permittee, its officers, agent, employees or subcontractors performing work under any permit issued to Permittee pursuant to this Ordinance."

(b) This chapter shall neither be construed as imposing upon the City, its officers, employees and agents, any liability or responsibility for damages to any person injured by or by reason of the performance of any work within the public way, or under a permit issued pursuant to this chapter; nor shall the City, its officers, officials, employees, agents, volunteers or assigns be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit, or the approval of any work.

(Revised Ords. 1978, § 13-1-16)

**Sec. 10-1-17. Work without Permit; Penalty.**

(a) A stop-work order may be issued by the Engineer directed to ~~any person or~~ persons doing or causing any work to be done in the public way without a permit.

(b) Any person found to be doing work in the public way without having obtained a permit, as provided in this chapter, shall be required to pay a permit fee, as well as penalties outlined in the fee schedule adopted by the City Council.

(Revised Ords. 1978, § 13-1-17)

**Sec. 10-1-18. Failure to Comply; Default in Performance.**

(a) Any permit may be revoked or suspended and a stop-work order issued by the Engineer, after notice to the permittee for:

- (1) Violation of any condition of the permit, the bond, or of any provision of this chapter;
- (2) Violation of any provision of any other ordinance of the City or law relating to the work; or
- (3) Existence of any condition or the doing of any act which constitutes or causes a condition endangering life or property.

(b) A suspension or revocation by the Engineer, and a stop-work order, shall take effect immediately upon entry thereof by the Engineer and notice to the person performing the work in the public way.

(c) Whenever the Engineer finds that a default has occurred in the performance of any term or condition of the permit, or that the permittee has materially violated any provision of this chapter, written notice thereof may be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Engineer to be reasonably necessary for the completion of the work. The permittee shall complete the work within the time set by the Engineer unless the permittee appeals that decision according to the terms of this chapter.

(d) In the event that the surety (or principal), within a reasonable time following the giving of such notice (taking into consideration the exigencies of the situation, the nature of the work, the requirements of public safety and for the protection of persons and property), fails either to commence or cause the required work to be performed with due diligence, the City may perform the work, at the discretion of the Engineer, with City forces or contract forces, or both. The permittee shall promptly pay the City for the cost of the work upon presentation of a statement for it. The City may pursue such remedies against the defaulting party as allowed by law, including suit against the contractor and bonding company, and such other persons as may be liable to recover the entire amount due to the City, including attorneys' fees, on account thereof. In the event that cash has been paid or deposited to cover any liability under this section, the cost of performing the work may be charged against the amount deposited, and suit may be brought for the balance due, if any.

- (e) Stop-work orders take effect immediately upon issuance by the Engineer.
  - (1) The City Transportation Engineer and City Traffic Control Supervisor have the authority to issue a stop-work order on behalf of the City Engineer for any violations of the MUTCD.
  - (2) The Public Works Inspectors and Public Works Engineering Technician have the authority to issue a stop-work order on behalf of the City Engineer for any violations of the MUTCD or OSHA Safety Regulations.

(Revised Ords. 1978, § 13-1-18)

**Sec. 10-1-19. Failure to Conform to Sandy City Standard Specifications.**

Should the permittee fail to conform to the Standard Specifications, the Engineer may take one or more of the following actions:

- (1) Suspend or revoke the permit;
- (2) Issue a stop-work order;
- (3) Order removal and replacement of faulty work;
- (4) Require an extended warranty period; and/or
- (5) Negotiate a cash settlement to be applied toward future maintenance costs.

(Revised Ords. 1978, § 13-1-19)

**Sec. 10-1-20. Appeal of Suspension, Revocation, or Stop-work Order.**

Any suspension, revocation or stop-work order by the Engineer may be appealed by the permittee to the City Public Works Director by filing a written notice of appeal within five days of the action of the Engineer. The Public Works Director shall hear such appeal, if written request therefor is timely filed, as soon as practicable, and shall render his or her decision and shall give notice thereof to the appellant promptly, but no later than three business days following filing of the notice of appeal.

(Revised Ords. 1978, § 13-1-20)

**Sec. 10-1-21. Tampering with Traffic Control Devices.**

It shall be unlawful for any person to maliciously or wantonly or without authorization from the Sandy Public Works Department extinguish, remove or diminish any light-illuminating device, any barricade or excavation, or tear down, remove or in any manner alter any rail, fence, barricade or other traffic control device protecting any excavation or other construction site in the public way.

(Revised Ords. 1978, § 13-1-21)

**Sec. 10-1-22. Conflict with Governing Provisions.**

Should there be a conflict between the provisions of this chapter and the provisions of any other ordinance, agreement, franchise, or other document governing the excavation of a public way, the more restrictive provisions of the aforesaid documents shall apply unless the result is clearly unreasonable.

(Revised Ords. 1978, § 13-1-22)

**Sec. 10-1-23. Violation, Penalty.**

Unless otherwise specified in this chapter, a violation of any provision of this chapter, or failure to comply with an order of suspension, revocation, stop-work order, or failure to move or remove facilities in a public way as required by Section 10-1-11 of this ordinance, shall be a Class B misdemeanor. Each day any permit violation exists shall be a separate offense. No criminal conviction shall excuse the person from otherwise complying with the provisions of this chapter. Penalties will be assessed against the permittee according to the fee schedule for each day the violation exists.

(Revised Ords. 1978, § 13-1-23)

**CHAPTER 10-2. STREET SIGNS**

**Sec. 10-2-1. Street Sign Fees.**

No final subdivision approval, final C.U.P. process approval or site plan approval with regard to any new development, whether residential, commercial, or industrial, within the limits of Sandy City shall be granted until such time as the applicants shall have paid to the City a fee in the amount set forth elsewhere in this chapter, which fee shall be used for the installation of such street signs upon that property being newly developed. No such fee paid to the City pursuant to the provisions of this chapter shall be refunded.

(Revised Ords. 1978, § 13-2-1)

**Sec. 10-2-2. Amount of Fees.**

(a) It shall be the duty of the Community Development Department, in cooperation with the Engineering Department and the Building and Safety Division, to determine the number of street signs required in any new development, whether it be residential, commercial, or industrial, proposed to be done in Sandy City. On the basis of this determination, the Community Development Department shall indicate to the developer the number of street signs required to be installed and shall also indicate to the developer the amount of the fee which shall be paid in connection with the provisions of this chapter by the developer.

(b) The developer shall pay to the City the cost of each street sign required in connection with the proposed development.

(Revised Ords. 1978, § 13-2-2)

### CHAPTER 10-3. REGULATORY SIGNS

#### Sec. 10-3-1. Regulatory Sign Installation Fee.

No final subdivision approval, final C.U.P. process approval or site plan approval with regard to any new development, whether residential, commercial or industrial, within the limits of Sandy City shall be granted until such time as the applicants shall have paid to the City a fee in the amount set forth elsewhere in this chapter, which fee shall be used for the installation of regulatory signs upon that property being newly developed. No such fee paid to the City pursuant to the provisions of this chapter shall be refunded.

(Revised Ords. 1978, § 13-3-1)

#### Sec. 10-3-2. Amount of Fees.

(a) It shall be the duty of the Community Development Department, in cooperation with the ~~Engineering Department and Building and Safety Division~~ Public Works Department, to determine the number of regulatory signs required in any new development, whether it be residential, commercial or industrial, proposed to be done in Sandy City. On the basis of this determination, the Community Development Department shall indicate to the developer the number of regulatory signs required to be installed and shall also indicate to the developer the amount of the fee which shall be paid in connection with the provisions of this chapter by the developer.

(b) The developer shall pay to the City the cost of each regulatory sign required in connection with the proposed development.

(Revised Ords. 1978, § 13-3-2)

### CHAPTER 10-4. DEDICATION AND IMPROVEMENT OF PUBLIC ROADS AND STREETS IN CONNECTION WITH DEVELOPMENT

#### Sec. 10-4-1. Dedication Required.

Except as otherwise provided herein, no building or structure shall be erected, reconstructed, structurally altered or enlarged and no building permit shall be issued therefor on any lot which abuts upon a street which is presently developed or upon a street which is shown upon the road plan, which is an element of the Concept 2000 or Master Plan of the City, which Road Plan is presently found upon a map in the office of the Director of Community Development for Sandy City which ~~may and~~ said plan shall be amended from time to time by the Sandy City Council, unless a portion of such lot within the proposed right-of-way as shown on the plan has been dedicated and improved or such dedication and improvement has been assured to the satisfaction of the Sandy City Engineer and Director of Community Development. The dedication and improvements shall meet the standards as may be required by resolution of the Sandy City Council. The ~~maximum~~ <sup>maximum</sup> area required to be dedicated shall not exceed 25 percent of any lot which was of record on the effective date of ~~this the~~ this the ordinance from which this chapter is derived in the Salt Lake County Recorder's Office. Such dedication shall not reduce the lot size to a width of less than 50 feet or a total size of less than 5,000 square feet.

(Revised Ords. 1978, § 13-4-1)

#### Sec. 10-4-2. Exceptions.

Dedication shall not be required on those portions of a lot occupied by a main building existing on the effective date of ~~this the~~ this the ordinance from which this chapter is derived. The lot area so occupied is defined to be the area

required to meet the minimum width and front, back and side yard regulations. Additional improvements shall not be required upon a lot where the roadway, hard surfacing, curb, gutter, and sidewalk improvements have previously been installed to the standards adopted by Sandy City, unless the use of the property shall change from a residential or agricultural use to a commercial, industrial or manufacturing use. Dedication shall not be required for additions or accessory buildings incidental to a residential building, used as a residence, existing on the lot on the effective date of ~~this~~ the ordinance from which this chapter is derived, provided that no additional dwelling units are created.

(Revised Ords. 1978, § 13-4-2)

**Sec. 10-4-3. Dedication Procedure.**

(a) Any person or other entity required to dedicate land under the provisions of this chapter shall make an offer to dedicate ~~the~~ said property and such offer shall be properly executed by all parties of interest, including beneficiaries and trustees in deeds of trust as shown by a current preliminary title report prepared by a title company. Such report shall be furnished by the applicant. The offer to dedicate shall be filed with the Development Director and shall be made upon the form approved by the City Attorney and in such terms as shall be binding upon the owner, his heirs, assigns, and successors in interest and shall continue in full force and effect until accepted or rejected by the Sandy City Council until one year from the date such offer shall have been filed for processing, whichever occurs first. The offer shall provide that the dedication will be complete and recorded in the office of the County Recorder on its acceptance by the City Council.

(b) The Development Director shall accept or reject the offer for dedication within 30 days after it has been filed and such offer shall thereafter be promptly processed by the administrative staff of the City and submitted to the City Council for final acceptance. In the event that the offer is rejected by the City Council or not processed within one year, the Development Director shall issue a release from such offer, which shall be recorded in the office of the County Recorder, unless the parties thereto wish to have the time of the offer extended.

(c) For the purposes of this chapter, dedication shall be considered as satisfactorily assured when the Development Director accepts the offer to dedicate provided for herein. Upon acceptance of the offer by the Development Director, the appropriate administrative departments shall be notified and the permit issuance process shall be allowed to proceed.

(Revised Ords. 1978, § 13-4-3)

**Sec. 10-4-4. Improvement Procedure.**

Any person or entity required to make improvements pursuant to the provisions of this chapter shall complete ~~the~~ said improvements, bond for the completion of ~~the~~ said improvements, or otherwise assure that the same shall be completed to the satisfaction of the City Engineer and in accordance with the standards as established by the City.

(Revised Ords. 1978, § 13-4-4)

**Sec. 10-4-5. Building Permit Issuance.**

When dedication and improvements as required by the provisions of this chapter shall have been completed or assured as provided herein, a building permit may be issued upon compliance with all other ordinances and regulations of the City.

(Revised Ords. 1978, § 13-4-5)

**Sec. 10-4-6. Fees Waived.**

No fee shall be charged for any service provided by the City in connection with any dedication or improvement required by the provisions of this chapter and which is not a part of a subdivision proceeding.

(Revised Ords. 1978, § 13-4-6)

**Sec. 10-4-7. Lots Affected by Dedication.**

On a lot which is affected by dedication, required by the provisions of this chapter, all yards, setbacks, required parking areas, loading spaces and building locations for new buildings or structures or additions thereto shall be measured and calculated from the new lot lines created by said dedication. In applying all other provisions of this

chapter, the area of such lot shall be considered as that which existed immediately prior to such required dedication.  
(Revised Ords. 1978, § 13-4-7)

**Sec. 10-4-8. Improvement Standards.**

(a) As previously mentioned herein, all dedications and improvements shall be made in accordance with these standards and specifications as may have been adopted by resolution of the Sandy City Council.

(b) The Sandy City Engineer may approve variations from the aforesaid standards as may be necessary with consideration given to the conditions of terrain and existing improvements contiguous to the property involved.

(Revised Ords. 1978, § 13-4-8)

**Sec. 10-4-9. Appeal.**

(a) Any person or entity may appeal any determination made in connection with the administration, enforcement or other provisions of this chapter as set forth herein to the Sandy City Council. The appeal must be written and provide sufficient information to allow for a proper determination.

(b) The City Council may make minor modifications in the requirements of this chapter as may be necessary to prevent undue hardship under the facts of each individual case. However, no such appeal shall be granted unless it is in conformity with the spirit and intent of this chapter.

(c) The City Council may determine that the City shall contribute toward the cost of the required improvements when it is determined by the City Engineer that the said improvements are greatly in excess of the average cost to other property owners in the immediate vicinity who are required to install improvements under the provisions of this chapter. The City Council may also establish a procedure whereby the costs of required improvements may be reimbursed on a proportional basis when such improvements benefit property not yet developed.

(Revised Ords. 1978, § 13-4-9)

**~~13-4-10. Severability.~~**

~~If any section of this chapter or part thereof shall be found to be unconstitutional or invalid, no other portion or part thereof shall be affected and shall remain in full force and effect.~~

~~(Revised Ords. 1978, § 13-4-10)~~

**CHAPTER 10-5. IMPLEMENTATION OF TRANSPORTATION ELEMENT OF COMPREHENSIVE PLAN**

**Sec. 10-5-1. Purpose.**

In order to conform with the provisions of ~~Section 10-9-24, U.C.A. 1953, U.C.A. 1953, § 10-9a-407~~, as amended, and for the purpose of preserving the integrity of the official map as adopted as a portion of the transportation element of the Comprehensive Plan, the City Council of Sandy City, State of Utah, hereby adopts this chapter.

(Revised Ords. 1978, § 13-5-1)

**Sec. 10-5-2. Preservation.**

For the purpose of preserving the integrity of the official street map of the transportation element of the Comprehensive Plan, no permit shall be issued for the construction of any building, structure or part thereof on any land located within the boundaries of any street as shown on the official map of the transportation element of the Comprehensive Plan. This prohibition shall apply with regard to the mapped lines of any street as it may appear on any amendment to the official map as may be adopted by the legislative body. This prohibition as to construction shall include such requirements as may be made with regard to the width, construction and other engineering designs of the streets as may be mapped on the official map.

(Revised Ords. 1978, § 13-5-2)

**Sec. 10-5-3. Appeal.**

The Sandy City Board of Adjustment shall have the power upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or part thereof within the boundaries of a street location in any case in which the Board of Adjustment, upon the evidence, finds as follows:

- (1) That the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit is granted; or
- (2) That, balancing the interest of the ~~municipality~~ City in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice in equity.

(Revised Ords. 1978, § 13-5-3)

#### **Sec. 10-5-4. Public Hearing.**

In connection with any appeal brought in conformance with ~~the just preceding section~~ Section 10-5-3, the Board of Adjustment shall hold a public hearing thereon within 90 days of the filing of such appeal with the Board of Adjustment. The notice of such public hearing shall conform with the notice given for amendments to the Sandy City Zoning Map, both as that notice conforms to requirements of law and procedure as adopted.

(Revised Ords. 1978, § 13-5-4)

#### **Sec. 10-5-5. Power of Board of Adjustment.**

In the event that the Board of Adjustment shall decide to authorize a building permit for a building, structure or part thereof on any land located within the boundaries of any street as shown on the official map, ~~the~~ said Board of Adjustment shall have the power to specify the exact location, ground area, height and other details and conditions of the extent and character and duration of the building, structure or part thereof that may be permitted.

(Revised Ords. 1978, § 13-5-5)

### **CHAPTER 10-6. SIDEWALK REPAIR**

#### **Sec. 10-6-1. Replacing Defective Concrete.**

A property owner who desires to have concrete repaired or replaced due to defects in City sidewalks or curb and guttering abutting the owner's property, may petition the City for the work to be done through one or more of the following means:

- (1) If the adjacent property is a residence, the owner may employ a contractor to make the required replacement. Such replacement must be done according to City specifications, to the satisfaction and approval of the City Engineer, only after obtaining the required permit. However, no fee shall be assessed for the permit required by this subsection.
- (2) If the adjacent property is a residence, the owner may agree in writing, upon forms approved by the City Attorney's Office, to pay 50 percent of the cost thereof in advance and the City shall pay the remaining 50 percent of the cost of replacement. In such case, the City shall make the replacement or employ a contractor to make the same, subject to the availability of funds. For a replacement made to defective concrete adjacent to an apartment house or business, the owner of the adjacent property shall pay 100 percent of the total cost of such replacement.
- (3) The City may propose the creation of a special improvement district to make the required repairs and to levy assessment on property in accordance with the ~~Utah Municipal~~ Improvement District Act (U.C.A. 1953, § 17B-2a-401). The creation of improvement districts require notice to property owners, hearing, and opportunity for owners to protest. Districts may be defeated if a sufficient number of protests are filed, as defined by statute.
- (4) This section does not preclude the City from replacing defective concrete adjacent to private property, at its own expense, as it may otherwise deem appropriate.

(Revised Ords. 1978, § 13-6-1)

## CHAPTER 10-7. STREET LIGHTING\*

\*State law reference—Street lighting authorized, U.C.A. 1953, §§ 10-8-11, 10-8-21.

### Sec. 10-7-1. Short Title.

This chapter shall be known as the "Sandy City Street Light Ordinance," and may be so cited. All previously enacted Sandy City street light ordinances, including Ordinances 84-59 and 92-9, are hereby repealed.

(Revised Ords. 1978, § 13-7-1)

### Sec. 10-7-2. Purpose.

The purpose of this chapter is to provide for the safety and welfare of residents and businesses located in Sandy City ("City") by providing for the installation of an adequate street lighting system to illuminate the public streets of residential and commercial areas.

(Revised Ords. 1978, § 13-7-2)

### Sec. 10-7-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Approved plat* means a plat and supporting documents prepared to indicate the type and placement of street lights within the scope of a development. Placement and type of street lights shall conform with specifications as approved by the Director of Public Utilities ("Director").
- (2) *As-built drawings* means a plat prepared after street light installations have been completed indicating actual utility easements, location of street lights, wiring diagrams and any other pertinent information relating to the installation of street lights within a development.
- (3) *Commercial development* means any development occupied with or engaged in commerce.
- (4) *Developer* means any subdivider or any person or organization that develops, or intends to develop or sell, property for the purpose of future development.
- (5) *Equivalent residential unit (ERU)* means the unit of measurement of the magnitude of use of the street lighting system attributable to either a developed or undeveloped parcel. For nonresidential service charges, one ERU shall be based upon the property street frontage, divided by 87 feet, and rounded to the nearest positive whole number.
- (6) *Public street* means that street, parkstrip and sidewalk area dedicated to a political jurisdiction for public transportation.
- (7) *Residential development* means any development providing permanent living accommodations or any parcel of land which is improved with a single dwelling unit.
- (8) *Street light* means any combination of luminaries, pole, anchor base (if required), appurtenances, and underground wiring required to provide roadway lighting.
- (9) *Street Light Specifications* means those specifications, standards and requirements as established and approved by the Director pertaining to the type of luminaries, pole, anchor base (if required), wiring, appurtenances and installation procedures for the installation of a street lighting system.
- (10) *Street Light Standard* means the classification of street light based on the width of the street right-of-way in which that street light will be installed. Street Light Standards are as follows:
  - (1) Major arterial shall mean those streets with a dedicated right-of-way of 106+ or more feet.
  - (2) Minor arterial shall mean those streets with a dedicated right-of-way of 84 feet.
  - (3) Major collector shall mean those streets with a dedicated right-of-way of 80 feet.
  - (4) Minor collector shall mean those streets with a dedicated right-of-way of 66 feet.
  - (5) Local (residential) shall mean those streets with a dedicated right-of-way of 50 feet.

(11) *PUD* means either a residential or commercial Planned Unit Development.

(12) *Public utility easement* means the area designated for access to construct or publicly owned land.

(Revised Ords. 1978, § 13-7-3)

**Sec. 10-7-4. Installation.**

(a) *Residential Development.* For all developments approved after the effective date of ~~this~~the ordinance from which this chapter is derived, the developer shall install street lights as shown on the approved subdivision plat or site plan and in accordance with Sandy City specifications and post a guarantee for the installation. The developer must also provide a dedicated public utility easement from each respective power source to each street light.

(b) *Commercial Development.* For all developments approved after the effective date of ~~this~~the ordinance from which this chapter is derived, the developer shall install street lights as shown on the approved subdivision plat or site plan and in accordance with Sandy City specifications and post a guarantee for the installation. The developer must also provide a dedicated public utility easement from each respective power source to each street light.

(c) *PUD.* For all developments approved after the effective date of ~~this~~the ordinance from which this chapter is derived, the developer shall install street lights as shown on the approved subdivision plat or site plan and in accordance with City specification and post a guarantee for the installation. The developer must also provide a dedicated public utility easement from each respective power source to each street light.

(Revised Ords. 1978, § 13-7-4)

**Sec. 10-7-5. Development Review Process.**

The developer must comply with the ~~Sandy City Subdivision Ordinance~~, Section 21-30-9 relating to, but not limited to, review and approval procedures, bonding, and inspections.

(Revised Ords. 1978, § 13-7-5)

**Sec. 10-7-6. Standards and Specifications.**

All street lights intended to illuminate the public street shall be installed in accordance with the Street Light Standards and Specifications as established and approved by the Director. Street light systems shall be installed as designated on approved plats.

(Revised Ords. 1978, § 13-7-6)

**Sec. 10-7-7. As-Built Drawings.**

The contractor or his/~~her~~ designee shall submit completed as-built drawings to the Department of Public Utilities within 90 days of the completion of the installation of a street light system within a development.

(Revised Ords. 1978, § 13-7-7)

**Sec. 10-7-8. Establishment of Street Lighting Utility.**

The street lighting utility has been established pursuant to this chapter, and is operated as a special revenue fund within the Department of Public Utilities. All portions of the street lighting system shall be operated, managed and administered by the Director within the Street Lighting Utility. All street lighting assets held by the City that concern street lights within the public right-of-way shall be transferred to the Special Revenue Find.

(Revised Ords. 1978, § 13-7-8)

**Sec. 10-7-9. System of Rates and Charges.**

(a) *Generally.* There are hereby imposed street lighting service fees, rates and charges, effective for all billing periods after and including July 1, 2014, and thereafter until further amended. The changes shall fund the administration, planning, design, construction, programming, operation, maintenance and repair of existing and ~~fixtue~~future street lighting facilities.

(b) *Residential Service Charges.* Residential service charges for use of the street lighting system shall be as

shown on the Sandy City Consolidated Fee Schedule. One ERU per single dwelling unit.

(c) *Nonresidential Service Charges.* Nonresidential service charges for use of the street lighting system shall be shown on the Sandy City Consolidated Fee Schedule. The charge shall be based upon the property frontage, divided by 87 linear feet, or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the monthly rate shown on the Sandy City Consolidated Fee Schedule.

(Revised Ords. 1978, § 13-7-9)

**Sec. 10-7-10. Billing and Collection.**

(a) The City shall bill property owners for street light utility services. Billing amounts shall be included as a separate line item on utility bills. A billing will also be sent to owners of parcels within the city who are not City utility customers. In the case of undeveloped parcels, or properties without public water or sewer services with front footage, a street lighting only billing will be sent to the owner of the parcel, as shown on the records of the county recorder.

(b) Partial payments on a combined utility bill shall be applied consistent with the billing procedures established by the City. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action.

(Revised Ords. 1978, § 13-7-10)

**Sec. 10-7-11. Street Lighting Utility Special Revenue Fund.**

~~Street Lighting Utility Special Revenue Fund:~~ All funds received from street lighting service charges shall be placed in the Street Lighting Special Revenue Fund and kept separate and apart from all other City funds. The collection, accounting and expenditure of all street lighting utility funds shall be in accordance with existing fiscal policy of the city.

(Revised Ords. 1978, § 13-7-11)

**Sec. 10-7-12. Appeal of Charges.**

(a) Any customer who disagrees with the street light utility fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than 30 days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee and may approve or disapprove an adjustment. In all cases, the Director's decision shall be final, unless appealed.

(b) An appeal of ~~a~~the Director's decision must be filed in writing with the Mayor within 30 days after the customer receives notice by certified mail of the Director's decision. Decision of the Mayor shall be final and conclusive.

(c) If an appeal of charges is successful, credit ~~win~~will be applied to all charges from the time of the appealed billing and will be reflected on a future billing after the appeal is granted.

(Revised Ords. 1978, § 13-7-12)

**Sec. 10-7-13. Disclaimer.**

The City shall not be liable for injury or damage to persons or property caused by any deficiency or failure in supplying electricity for the street light system, whether occasioned by shutting off the system for the purpose of making repairs or connections, weather-related incidents or from any other cause whatsoever.

(Revised Ords. 1978, § 13-7-13)

**CHAPTER 10-8. STANDARD SPECIFICATIONS**

**Sec. 10-8-1. Adoption.**

The Standard Specifications and Details for Municipal Construction are hereby approved and adopted as set forth in the Standard Specifications and Details for Municipal Construction on file with the office of the Sandy City Recorder and at the following URL:

<https://www.dropbox.com/sh/18t1eaybj33s9ig/AAAli0t9yjbMgZPj6u1IIQVqa?dl=0>.

(Ord. No. 18-03, § 1, 1-23-2018)

PROOFS

Title ~~24~~11**CEMETERY ~~CITY CODE~~\***

\***State law reference**—General authority relative to cemeteries, U.C.A. 1953, §§ 10-8-62, 10-8-63.

**CHAPTER 11-1. GENERAL REGULATIONS****Sec. 11-1-1. Administration and Enforcement.**

The City cemetery shall be under the immediate supervision of the City Parks Superintendent, under the direction of the Director of Parks and Recreation. It shall be the duty of the Parks Superintendent to enforce the provisions of this title in respect to the City cemetery, and to perform such other work as may be required by the Director of Parks and Recreation.

(Revised Ords. 1978, § 21-1-1)

**Sec. ~~21-1-2~~. Employee Conflict Of Interest Restrictions.**

~~No employee of the City assigned to work at the City cemetery shall be interested in any manner in any monumental, vault, casket manufacturing or kindred business, and shall not in any manner solicit business or trade for himself/herself or any other person, or receive directly or indirectly, any profits or rewards growing out of the sale or placing of any monuments, caskets, vaults or markers.~~

~~(Revised Ords. 1978, § 21-1-2)~~

**Sec. 11-1-2. Speed Limit in Cemetery.**

It is unlawful for any person to ride or drive any vehicle within the limits of the City cemetery at a speed greater than 15 miles per hour. Vehicles must stay on approved roadways.

(Revised Ords. 1978, § 21-1-3)

**Sec. 11-1-3. Unauthorized Vehicles.**

It is unlawful for any person to ride, drive or propel any vehicle, cycle, automobile or truck on property within the limits of the City cemetery on other than designated roadways without the prior written permission of the City Parks Superintendent. This section, however, shall not apply to restrict the use or operation of City maintenance vehicles within the cemetery.

(Revised Ords. 1978, § 21-1-4)

**Sec. 11-1-4. Planting Restrictions.**

A person may not plant any kind of shrubbery, flowers or trees in the City cemetery except as approved by the Parks Superintendent.

(Revised Ords. 1978, § 21-1-5)

**Sec. 11-1-5. Artificial Flower Displays.**

Artificial flowers, wreaths, sprays, potted plants and decorations will be removed each Thursday, except they will be removed the second Thursday following a holiday.

(Revised Ords. 1978, § 21-1-6)

**Sec. 11-1-6. Dogs Prohibited.**

It is unlawful for any person to take a dog into the City cemetery, or to allow or permit any dog in such person's care or custody to remain within the limits of the City cemetery, with the exception of guide and companion dogs assisting the disabled.

(Revised Ords. 1978, § 21-1-7)

**Sec. 11-1-7. Injuring Or Removing Cemetery Property Prohibited.**

It is unlawful for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, grave decoration, tree, shrub, or any other property in the City cemetery.

(Revised Ords. 1978, § 21-1-8)

**CHAPTER 11-2. LOTS AND GRAVESITES****Sec. 11-2-1. Sale Authorized Procedure.**

The City Parks and Recreation Director shall, upon application of a purchaser, sell burial rights to gravesites in the City cemetery which shall be described by section, lot or portion of lot. It is unlawful for any person to bury the body of a deceased person in the City cemetery without first paying in advance for rights to that portion of the lot to be occupied, or, if he does not own or purchase burial rights to the lot, without furnishing a written permit from the owner of burial rights to the lot, or nearest relative of the owner thereof, which permit shall be filed with the City cemetery office.

(Revised Ords. 1978, § 21-2-1)

**Sec. 11-2-2. Price for Gravesites.**

The price for each gravesite sold within the City cemetery shall be as set forth in the City's annual fee schedule.

(Revised Ords. 1978, § 21-2-2)

**Sec. 11-2-3. What Price Includes.**

The payment specified in Section 11-2-2, or its successor, shall not include payment for any of the services provided in any other section in this chapter, but shall include payment for gravesite care, which shall consist solely of filling the grave, placing topsoil thereon, filling and seeding the gravesite with suitable grass seed, and watering and cutting such grass.

(Revised Ords. 1978, § 21-2-3)

**Sec. 11-2-4. Duplicate Certificates of Burial Rights.**

The City Parks and Recreation Department shall keep a duplicate of all certificates of burial rights issued by the City as part of the records of the City cemetery.

(Revised Ords. 1978, § 21-2-4)

**Sec. 11-2-5. Transfer of Certificate Recording Fee.**

The fee for recording a transfer of the certificate of burial rights from the original purchaser to another party shall be as set forth in the City's annual fee schedule. No such transfer shall be binding upon the City until such transfer fee has been paid and the transfer recorded by City cemetery personnel.

(Revised Ords. 1978, § 21-2-5)

**Sec. 11-2-6. Unused Lots, City Rights.**

If, for a period in excess of 60 years and one day from purchase of burial rights to any cemetery lot, the grantee, or persons claiming through the grantee, have not used portions of the lots or parcels for purposes of burial and have not provided for the care of the lots or parcels beyond that uniformly provided for all lots of the cemetery, and during the 60-year period have not given the City written notice of any claim or interest in the lots or parcels, the City may, following the procedures set forth in U.C.A. 1953, § 8-5-1, as amended, or its successor, demand of the grantee or persons claiming through the grantee that they file with the Parks Superintendent a written notice of claim or interest in such burial rights accompanied by evidence of their claim within 50 days after service of a copy of notice of demand.

(Revised Ords. 1978, § 21-2-6)

**Sec. 11-2-7. Unused Lots Purchase by City Personnel Authorized When.**

The Parks and Recreation Director, when directed so to do by the Mayor, may purchase for the City, with

funds provided for that purpose by the City Council, burial rights to any unused lots or portions of lots located in the City cemetery at a price of one-half the current rate. It is unlawful, however, for City personnel to trade, deal in or make a profit, directly or indirectly, out of any transaction involving the sale, purchase or transfer of any cemetery lot.

(Revised Ords. 1978, § 21-2-7)

**Sec. 11-2-8. Recording of Plats and Conveyances.**

The City Parks Superintendent shall file with the Salt Lake County Recorder all records required by state statute relating to cemetery plats and ownership thereof.

(Revised Ords. 1978, § 21-2-8)

**Sec. 11-2-9. Lot Care Required.**

All lots in the City cemetery shall be maintained by the City.

(Revised Ords. 1978, § 21-2-9)

**Sec. 11-2-10. Lot Changes and Services Restricted.**

No improvement, change or service, other than gravesite care as defined in this chapter, shall be made upon any gravesite by the ~~owner or~~ owners of burial rights without the prior written approval of the City Parks Superintendent for such changes or services, nor without payment to the City of the reasonable cost of all such improvements, changes or services requested and approved.

(Revised Ords. 1978, § 21-2-10)

**Sec. 11-2-11. Headstones, Tombstones and Fences Grade Limitations.**

The owners of burial rights to gravesites or relatives of deceased persons buried in the City cemetery are required to erect, in a manner satisfactory to the City Parks Superintendent, headstones, tombstones or other suitable monuments at the heads of graves with the name of the deceased person plainly inscribed thereon. Such headstones, tombstones or other suitable monuments shall be flush with the surface of the ground. Further, all headstones, tombstones or other suitable monuments must be in an orderly row and reasonably in line with all other such markers in that plot. No person shall erect or maintain any fence, wall, corner post, coping, hedge or boundary of any kind upon any ~~lot,~~ gravesites or lots in the cemetery, nor grade the ground or land thereof. The City Parks Superintendent shall, whenever requested, furnish the true lines of such lots according to the official survey, and shall prevent and prohibit any marking of the same, save and except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

(Revised Ords. 1978, § 21-2-11)

**CHAPTER 11-3. INTERMENT AND DISINTERMENT**

**Sec. 11-3-1. Burials Must Be in Cemeteries, Exception.**

It is unlawful for any person to bury the body of a deceased person within the limits of the City, except in the ~~burying~~ burial grounds located therein, unless by permission of the Mayor.

(Revised Ords. 1978, § 21-3-1)

**Sec. 11-3-2. Burials ~~City Sexton/Maintenance Supervisor Authority~~ by Parks Superintendent.**

All interments in the City cemetery shall be under the direction of the City Parks Superintendent, who shall dig or cause to be dug all graves required for the burial of the dead.

(Revised Ords. 1978, § 21-3-2)

**Sec. 11-3-3. Burials Certificate or Permit Required.**

Before any interment, the City Parks Superintendent shall require of any person requesting interment a Certificate of Burial Rights. Such Certificate may be obtained by purchasing the same, if the applicant has not yet purchased the gravesite, or by presentation of a written permit from the owner of burial rights or nearest relative of the owner thereof. All such certificates and permits shall be filed with the City Parks Superintendent, and it is

unlawful for any person to inter any person in the City cemetery without complying with the provisions of this section.

(Revised Ords. 1978, § 21-3-3)

**Sec. 11-3-4. Permit Requirements.**

The City Parks Superintendent shall not inter or permit the interment of anybody unless it is accompanied by a burial, removal or transit permit issued in accordance with state statutes and this Code. The City Parks Superintendent shall endorse upon the permit the date of interment over his/her signature, and shall forthwith return it to the local registrar in accordance with state statutes and this Code.

(Revised Ords. 1978, § 21-3-4)

**Sec. 11-3-5. Fees for City Parks Superintendent Service; Health Department Approval for Disinterment.**

Sandy City cemetery personnel shall collect fees for opening and closing graves, for burial and disinterment, as set forth in the City's annual fee schedule. Approval from the County Health Department is necessary before a disinterment can take place.

(Revised Ords. 1978, § 21-3-5)

**Sec. 11-3-6. Recordkeeping Requirements.**

The City cemetery officials shall keep a record of all interments made, including cremations, in the City cemetery, which shall state the name of the deceased person, place of death, date of burial, and name and address of the funeral director. These records shall be open to public inspection at all times.

(Revised Ords. 1978, § 21-3-6)

**Sec. 11-3-7. Burial Above Ground Prohibited.**

It is unlawful for any person to bury the body of a deceased person in any structure above the ground in the City cemetery.

(Revised Ords. 1978, § 21-3-7)

**Sec. 11-3-8. Use of Wood Receptacles Prohibited.**

It is unlawful for any person to bury the body of a deceased person in a wood receptacle at the Sandy City cemetery, except that a body of a deceased infant may be buried in a wood receptacle, provided that such infant is buried in the cemetery's infant section.

(Revised Ords. 1978, § 21-3-8)

**Sec. 11-3-9. Disinterment and Removal.**

It is unlawful for any person to disinter any body buried in the City cemetery except under the direction of the City Parks Superintendent. Before disinterment, the requester shall require a permit issued by the Board of Health and a written order from the owner of the lot authorizing such removal, which order shall be filed and preserved by the City Parks Superintendent. All such removals shall be recorded by the City Parks Superintendent in a book kept for that purpose.

(Revised Ords. 1978, § 21-3-9)

**Sec. 11-3-10. Death from Contagious Diseases Disinterment Conditions.**

It is unlawful for any person to remove the body of a person who has died of a contagious disease within two years from the date of burial, unless such a body has been buried in a hermetically sealed coffin, and is found to be so encased.

(Revised Ords. 1978, § 21-3-10)

Title ~~3~~12**ANIMAL CONTROL SERVICES\***

\***State law reference**—Local authority relative to animals, U.C.A. 1953, §§ 10-8-59, 10-8-65, 10-8-77; Animal Welfare Act, U.C.A. 1953, § 11-46-101 et seq.; cruelty to animals, U.C.A. 1953, § 76-9-301 et seq.

**CHAPTER 12-1. ANIMAL CONTROL****Sec. 12-1-1. No-Kill Policy.**

(a) It is the policy of Sandy City that, subject to budget constraints, no domestic animal shall be euthanized if it can be adopted into a suitable home, transferred to a qualified rescue organization, or reasonably treated for disease or injury. If the animal is a feral or community cat, unless otherwise provided, it shall not be euthanized if it can be released after spaying, neutering, vaccination against disease, and ear-tipped according to this title.

(b) Sandy City shall provide a no-kill animal shelter within the parameters of and lawful constraints imposed by virtue of its budget and municipal status. As such, the no-kill designation does not preclude the euthanization of any animal:

- (1) When such action is necessary to ensure the public health, safety and welfare;
- (2) ~~Or an animal~~ Which has a terminal illness or mortal injury beyond reasonable treatment; or
- (3) ~~Or~~ As otherwise provided by this title.

Euthanization shall be performed by Euthanasia by injection (EBI).

(Revised Ords. 1978, § 3-1-1)

**Sec. 12-1-2. Definitions.**

(a) ~~For the purposes of this Title, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows: The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- (1) *Abandon.*
  - a. The term "abandon" means to intentionally deposit, leave, or drop off any live animal:
    1. Without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
    2. In a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
  - b. The term "abandon" does not include returning wildlife to its natural habitat.
- (2) *Adoptable animal* means any animal that can be handled with reasonable accommodations and does not pose a threat to the handler or other persons, animals or property, and appears healthy, showing no evidence of disease, injury or condition that might affect the health of the animal, or other animals or persons.
- (3) *Animal* means any live non-human vertebrate animal.
- (4) *Animal foster home* means the dwelling of an individual who cares for an animal until a qualified rescue agency can place the animal in a permanent home or otherwise determine the placement of the animal. (An animal foster home must still abide by pet limits.)
- (5) *Animal Services Officer* means any sworn peace officer employed in the Sandy Animal Services Division, or a sworn officer employed by any local government with which Sandy City contracts for animal services.

- (6) *Animal shelter* means a facility or program:
- a. Providing services for stray, lost, or unwanted animals, including holding and placing the animals for adoption, but does not include an institution conducting research on animals, as defined by U.C.A. 1953, § 26-26-1; and
  - b. Operated by a first- or second-class county as defined in U.C.A. 1953, § 17-50-501; a city of the first, second or third class; a first- or second-class county operating the shelter jointly with any municipality; or a private humane society or a tax-exempt private animal welfare organization and holding a business license within a first- or second-class county or within a city of the first, second or third class.
- (7) *Assistance animal*.
- a. The term "assistance animal" means a domestic animal that is trained or is in training to lead, guide or assist a person who has a disability.
  - b. The term "assistance animal" includes any dog that:
    1. Is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability;
    2. Performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability, including:
      - (i) Assisting an individual who is blind or has low vision with navigation or other tasks;
      - (ii) Alerting an individual who is deaf or hard of hearing to the presence of people or sounds;
      - (iii) Providing non-violent protection or rescue work;
      - (iv) Pulling a wheelchair;
      - (v) Assisting an individual during a seizure;
      - (vi) Alerting an individual to the presence of an allergen;
      - (vii) Retrieving an item for the individual;
      - (viii) Providing physical support and assistance with balance and stability to an individual with a mobility disability; or
      - (ix) Helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.
  - c. The term "assistance animal" does not include an animal other than a dog, whether wild or domestic, trained or untrained; or an animal used solely to provide a crime deterrent, emotional support, well-being, comfort, or companionship.

**State law reference**—Assistance animal defined, U.C.A. 1953, § 62A-5b-102(3).

- (8) *At large*, when used in reference to an animal, means any domesticated animal not under restraint.
- (9) *Attack* means any menacing or threatening behavior to initiate or indicate aggression by an animal which reasonably causes fear, intimidation, or apprehension of immediate bodily harm in a place other than its enclosure or owner's or custodian's property, including baring its teeth, growling, lunging, barking aggressively, and approaching in an aggressive manner.
- (10) *Bite* means an actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
- (11) *Cat* means any age feline of the domesticated type.
- (12) *Cattery* means an establishment for boarding, breeding, buying, grooming or selling cats for profit.
- (13) *Community cat* means a feral or free-roaming cat that has no custodian or owner, and which is without visibly discernible or microchip identification of any kind, and has been sterilized, vaccinated, and ear-tipped.

- (14) *Custodian* means a person having custody of an animal.
- (15) *Custody* means ownership, possession or control of an animal; any person keeping, harboring, sheltering or often feeding an animal shall be deemed to be the custodian thereof, within the meaning of this title.
- (16) *Director* means the Director of the Division of Animal Services of Sandy City or the director of the contracting agency.
- (17) *Division* means the Division of Animal Services of Sandy City or the entity that is contracted to provide animal services for Sandy City.
- (18) *Dog* means any canis familiaris.
- (19) *Domestic or domesticated animals* means animals accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, cows, sheep, swine and goats.
- (20) *Ear-tip/tipped/tipping* means the procedure of removing approximately a quarter-inch off the tip of the cat's ear in a straight-line cut.
- (21) *Euthanize* means a method of killing that minimizes pain, distress, and anxiety experienced by the animal prior to loss of consciousness, and causes rapid loss of consciousness followed by cardiac or respiratory arrest and death.
- (22) *Exposed to rabies* means an animal has been exposed to rabies if it has been bitten by, or is reasonably suspected have been in physical contact with, any animal known to or reasonably believed to have been infected with rabies.
- (23) *Feral* means an animal which is normally domesticated but which is now wild.
- (24) *Feral cat* means a wild or untamed cat or a cat without owner identification of any kind whose usual and consistent temperament is extreme fear of and avoidance of contact with people.
- (25) *He, his, him or other words in the male gender* shall apply to persons of both genders, or shall apply to a non-individual entity such as a business or agency, except where the context clearly indicates otherwise.
- (26) *Impound or impoundment* means the taking or picking up and confining of an animal by any sworn and certified peace officer who is an employee of a law enforcement agency that is part of ~~our~~ or administered by the State of Utah or any of its political subdivisions, or by an Animal Services Officer.
- (27) *Kennel* means a commercial establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.
- (28) *Leash or lead* means any tether, chain, rope or similar implement used to restrain an animal.
- (29) *Mammal* means a warm-blooded vertebrate animal, not including a human being, of a class that is distinguished by the possession of hair or fur, the secretion of milk by females for the nourishment of the young, and (typically) the birth of live young.
- (30) *Muzzle* means a fastening or covering of the mouth of an animal which prevents it from biting another animal or person, which does not cause injury to the animal and which does not significantly interfere with the animal's vision or respiration.
- (31) *No-kill shelter* means a facility where no animal shall be killed or euthanized due to the length of time impounded, for any reasonably treatable illness or injury, or to create space for other animals to be impounded, subject to budget constraints.
- (32) *Owner* means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.
- (33) *Pet* means a domesticated animal kept for pleasure rather than utility, including, but not limited to, birds, cats, dogs, fish, hamsters, mice, ferrets and other similar animals.

- (34) *Qualified rescue organization* means a nonprofit organization, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization approved by the Director and registered to do business in the State of Utah.
- (35) *Quarantine* means the isolation of an animal in an enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- (36) *Service animal* means an assistance animal or an animal specially trained and used by police, government or rescue organizations, or any animal retired from active service duty in one or more of the listed organizations.
- (37) *Sterilized* means an animal that has been surgically altered, either by the spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.
- (38) *Stray* means any animal at large, as defined herein.
- (39) *Tag* means a license tag issued by the Division of Animal Services.
- (40) *Trap-neuter-return (TNR)* means a program through which free-roaming community cats are humanely trapped; sterilized and medically treated; and returned to the outdoor locations where they were found.
- (41) *Veterinarian* means a person licensed to practice veterinary medicine in Utah under U.C.A. 1953, § 58-8-301, and following sections.
- (42) *Wild animal* means any animal of a species that in their natural life are wild. Those animals, however domesticated, shall include, but are not limited to:
- a. Alligators and crocodiles.
  - b. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.
  - c. Cat family (Felidae). All cats except the commonly accepted domesticated cats, and including cheetahs, cougars, leopards, lions, bobcats, lynx, panthers, mountain lions, tigers, wildcats, ocelots, etc.
  - d. Dog family (Canidae). All dogs except domesticated dogs, and including wolves, foxes, coyotes, dingos, etc., or any hybrid thereof.
  - e. Porcupine (Erethizontidae).
  - f. Primate (Hominidae). All subhuman primates.
  - g. Raccoon (Procyonidae). All raccoons, including eastern raccoons, desert raccoons, ring-tailed cats, etc.
  - h. Skunks.
  - i. Venomous fish and piranha.
  - j. Venomous snakes or lizards.
  - k. Weasels, meaning members of the Mustelidae family, including, but not limited to, weasels, martins, wolverines, badgers, otters, ermine, mink and mongoose. Ferrets, while members of the weasel family, are not considered wild animals for purposes of this title and may legally be kept as pets.

(b) Whenever any reference is made to any portion of this title, such reference applies to all amendments and additions thereto now or hereinafter made. ~~Each gender includes the other gender. Except where the context clearly suggests otherwise, the singular number includes the plural and the plural, the singular.~~

(c) Whenever a power is granted to, or a duty is imposed upon, the Animal Services Division, the power shall be exercised or the duty shall be performed by the Animal Services Director and/or the Animal Services Officer, or by any person or organization, its officers, agents, and employees, designated by contract or otherwise to enforce this title.

(Revised Ords. 1978, § 3-1-2)

**Sec. 12-1-3. Division of Animal Services.**

There is hereby created a Division of Animal Services, which Division shall be a part of and under the supervision of the Sandy City Police Department.

(Revised Ords. 1978, § 3-1-3)

**Sec. 12-1-4. Powers of Animal Services Officials.**

(a) The Animal Services Director or any person employed by the Division as an Animal Services Officer shall take the oath of office and shall be vested with the power and authority to enforce the provision of this title.

(b) The Director, his~~her~~ deputies, assistants, and Animal Services Officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this chapter, and including licensable animals for which no license has been procured in accordance with this chapter, or any licensed or unlicensed animals for any other violation thereof.

(c) To the extent allowed by the Fourth Amendment of the U.S. Constitution and Art. I, Sec. 14 of the Utah Constitution, any peace officer, Animal Services Officer, the Director and his~~her~~ assistants are authorized to enter into the open premises of any person to secure, restrain or take possession of any animal which is reasonably deemed by such officer, to be in violation of this title.

(Revised Ords. 1978, § 3-1-4)

**Sec. 12-1-5. Animal Services Officers.**

(a) The Animal Services Director shall have the powers and duties contained in ~~the Revised Ordinances of Sandy City~~ this chapter.

(b) Each Animal Services Officer shall:

- (1) Enforce the provisions of this chapter in all respects pertaining to animal services within the jurisdiction, including the care and impounding of animals and prevention of cruelty to animals.
- (2) Carry out all duties prescribed or delegated by the Director.

(c) The Police Department of the Sandy City may, as requested, perform the duties of the Animal Services Division.

(Revised Ords. 1978, § 3-1-5)

**Sec. 12-1-6. Interference with Officer Prohibited.**

(a) It shall be unlawful for any person to knowingly and intentionally interfere with the Animal Services Director or any Division officer or by any person or organization, its officers, agents, and employees, designated by contract or otherwise to enforce this title, in the lawful discharge of his~~her~~ duties as herein prescribed.

(b) It shall be unlawful for any person to give or provide false personal identification information to any Division officer.

(c) Any violation of this section shall be deemed a Class B misdemeanor.

(Revised Ords. 1978, § 3-1-6)

**Sec. 12-1-7. Licensing.**

(a) All dogs and cats must be licensed every 12 months to a person of the age of 18 years or older. If a custodian licenses a dog or cat in the same calendar month in which he ~~or she~~ obtains a three-year rabies vaccination for the dog or cat, then the dog or cat may be licensed for 36 months instead of 12 months.

(b) Any person owning, possessing or harboring any dog or cat shall obtain a license for such animal within 30 days after the dog or cat reaches the age of four months; or in the case of a dog or cat over four months, within ten days of its acquisition.

(c) License applications must be submitted to the Division, utilizing a standard form which requests the name, address, email address and telephone number of the applicant; breed, sex, color and age of the animal; and rabies information. The application shall be accompanied by the prescribed license fee and by a current rabies

vaccination certificate. The custodian of a dog or cat over four months of age shall obtain a rabies vaccination for each such dog or cat by a licensed veterinarian at least every three years.

(d) License fees shall be established by resolution of the Sandy City Council, which may provide for a reduction in license fees if a dog and its owner have completed obedience training classes approved by the Director, or if the owner implants an approval microchip in the animal.

(e) Any license shall be valid for 12 consecutive months from the date of issue, or 36 months from the date of issue if obtained in conjunction with a three-year rabies vaccination as described in Subsection (a) of this section. A late fee shall be assessed for any license purchased after the expiration of a previously valid license.

(f) No more than two dogs (other than an assistance animal, a retired assistance animal, or both) may reside at any address within the jurisdiction at a time unless a hobby license is obtained, or unless the address is an animal foster home at which up to four dogs may reside at a time, except that a person may keep the puppies born to a female dog in the person's custody until the puppies have reached the age of six months without obtaining a hobby license. A violation of this subsection shall be deemed a Class C misdemeanor.

(g) A free 12-month license may be issued by the Division for first-time licensees, at special Division-sponsored events where such free licenses are offered.

(h) A 12-month license may be issued at no cost or at a reduced cost by the Division where an applicant submits evidence of inability to pay and where the Division determines that the applicant lacks the means to pay for an animal license due to circumstances reasonably beyond the applicant's control.

(i) Except as otherwise provided in this section, any violation of this section shall be an infraction.

(Revised Ords. 1978, § 3-1-7)

**State law reference**—Licensing of dogs, U.C.A. 1953, § 10-8-65.

#### **Sec. 12-1-8. License Tag.**

(a) Upon payment of the license fee, where such fee is required, the Division shall issue to the custodian a tag for each dog or cat licensed. The tag shall have stamped thereon the license number issued by the City. The custodian shall attach the tag to the collar or harness of the animal and see that the collar and tag are constantly worn. Failure to attach the tag as provided shall be in violation of this chapter, except that dogs or cats which are kept for show purposes are exempt from wearing the collar and tag when competing at show competitions.

(1) Any cat that has proof of the implantation of a microchip in its body may be licensed and is not required to wear a tag.

(2) A violation of this Subsection (a) of this section shall be an infraction.

(b) It shall be unlawful to transfer a license tag from one animal to another. No person shall place or keep on an animal a license tag which was not issued for that animal. Counterfeit or imitation license tags may not be placed or kept on any animal. No refunds shall be made on any license fee for any reason except for significant errors by the Division, and then in the Director's reasonable discretion. Replacements for lost or destroyed tags shall be issued upon payment of the appropriate fee to the Division. A violation of this subsection shall be a Class C misdemeanor.

(c) Any person removing or causing to be removed the collar, band, harness or tag from any licensed dog or cat without the consent of the custodian thereof, except a veterinarian or Division officer who temporarily removes such for medical reasons or other good cause, shall be in violation of this chapter. A violation of this subsection shall be an infraction.

(Revised Ords. 1978, § 3-1-8)

#### **Sec. 12-1-9. Licensing; Exemptions.**

(a) The provisions of Sections 12-1-6 and 12-1-7 shall not apply to the following animals:

(1) Individual dogs or cats within a properly licensed kennel or other such establishment when such animals are held for resale.

(2) Dogs or cats validly licensed in another jurisdiction of the United States shall not be kept within Sandy

for a continuous period of longer than 30 days, or for a total of more than 60 days in any one-year period, without obtaining a Sandy City animal license.

- (3) Qualified rescue organizations.
- (4) Animal foster homes.
- (b) The fee provisions of Section 12-1-6 shall not apply to:
  - (1) Service animals in training or currently used for that purpose.
  - (2) The requirement to license dogs by persons who have a valid Sandy City hobby license. Such persons shall, however, be required to obtain a license for each cat they own, possess, or harbor.
- (c) Nothing in this section shall be construed to exempt any dogs or cats from having a current rabies vaccination.

(Revised Ords. 1978, § 3-1-9)

**Sec. 12-1-10. Unlawful to Harbor Stray or Feral Animals.**

It shall be unlawful for any person to keep or harbor any domestic or wild animal which is lost, strayed or abandoned. Whenever any domestic animal is found which appears to be lost, strayed, or abandoned, it shall be the duty of the finder to notify the Animal Services Division by the next business day. The Division shall then impound the animal as herein provided. A failure to notify the Division of finding a lost, strayed or abandoned animal as provided above in this section shall be a Class C misdemeanor. This section does not apply to feral or community cats.

(Revised Ords. 1978, § 3-1-10)

**Sec. 12-1-11. Animals Running at Large.**

It should be unlawful for the custodian of any animal to allow such animal at any time to run at large. The custodian of an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows the animal is running at large. The first violation of this section shall be an infraction. A second or subsequent offense shall be a Class C misdemeanor.

(Revised Ords. 1978, § 3-1-11)

**Sec. 12-1-12. Animals on Unenclosed Premises.**

It shall be unlawful for any person to chain, stake out, or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line, unless such person has permission of the owner of the property where the animal enters. It shall be unlawful to chain, stake out or tether any animal to public property or to allow an animal so staked or tethered to go upon public property.

(Revised Ords. 1978, § 3-1-12)

**Sec. 12-1-13. Female Animals in Heat.**

Any owner or person having charge, care, custody or control of any female animal in heat shall, in addition to restraining such animal from running at large, cause such animal to be constantly confined in a building or enclosure so as to prevent it from coming into contact with male animals of the same species old enough to attempt to breed with the female animal. This prohibition shall not apply to planned breeding which occurs with the permission of the custodians of the male and female animal which attempt to breed, and which occurs on the property of the custodian of either the male or female animal, or at a kennel, or on the property of a person with a Sandy City hobby license. A violation of this section shall be an infraction.

(Revised Ords. 1978, § 3-1-13)

**Sec. 12-1-14. Places Prohibited to Animals.**

(a) It shall be unlawful for any person to take or permit any animal, whether loose or on a leash or in the person's arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores. This subsection

shall not apply to police service animals and assistance animals.

(b) It shall be unlawful for any person having custody of any dog to allow said dog to be within any watershed area so designated where dogs are prohibited by ordinance or where legible signs are posted at all normally used entrances to the watershed areas prohibiting dogs by a governmental entity or property owner with lawful authority to place such signs.

(c) It shall be unlawful for any person to allow any animal to enter or be in any place of worship during public services or in any public school building while school is in session, except when authorized by a teacher or administrator at the said school involved with the said instruction, except that this subsection shall not apply to police service animals or assistance animals. A violation of this subsection shall be an infraction.

(d) It shall be unlawful for any person to allow any animal to enter any public property where it is prohibited by a government-authorized sign or other reasonable means of notification, except police service animals and assistance animals. ~~This subsection shall not apply to police service animals and assistance animals.~~ A violation of this subsection shall be an infraction.

(e) It shall be unlawful for any person having care, custody or control of any animal to allow the animal to be present at any government-sponsored public gathering, including, but limited to, outdoor events and parades. This prohibition applies even though the animal may be leashed, caged or otherwise confined. This prohibition does not apply to assistance or police service animals, and does not apply to instances where the animals are specifically invited by an authorized organizer of the event. The Chief of Police or the Animal Services Director may exempt certain events from this prohibition. When such an exemption is declared, signs may be posted at significant locations informing participants of the special exemption.

(Revised Ords. 1978, § 3-1-14)

#### **Sec. 12-1-15. Restraint of Guard and Attack Dogs.**

(a) Every owner of a guard or attack dog shall keep such dog securely confined in a building, compartment, cage or other enclosure so that it cannot escape.

(b) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

(c) For purposes of this section, a guard or attack dog shall mean a dog trained to attack on command or the primary purpose of which is to protect persons or property.

(d) A violation of this section shall be a Class B misdemeanor.

(Revised Ords. 1978, § 3-1-15)

#### **Sec. 12-1-16. Animals Attacking Persons and Other Animals.**

(a) *Attacking animals.* It shall be unlawful for the owner, custodian, or person having charge, care, custody or control of any animal, to allow or fail to prevent said animal to attack, bite, chase or worry any person, any domestic animal or fowl, or any species of hoofed or protected wildlife. The term "worry," as used in this subsection, shall mean to cause apprehension or fear or to harass by menacing, growling, snapping, tearing, biting or shaking with the teeth, or approaching aggressively while unconfined or not tethered on a leash.

(b) *Custodian liability.* A custodian in violation of Subsection (a) of this section shall be strictly liable for a violation of this section by an animal in his ~~or her~~ care.

(c) *Mitigating Factors.* The following factors may be considered in determining the penalties, restitution, or may be considered by the prosecutor in recommending the dismissal of the charge:

- (1) That the custodian of the animal took reasonable precautions to confine or control the animal;
- (2) That the animal was deliberately or maliciously provoked; or
- (3) That the animal was responding to pain or injury.

(d) *Violation.* A violation of this section shall be a Class B misdemeanor.

(Revised Ords. 1978, § 3-1-16)

### Sec. 12-1-17. Nuisance Animals.

(a) Any owner or custodian or an animal causing a nuisance as defined in this subsection shall be in violation of this title and subject to the penalties provided herein. A nuisance animal is any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "nuisance animal" shall include, but not be limited to, an animal which:

- (1) Causes damage to the property of anyone other than its owner;
- (2) Is a dangerous dog as defined in Section 12-3-2 of this ordinance at large, or a prohibited animal pursuant to Section 12-3-3(d) of this ordinance at large;
- (3) Causes unreasonable fouling of the air by odors;
- (4) Causes unsanitary conditions in its enclosure, cage, yard or surroundings;
- (5) Defecates on any public sidewalk, park, or building or on any private property without the consent of the owner of such private property; unless the person having custody of such animal or his agent shall immediately remove the feces to a proper trash receptacle. This subsection shall not be applicable to cases where a person is legally blind or so disabled as to be unable to pick up the feces when such person is being assisted by a service animal;
- (6) Continuously or persistently barks, whines, growls or howls, or makes other noises or engages in other behavior which unreasonably disturbs the peace or causes unreasonable annoyance or disturbance to individuals in proximity to the premises where the animal is kept or resides;
- (7) Though confined on the custodian's premises, jumps on fencing, lunges toward passersby, or behaves in a menacing or attacking manner so as to prevent the neighboring occupants or their guests from the quiet enjoyment of their property;
- (8) Molests passersby or chases passing vehicles or bicycles;
- (9) ~~Any animal that~~ Is found running at large two or more times within any 12-month period while owned by or in the custody of the same person, except that this subsection shall not apply to a feral or community cat if it has been trapped, ear-tipped and vaccinated;
- (10) Is seriously offensive or a danger to the health, safety or welfare of the public;
- (11) ~~Any animal which,~~ By virtue of the number of animals maintained at a single place or residence, ~~are~~ is determined by the Division or Salt Lake Valley Health Department to be offensive or dangerous to the public health, welfare or safety, or unsafe or unhealthy for the animal.

A violation of Subsection (a)(10) of this section shall be a Class B misdemeanor; a violation of any other provision or this Subsection (a) shall be a Class C misdemeanor.

(b) A court may require a dog, its owner or custodian to compete obedience and/or behavior training or other classes or training related to dog behavior or training approved by court.

(c) A court may reduce fines or other penalties if a dog, its owner or custodian have completed obedience and/or behavior training classes approved by the court.

(Revised Ords. 1978, § 3-1-17)

**State law reference**—Authority relative to nuisances, U.C.A. 1953, § 10-8-60.

### Sec. 12-1-18. Revocation of Animal License.

If the custodian of any animal is convicted of violating this chapter two or more times within any 12-month period, the Animal Services Director may seek a court order revoking any animal license such person may possess and impound any animals kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this chapter for impounded animals, except that the person under the order of revocation shall not be allowed to redeem or keep the animal under any circumstances.

(Revised Ords. 1978, § 3-1-18)

**Sec. 12-1-19. Bites.**

(a) In the event a mammal bites a person or another mammal, or in the event a mammal or minor child is reasonably believed to have come into contact with an animal infected with rabies, the custodian of the mammal or the legal guardian of the minor child shall immediately report such exposure and information about the contact to the Division, the Police Department, or the Salt Lake County Health Department, including the date, time, and location of the contact, a description and identity of the animals or persons involved in the contact, if known, and other information reasonably needed to locate and treat or quarantine the persons or animals involved in such contact.

(b) If any animal bites or attacks a person or another animal and thereby causes death, a puncture wound or laceration, whether or not the wound otherwise requires medical attention, or if any mammal is exposed to rabies, such animal may be immediately impounded by the Division without a court order if otherwise allowed by law, and held at the custodian's expense until order of the Director or a court of competent jurisdiction. Any such animal shall be deemed a dangerous animal by the Animal Services Division, which may seek a court order that the animal is dangerous, is a nuisance, or, if a dog, that it is a dangerous dog as defined herein. The Division shall promptly serve notice upon the custodian of the animal's impoundment.

(c) The custodian or owner of any animal which bites a person or another person's animal shall promptly provide to such person the name and address of the custodian and (if a different person than the custodian) the owner, proof of the biting animal's rabies vaccination, and shall provide in writing to the person who was bitten, or if that person is a minor, then to the parent or guardian of the minor, or to the custodian of the animal which was bitten, any information about the custodian and owner's insurance which might reasonably be believed to cover the treatment and injury, and any information about the biting animal's likelihood of having rabies.

(Revised Ords. 1978, § 3-1-19)

**Sec. 12-1-20. Control of Rabies and Rabid Animals.**

(a) *Rabies Vaccination Required for Dogs and Cats.* The custodian of a cat or dog four months of age or over shall have said animal vaccinated against rabies within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard, or premises shall be responsible for said vaccination. Unvaccinated dogs and cats over four months of age shall be vaccinated within 30 days of purchase, acquisition, or care of the said animal. Every dog and cat shall be re-vaccinated thereafter not less frequently than every 36 months, with a modified virus rabies vaccine approved by the Salt Lake Valley Health Department. This provision shall not apply to licensed veterinarian or kennel operators temporarily maintaining animals owned by others on their premises.

(b) *Transient Animals.* It shall be unlawful to bring any animal into Sandy City which does not comply with the provisions of this title, or State and local health laws and import regulations.

(c) *Impoundment of a Mammal Without Valid Rabies Vaccination Tag.*

(1) Any dog or cat four months of age or older may be impounded by the Division if no evidence of current rabies vaccination is present. The impounded animal may be reclaimed by its custodian by furnishing proof that the animal has received a rabies vaccination as required herein, and payment of all fines and license and impoundment fees which are owed for the animal prior to release. An impounded feral or community cat which is in good health or which can be restored to good health in a reasonable period of time, as determined by the Director, shall be spayed or neutered if such procedures have not already been performed on the animal, vaccinated against rabies and any other diseases provided for by Division policy (if the Division has no reasonable evidence that the animal has current vaccination), ear-tipped if not already ear-tipped, ~~shall be~~ and if no person adopts it released in the vicinity where the cat was captured.

(2) Animals shall be disposed of pursuant to Section 12-1-23. Any unvaccinated dog or cat may be reclaimed by the animal's owner or custodian prior to disposal by payment of fines and license and impound fees which are owed, and by showing proof that the animal has received a rabies vaccination and any other vaccinations as required by this title. Evidence of the proof of vaccination shall be provided to the Division within 14 days of the animal's release by the Division.

- (3) Any animal not reclaimed prior to destruction shall be disposed of pursuant to the provisions of Section 12-1-23.
- (d) *Quarantining and Disposition of Biting or Rabid Animals.*
- (1) An animal that has rabies or which is reasonably believed to have rabies, and every mammal bitten by another animal reasonably believed to have rabies shall immediately be confined to a secure place by the custodian. The custodian shall turn over the animal to the Division upon demand.
- (2) The custodian of any animal of a species subject to rabies which has been bitten by another animal reasonably believed to have rabies shall surrender the animal to an authorized Division or Valley Health Department or Utah State Department of Health official upon demand.
- a. Any person authorized to enforce this chapter may enter upon private property to seize an animal that has rabies or reasonably believed to have rabies; if the custodian refuses to surrender the animal, the officer may obtain a search warrant or court order authorizing seizure and impoundment of the animal as allowed by law.
- (3) Any animal of a species subject to rabies that bites a person or animal which is reasonably believed to have rabies may be seized and quarantined for observation for a period of not less than ten days by the Division and/or the Salt Lake Valley Health Department. The custodian of the animal shall bear the costs of quarantine. The Sandy City Animal Shelter shall be the normal place for quarantine, but other arrangements, including confinement by the custodian, may be made or approved by the Animal Services Director and/or the Director of Salt Lake Valley Health Department if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying the exception.
- a. A person who has custody of an animal under quarantine shall immediately notify the Division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Health Department or Division officer to make an inspection of the animal during the period of quarantine. A violation of this subsection shall be a Class B misdemeanor.
- b. If the animal dies within a 30-day period from the date of the bite, the person having custody of the animal shall immediately notify the Division and shall immediately deliver the animal or its head to the Health Laboratory of Epidemiology and Laboratory Services to be examined for rabies. If, at the end of the 30-day period, the Director of Animal Services examines the animal and finds no sign of rabies, the animal may be released to the custodian, or, in the case of a stray, it shall be disposed of as provided in Section 12-1-23. A violation of this subsection by an animal's custodian shall be a Class B misdemeanor.
- (4) Any wild or feral mammal that bites or scratches a person or animal or that is reasonably suspected of having rabies may be seized and euthanized for examination of rabies pursuant to Utah Department of Health rules and regulations.
- (5) Unvaccinated bitten or exposed animals.
- a. In the case of an unvaccinated animal species subject to rabies which is known or reasonably suspected to have been bitten, scratched by or otherwise exposed to a known rabid animal, said bitten or exposed animal shall be immediately destroyed, and the carcass disposed of in a way that other animals may not come in contact with it.
- b. If the custodian is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, or other quarantine arrangement approved in writing by the Director, the cost of such quarantine to be paid by the custodian. The animal shall be destroyed if the custodian does not comply herewith. The custodian shall immediately notify the Division of the location of the place of quarantine, and shall immediately notify the Division if the animal is moved or dies.
- (6) Vaccinated bitten animals.

- a. If an animal which is known or reasonably suspected to have been bitten by or exposed to a rabid animal known or reasonably suspected of being rabid has been vaccinated, the animal shall be re-vaccinated within 24 hours and quarantined for a period of 30 days following re-vaccination; or
- b. If the animal is not re-vaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months.

The animal shall be taken by the Division for treatment and processing if the custodian does not comply with Subsection (d)(6)a or b of this section, and may be euthanized by the Division if it shows symptoms of rabies.

- (7) Removal of quarantined animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission from the Division.

(e) *Rabies Epidemic.* Notwithstanding the other provisions of this section, whenever the Mayor or Council of Sandy City, upon the recommendation of the Salt Lake County Health Department, the Animal Services Director, or the Chief of Police, shall determine and declare that any disease epidemic exists within the City by reason of rabies, or for any other disease or cause related to animals, and that it is necessary to protect and preserve the public health and safety, the Council of the City shall, by resolution, declare and determine the existence of an epidemic of such disease, and thereupon it shall be the duty of the Director and the Chief of Police of the City when so directed by the Mayor or Chief Administrative Officer, and until such time as it may be determined by the Mayor or said Council that such disease epidemic no longer exists, to immediately destroy or cause to be destroyed, in the event such epidemic is one of rabies, any dog ~~or dogs~~ which may have bitten any person ~~or persons~~, dog ~~or dogs~~, or other animal ~~or animals~~, or which, in the judgment of an officer of the Salt Lake County Health Department, is suffering from the disease of rabies, and to immediately destroy, or cause to be immediately destroyed, the dog ~~or dogs~~, and such other animal ~~or animals~~, during the existence of such epidemic, which ~~are~~ ~~is~~ declared to be an imminent menace to the public health and safety. During the continuance of such epidemic, any person ~~or persons~~ owning any dog ~~or dogs~~ within the City shall keep such dog muzzled at all times while it is at large, and any dog ~~or dogs~~ un-muzzled and running at large upon any of the public streets, lanes, alleys, or other public places of the City during the epidemic shall be impounded and destroyed whether or not such dog ~~or dogs~~ ~~be~~ ~~is~~ suffering from rabies. Any member of the Division and the Police Department is authorized to enforce the provisions hereof.

(Revised Ords. 1978, § 3-1-20)

#### **Sec. 12-1-21. Impounding—Animals to be Impounded.**

(a) The Division shall place all animals which it takes into custody in the Sandy City Animal Shelter or other facility designated by the Director. The following animals may be taken into custody by the Division, and impounded:

- (1) Any animal being kept or maintained contrary to provisions of this chapter;
- (2) Any animal running at large contrary to the provisions of this chapter;
- (3) Any animal which is required to be licensed by this chapter and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section, with the exception of community or feral cats;
- (4) Sick or injured animals whose custodian cannot be located;
- (5) Any abandoned animal, excluding community and feral cats;
- (6) Animals for which the Division has no or inadequate evidence of a current vaccination for rabies in accordance with the requirements of this chapter;
- (7) Any animal to be held for quarantine;
- (8) Any dangerous dog not properly muzzled, restrained and confined as required in Chapter 12-3 or which otherwise fails to comply with Chapter 12-3;
- (9) Any animal which has been abused, neglected or treated cruelly while in custody of the same person who presently has custody;
- (10) Any animal which has bitten or attacked a person or another animal without provocation, or which is

reasonably suspected of having rabies;

(11) Any animal which poses a threat to the health or safety of persons, property, or other animals.

(b) Notwithstanding anything in this section to the contrary, a feral or community cat running at large that has been trapped, ear-tipped and for which there is evidence of a current rabies vaccination need not be impounded under this section merely because it is running at large.

(c) Upon impoundment by the Division, and except where emergency conditions or a technical failure otherwise prevent, each non-wild animal shall be promptly scanned with a universal microchip scanner, a photograph taken, and a reasonably detailed description of the animal prepared. The photograph and description shall be posted on the Division's website within one business day.

(Revised Ords. 1978, § 3-1-21)

**Sec. 12-1-22. Impounding: ~~Same~~—Records to be Kept.**

The impounding facility shall keep a record of each animal impounded which includes the following information:

- (1) Complete detailed information about the animal, including the approximate size and weight of the animal, its breed, if it can reasonably be determined, its color, markings, sex, and other information which the Animal Services Director deems appropriate, including license tag numbers;
- (2) The manner and date of impound;
- (3) The location of the pickup and the name of the officer or person picking up the animal;
- (4) The manner, reason for and date of disposal;
- (5) The name, email address and address of the redeemer or purchaser;
- (6) The name and address of any person relinquishing an animal to the impound facility;
- (7) All fees and costs incurred and received for keeping an animal; and
- (8) All expenses accruing during impoundment.

(Revised Ords. 1978, § 3-1-22)

**Sec. 12-1-23. Impounding, Euthanization; Disposition of Animals.**

(a) Sandy City shall not euthanize healthy or animals for which rehabilitation is reasonably possible.

(b) Animals shall be impounded for a minimum of five business days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the custodian of any animal wearing a license or other identification during that time. If the custodian is found, the animal shall be promptly released to the custodian unless otherwise provided by law. Notice shall be deemed given when sent to the last-known address of the listed custodian. An animal voluntarily relinquished to the Division by the custodian thereof for disposition, other than holding it for a minimum of five business days, need not be kept for the minimum holding period before release or other disposition as herein provided. Feral cats are exempt from the five-business-day holding period according to the Community Cat Act, U.C.A. 1953, § 11-46-301 et seq.

(c) A dog or cat may not be transferred to another person other than the custodian or owner of the animal unless the dog or cat has been sterilized, except as hereinafter provided.

(d) An animal shelter may not transfer a dog or cat for adoption that has not been sterilized, except as follows:

- (1) To a qualified rescue organization;
- (2) If the dog or cat is younger than ~~two~~ six months of age, then within 30 days after the dog or cat becomes ~~two~~ six months of age; and
- (3) The animal shelter receives from the recipient a sterilization deposit as to be held to assure that the sterilization is performed as provided hereafter, the terms of which are part of the written agreement executed by the recipient under this section.

(e) Sterilization deposit.

- (1) A sterilization deposit is a deposit that is refundable to the recipient if proof of sterilization of the dog or cat within the appropriate time limits as set forth in the agreement is presented to the animal shelter not more than three months after the date the dog or cat is sterilized.
- (2) A sterilization deposit is forfeited to the animal shelter if proof of sterilization is not presented to the animal shelter in compliance with Subsection (e)(1) of this section.
- (3) Sterilization deposits shall be set by the City Council and shall reflect the average cost of a sterilization of a dog or cat, based on the gender and weight of the dog or cat, that is reasonably available in the area where the animal shelter is located, but the deposit may not be less than \$25.00.
- (4) If a female dog or cat and her litter are transferred to one person, a sterilization deposit is required only for the female dog or cat. The fee does not apply to a qualified rescue organization.
- (5) All sterilization deposits forfeited or unclaimed under this section shall be retained by the animal shelter and shall be used by the animal shelter only for:
  - a. A program to sterilize dogs and cats;
  - b. A public education program, to reduce and prevent overpopulation of animals and the related costs to local governments;
  - c. A follow-up program to assure that dogs and cats transferred by the animal shelter are sterilized in accordance with the agreement executed under Subsection (e)(1) of this section; and
  - d. Any additional costs incurred by the animal shelter in the administration of the requirements of this section.
- (f) Failure to comply with the sterilization agreement. If a recipient fails to comply with the sterilization agreement under Subsection (e)(1) of this section:
  - (1) The failure is grounds for seizure and impoundment of the cat or dog by the animal shelter from whom the recipient obtained the cat or dog;
  - (2) The recipient relinquishes all ownership rights regarding the cat or dog and any claim to expenses incurred in maintenance and care of the dog or cat; and
  - (3) The recipient forfeits the sterilization deposit.
- (g) The term "proof of sterilization" means a written document signed by a veterinarian stating:
  - (1) A specified animal has been sterilized;
  - (2) The location where the sterilization was performed.
- (h) Any licensed animal impounded and having or suspected of having serious injury or disease requiring medical attention may, in the discretion of the Director, be released to the care of a veterinarian with the consent of the custodian. When, in the judgment of the Director, it is determined that an unidentified or unclaimed stray animal should be destroyed to prevent unnecessary suffering due to serious injury or disease which cannot reasonably be treated within budget constraints, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

(Revised Ords. 1978, § 3-1-23)

**State law reference**—Sterilization of impounded animals, U.C.A. 1953, § 11-46-203.

**Sec. 12-1-24. Impounding, Redemption.**

- (a) The custodian of any impounded animal may redeem such animal before disposition, provided the custodian complies with the following:
  - (1) Payment of the impound fee in the amount set by resolution of the Sandy City Council;
  - (2) Payment of the daily board charge;
  - (3) Payment of veterinary costs incurred during the impound period, including rabies vaccination; and
  - (4) Payment of license fees due.

(b) The Division caring for animals pursuant to this section has a claim against its owner for the reasonable cost of its care and destruction.

(Revised Ords. 1978, § 3-1-24)

**Sec. 12-1-25. Community Cat Program; Feral Cats Impoundment and Disposition.**

(a) Sandy City hereby establishes a community cat program pursuant to U.C.A. 1953, § 11-46-303.

(b) Notwithstanding the minimum holding period identified in Section 12-1-23, the Sandy City Animal Shelter and Adoption Center shall operate a trap-neuter-return program. Impounded cats identified as feral or community cats which are in good health and which do not pose a threat to the health or safety of persons or other domesticated animals shall be released within a reasonable proximity to the place where they were trapped or picked up.

(1) Each feral or community cat trapped or picked up under this Subsection (b) which is delivered to the Division shall be sterilized, identified by ear-tipping and rabies-vaccinated prior to return.

(2) The return of a feral or community cat under the provisions of this section shall not be considered abandoned under the provisions of Section 12-1-21 of this title.

(c) The Director (or his or her designee) has discretion to refuse release of a feral or community cat if the cat is reasonably believed to carry disease, or to be a threat to persons, property, or other domesticated animals.

(Revised Ords. 1978, § 3-1-25)

**State law reference**—Community Cat Act, U.C.A. 1953, § 11-46-301 et seq.

**Sec. 12-1-26. Leaving Animals in Vehicles.**

~~(a) The words used herein shall have the same meanings as they have in U.C.A. 1953, § 76-9-301.~~

~~(1) As used in this ordinance "torture" means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.~~

~~(b) Except as provided in Subsection (d) or (f) below, a person is guilty of cruelty to an animal if the person without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:~~

~~(1) Fails to provide necessary food, water, care, or shelter for an animal in the person's custody;~~

~~(2) Abandons an animal in the person's custody;~~

~~(3) Injures an animal;~~

~~(4) Causes any animal, not including a dog, to fight with another animal of like kind for amusement or gain; or~~

~~(5) Causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain; or~~

~~(6) ——— A person is guilty of a Class B misdemeanor if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence confines an animal in an unattended enclosed motor vehicle, an enclosed container or other space when the outside temperature is above 60 degrees Fahrenheit and there are indications that the animal is in distress.~~

(1) For purposes of this section, indications that the animal is in distress include, but are not limited to, the following signs:

a. The animal is panting, listless, or apparently unconscious;

b. The animal shows signs of thirst;

c. There is no water or insufficient water available for the animal to drink;

d. No air conditioning is running to cool the temperature in the vehicle or other space; or

e. Scratching, whining, or other sounds of distress.

- (2) For purposes of this section, the term "other space" shall not include a home, garage, or building larger than 150 square feet in area.
- (3) Any law enforcement officer or agent of a licensed humane organization may take action reasonably necessary to rescue a confined animal endangered by extreme temperatures, and to remove the threat of further serious harm.
- (4) No officer or agent taking action under this section shall be liable for damage reasonably necessary to rescue the confined animal.
- (5) The Animal Control Officer or other officer shall have the authority to remove any animal found in an enclosed vehicle, enclosed container or other space that appears to be suffering from heat stress. The animal may be provided immediate veterinary care if needed in the Officer's judgment. The animal's custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment, including veterinary treatment, and impoundment.

~~(c) Except as provided in Subsection (o)(enhanced penalties for cruelty), and except as provided in (b)(6)(F) just above, a violation of subsection (b) is:~~

- ~~(1) a class B misdemeanor if committed intentionally or knowingly; and~~
- ~~(2) a class C misdemeanor if committed recklessly or with criminal negligence.~~

~~(d) A person is guilty of aggravated cruelty to an animal if the person:~~

- ~~(1) tortures an animal;~~
- ~~(2) administers, or causes to be administered, poison or a poisonous substance to an animal; or~~
- ~~(3) kills an animal or causes an animal to be killed without having a legal privilege to do so.~~

~~(e) Except as provided in Subsection (n) below, a violation of Subsection (d) above is:~~

- ~~(1) a class A misdemeanor if committed intentionally or knowingly;~~
- ~~(2) a class B misdemeanor if committed recklessly; and~~
- ~~(3) a class C misdemeanor if committed with criminal negligence.~~

~~(f) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:~~

- ~~(1) by a licensed veterinarian using accepted veterinary practice;~~
- ~~(2) directly related to a bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;~~
- ~~(3) permitted under U.C.A. 1953, § 18-1-3;~~
- ~~(4) by a person who humanely destroys any animal found suffering past the likelihood of recovery for any useful purpose; or~~
- ~~(5) by the Division pursuant to Sections 3-1-16, 3-1-18, 3-1-19, 3-1-20, and 3-1-22, of this chapter.~~

~~(h) For purposes of subsection (g)(4), before destroying the animal, the person who is not the custodian of the animal shall obtain:~~

- ~~(1) the judgment of a veterinarian of the animal's non-recoverable condition; or~~
- ~~(2) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence; or~~
- ~~(3) the consent from the owner of the animal to the destruction of the animal; or~~
- ~~(4) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.~~
- ~~(i) This section does not affect or prohibit:~~

- ~~(1) the training, instruction, or grooming of animals if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;~~
- ~~(2) the use of a generally accepted electronic locating or training collar when used according to generally accepted practices by the custodian of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or~~
- ~~(3) the lawful hunting of, fishing for, or trapping of, wildlife.~~
- ~~(j) Upon conviction under this section, the court may in its discretion, in addition to other penalties:~~
  - ~~(1) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;~~
  - ~~(2) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;~~
  - ~~(3) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and~~
  - ~~(4) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal services agency, a qualified rescue organization registered with the state, sold at public auction, or if no other good and reasonable alternative exists, humanely destroyed.~~
- ~~(k) This section does not prohibit the use of animals in lawful training.~~

~~(l) Spectator at organized animal fighting exhibitions. It is unlawful for a person to knowingly be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals prohibited by Subsections 76-9-301(2)(d) and (e), Utah Code Ann., or to be present at such exhibition, regardless of whether any entrance fee has been charged. A person who violates this section is guilty of a class B misdemeanor.~~

- ~~(m) Dog fighting; training dogs for fighting; dog fighting exhibitions.~~
- ~~(1) It is unlawful for any person to:~~
  - ~~(A) own, possess, keep, or train a dog with the intent to engage it in an exhibition of fighting with another dog;~~
  - ~~(B) cause a dog to fight with another dog or cause a dog to injure another dog for amusement or gain;~~
  - ~~(C) tie, attach, or fasten any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog; or~~
  - ~~(D) permit or allow any act which violates Subsection 1(A), (B), or (C) on any premises under his charge; or to control, aid, or abet any such act.~~
- ~~(2) Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of Subsections (1)(B) and (1)(C).~~
- ~~(3) Nothing in this section prohibits any of the following:~~
  - ~~(A) the use of dogs for management of livestock by the owner, his employees or agents, or any other person in the lawful custody of livestock;~~
  - ~~(B) the use of dogs for hunting; or~~
  - ~~(C) the training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.~~
- ~~(n) Enhanced penalties.~~

- ~~(1) As used in this section, "Conviction" means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance or any comparable Sandy City ordinance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.~~
- ~~(2) Except as provided in Subsection (4), a person who commits any violation of Subsections (b), (m) or (n)(4) within the State and on at least one previous occasion has been convicted of violating Subsections (b), (m) or (n)(4) shall be subject to an enhanced penalty as provided in Subsection (3) below.~~
- ~~(3) The enhanced degree of offense for offenses committed under this section are:~~
- ~~(A) if the offense is a class C misdemeanor, it is a class B misdemeanor; and~~
- ~~(B) if the offense is a class B misdemeanor, it is a class A misdemeanor.~~
- ~~(4) The penalty enhancements described in this section do not apply to a conviction for the offense described in Subsection (f) above (penalty for intentionally and knowingly torturing a companion animal).~~

(Revised Ords. 1978, § 3-1-26)

**State law reference**—Cruelty to animals, U.C.A. 1953, § 76-9-301 et seq.

### **Sec. 12-1-27. Sale of Animals.**

(a) It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, rent, lease, or sell any live dog, cat, or rabbit in any pet shop, retail business, or other commercial establishment located in the City of Sandy, Utah, unless the dog, cat, or rabbit was obtained from a City or County animal shelter or animal control agency, a humane society, or a nonprofit animal rescue organization.

(b) All pet shops, retail businesses, or other commercial establishments selling, or boarding for the purpose of eventual sale, dogs, cats, or rabbits shall maintain a certificate of source for each of the animals and make it available upon request to Animal Control Officers, law enforcement, code compliance officials, or any other City employee charged with enforcing the provisions of this section.

(c) ~~For~~ purposes of this section, a nonprofit animal rescue organization is defined as any nonprofit corporation that is exempt from taxation under Internal Revenue Code Section 501(c)(3), whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits without providing payment or other compensation to a breeder or broker; or any nonprofit organization that is not exempt from taxation under Internal Revenue Code Section 501(c)(3) but is currently an active rescue partner with a City or County shelter or humane society, whose mission is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits.

(d) For purposes of this section, a certificate of source is defined as any document from the source City or County animal shelter or animal control agency, humane society, or nonprofit animal rescue organization declaring the source of the dog, cat, or rabbit on the premises of the pet shop, retail business, or other commercial establishment.

(e) This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats, or rabbits from the premises on which they were bred and reared.

(f) Nothing in this section shall prevent the owner, operator, or employees of a pet shop, retail business, or other commercial establishment located in Sandy City from providing space and appropriate care for animals owned by a City or County animal shelter or animal control agency, humane society, or nonprofit animal rescue organization and maintaining those animals at the pet shop, retail business, or other commercial establishment for the purpose of public adoption.

(g) Fowl. It shall be unlawful for any person to sell, offer for sale, barter or give away any fowl under two months of age in any quantity less than six. Such animals shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of such fowl by a private individual for his personal use and consumption, provided that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession.

(h) Premiums and novelties. It shall be unlawful for any person to offer any live animal as a premium, prize,

award, novelty, or incentive to purchasing merchandise or services.

(i) Pet turtles. It shall be unlawful for any pet shop or other business or person to raise or sell any turtle, tortoise or terrapin under four inches front to back carapace length.

(j) A violation of this section shall be a Class C misdemeanor. Each dog, cat ~~or~~ rabbit, fowl or turtle sold or offered for sale in violation of this section shall constitute a separate offense.

(Revised Ords. 1978, § 3-1-27; Ord. No. 18-12, § 1, 5-3-2018)

**Sec. 12-1-28. Wild Animals or Hybrids.**

(a) It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in Section 12-1-2, or any hybrid thereof, or any wild animal which is fierce, dangerous, vicious, noxious, or naturally inclined to do harm, or any animal which can contract rabies but which cannot be properly vaccinated for rabies as determined by the Utah Department of Health. This prohibition shall not include any State animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus sideshow, amusement show which is within Sandy City less than two weeks in any 12-month period, persons with a business license for the purpose of raising members of the Mustelidae family as a business for their pelts or musk, or facility for education or scientific purposes, and who follow all laws applicable to keeping such wild animals. The excepted entities listed in the foregoing sentence may keep such an animal if protective devices adequate to prevent such animal from escaping or endangering the public health or safety are provided.

(b) It shall be unlawful for any person to keep an animal of a species prohibited or protected by 50 CFR or by any regulation or law of the State of Utah.

(c) The City may establish a prima facie case that the animal is a wild animal upon showing that the custodian has represented that it is a wild animal, and upon presenting competent evidence that the animal exhibits a primary physical or behavioral characteristic of a wild animal. The foregoing will not prevent the City from demonstrating by any other means that the animal is a wild animal.

(Revised Ords. 1978, § 3-1-28)

**Sec. 12-1-29. Regulatory Permits.**

Commercial permits shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable or any similar establishment unless such person first obtains a business license from the Community Development Department, in addition to all other required licenses.

(Revised Ords. 1978, § 3-1-29)

**Sec. 12-1-30. Dead Animals.**

It shall be unlawful for any person knowingly to permit any dead animal to remain on his property for more than 12 hours without removing it except as provided in City ordinances; or for the custodian of any dead animal knowingly to permit the same to remain on any public property or on any premises within the City for more than 12 hours without notifying Animal Services of its location or removing it. If the custodian of the dead animal does not remove it himself or cause it to be properly removed, the City may remove it and assess a fee where a fee applies, or if no fee applies, then the City may charge the custodian the actual costs of the pickup, transport and destruction or incineration of the animal. The City may avail itself of all remedies in law and equity to enforce such removal, destruction and incineration, and to recover the costs associated therewith.

(Revised Ords. 1978, § 3-1-30)

**Sec. 12-1-31. Penalties.**

Except as otherwise provided herein, a violation of any provision of this chapter shall be a Class C misdemeanor.

(Revised Ords. 1978, § 3-1-31)

**Sec. 12-1-32. Sandy City Land Development Code Requirements.**

The keeping of animals within the City, either for personal, business or agricultural purposes, in addition to

complying with the provision of this title, must also comply with the Land Development Code of Sandy City, Utah 2002 (Title 21), and all other ordinances of Sandy City as they may be amended hereafter.

(Revised Ords. 1978, § 3-1-32)

## **CHAPTER 12-2. HOBBY LICENSE\***

\***State law reference**—Licensing of dogs, U.C.A. 1953, § 10-8-65.

### **Sec. 12-2-1. Purpose.**

It is the purpose of this chapter to create in Sandy City a hobby license which shall allow the licensee to maintain a maximum of five dogs over one year of age upon the licensed premises.

(Revised Ords. 1978, § 3-2-1)

### **Sec. 12-2-2. Hobby License Requirements.**

A hobby license shall allow the custodian to keep no more than five dogs over one year of age (other than an assistance animal, a retired assistance animal, or both) in a residential area. In no event shall a person with a hobby licensee be allowed to keep any other dogs if the custodian has a dangerous dog. Such license may keep intact one litter of pups up six months of age and may thereafter keep one animal from the original litter up to an age of 12 months. At no time shall the licensee keep more than five dogs over one year of age. Nevertheless, the following requirements shall be met by the licensee:

- (1) *Statement of Hobby Interest.* The applicant for a hobby license shall complete a form provided by the City, which form shall require the notarized signature of the applicant and shall indicate that the applicant desires to maintain ~~the~~ said dogs for hobby purposes. Hobby purposes shall include, but not be limited to, the showing of dogs, training of dogs for field trials, the training of dogs for rescue, for obedience, tracking and other such purposes, and the maintaining of dogs for recreation, breeding, and sporting purposes.
- (2) *Outdoor Requirements.*
  - a. The applicant shall provide dog runs with shelter to protect the dogs from foul weather, wind, and excessive exposure to natural elements. Said runs shall also be designed to prevent the escape of any dog constrained therein.
  - b. All fencing shall be of sufficient strength and of such construction to prevent the escape of or injury to any dog housed within such fencing.
  - c. All fencing shall be maintained so that no part of such fence shall be broken, damaged, or in any way pose a significant risk of injury to the enclosed dog or to allow the escape thereof.
  - d. In addition to providing the fenced animal runs, the applicant shall be required to erect a substantial fence around that portion of the yard in which the dogs are maintained sufficient to prevent the dogs' escape.
  - e. The animal runs located in the yard shall be positioned so as not to be a nuisance to any neighbor, and shall be at least 40 feet from the nearest portion of any neighboring building used as a dwelling.
  - f. No dog runs shall be located within the front yard setback area.
  - g. An opaque screen shall be provided to screen any dog run from view by surrounding persons or from surrounding properties.
  - h. An applicant for a hobby license shall submit a plot plan showing the location of the applicant's lot, the location of surrounding and adjoining lots, and shall include the location of all structures presently in place, both main and accessory, and the proposed location of any dog runs, shelters or other such structures. The Division may determine the adequacy of the applicant's plot plan.
  - i. No dog run shall be located in the side yard setback area unless specific authorization is granted pursuant to a review by the Division and the Department of Community Development.
  - j. All accessory runs, buildings, fences and other outdoor facilities must also comply with all

- provisions of the Land Development Code of Sandy City, Utah 2002 (Sandy Land Use Code). In the case of a conflict between the ordinances, the more restrictive provision shall apply.
- (3) *Size of Dog Runs.* The dog runs required by this section shall have as a minimum size the following:
- a. The dog run shall be no less than 32 square feet in size when the dog restrained therein is over 50 pounds in weight.
  - b. The dog run shall be no less than 18 square feet in size when the dog restrained therein is more than 15 pounds but less than 50 pounds in weight.
  - c. The dog run shall be no be less than ten square feet when the dog restrained therein is 15 pounds or less in weight.
  - d. If the applicant desires to construct dog runs which shall be communal in nature, said runs shall be proportionally larger for each additional dog therein. For example, if two dogs in a dog run both weigh over 50 pounds, then the dog run shall be at least 64 square feet in size.
- (4) *Bedding.* The bedding contained in the dog runs shall meet the following requirements:
- a. The bedding shall be of a material which may be either disposed of by sanitary means or removed and cleaned.
  - b. Newspapers or other similar material used to absorb moisture shall be removed and replaced daily, and areas beneath them cleaned and disinfected daily. All newspapers or other material removed shall be disposed of in a manner acceptable to the Salt Lake Valley Health Department.
  - c. The floors of a dog run, constructed of concrete, shall provide for a resting board or some type of bedding for the dogs restrained therein which insulates the dogs from the concrete.
  - d. If any bedding used is of a type that must be cleaned, the material shall be cleaned as often as necessary to maintain a healthy and sanitary condition. All bedding shall be kept clean and free of noxious odors.
- (5) *Cleaning of Dog Runs.*
- a. All runs shall be cleaned and disinfected as needed each day to prevent fecal accumulation.
  - b. Cleaning agents or chemicals that may be harmful to dog tissue shall not be used where there is a possibility of contact or ingestion of such agents or chemicals by the dog.
  - c. Fecal material shall be properly handled and disposed of in accordance with applicable regulations of the Salt Lake Valley Health Department.
  - d. When necessary, or under the direction of the Salt Lake Valley Health Department, the licensee shall use such chemicals and materials as may be necessary to control flies, insects or other pests.
  - e. Accumulations of fecal or other waste material or garbage in and around any dog run shall be cleaned up and properly disposed of at least daily. The dog run itself and the surrounding area shall be neat, clean and free of litter, trash garbage and noxious odors.
- (6) *Feed.* The feeding of the dogs shall be governed by the following requirements:
- a. The feed given to the animals shall be stored in a manner so as to prevent contamination from any source, and shall ~~not~~ be stored so it does not attract rodents, vermin or other pests.
  - b. Fresh portable water shall be available to the dogs at all times.
- (7) *Noise Control.* The licensee shall take such steps as may be necessary to ensure that noise generated by the dogs owned and kept by the licensee shall not be in violation of Section 12-1-17(6) or (7).
- (8) *Land Use Regulations.* A hobby license shall not be granted to any applicant unless the application shall conform to all Sandy City land use regulations.
- (9) *Other Regulations.* The licensee shall comply with the provisions of Chapter 12-1 (~~Animal Services~~), except Sections 12-1-7 (~~Licensing~~) and 12-1-8 (~~License Tag~~).

(Revised Ords. 1978, § 3-2-2)

**Sec. 12-2-3. Fees and Required Vaccination.**

(a) The fee for a hobby license shall be established by resolution of the City Council.

(b) The licensee shall be required to provide proof of a rabies vaccination to the Division in accordance with Section 12-1-20 for each dog kept and maintained under authority of any hobby license upon application for, or renewal of, the hobby license and upon the acquisition or substitution of any dog pursuant to the permit.

(Revised Ords. 1978, § 3-2-3)

**Sec. 12-2-4. Renewal of Hobby License and Inspections.**

(a) Any hobby license issued pursuant to the provisions of this chapter shall automatically expire 12 months after it is issued. The Division will mail a reminder to the licensee one month prior to expiration. If the licensee fails to renew the license within 30 days of expiration, the hobby license applicant shall file a new application for a hobby license.

(b) The Division may inspect each licensed premises at least once each year at any time with or without notice.

(Revised Ords. 1978, § 3-2-4)

**Sec. 12-2-5. Exemptions.**

Animal shelters and other animal facilities operated by State or local governments or which are licensed by federal law, are excluded from the licensing requirements of this chapter.

(Revised Ords. 1978, § 3-2-5)

**Sec. 12-2-6. Complaints and Revocation of License.**

Complaints with regard to persons keeping and maintaining dogs under the provisions of this chapter may be resolved as follows:

- (1) The complaint shall be investigated by the Division.
- (2) Upon completion of such investigation of the initial complaint, the Division may, in addition to other actions, submit to the licensee requirements for removing the cause of the original complaint. Any such submittal shall include a time period in which such requirements must be implemented.
- (3) The Division shall reinspect the premises to determine if the causes of the complaint have been removed and if the recommendations of the Division have been followed.
- (4) Failure by the licensee to either remove the causes for the original complaint or to comply with the requirements of the Division, and to comply with all applicable laws, including this chapter and Chapter 12-1, shall be considered grounds for revocation of the license issued under authority of this chapter.
- (5) In the event that the causes of the complaint are not removed within the time specified by the Division, a hearing for the revocation of the license granted hereunder shall be held before the Director or his designees. The hearing procedure shall provide for the following:
  - a. A written notice served upon the licensee setting forth the causes upon which the revocation of the license is based.
  - b. The opportunity for the licensee to appear at an open hearing and present evidence, appear in person or be represented by counsel, and to examine witnesses.
  - c. Upon the presentation of the evidence by the licensee and the City, the Director or his designees shall render a final decision on the license be revocation.

(Revised Ords. 1978, § 3-2-6)

**Sec. 12-2-7. Penalties.**

Any violation of the provisions of this chapter shall be deemed a Class C misdemeanor unless otherwise

specifically designated as a different level of offense.

(Revised Ords. 1978, § 3-2-7)

### **CHAPTER 12-3. DANGEROUS AND PROHIBITED DOGS**

#### **Sec. 12-3-1. Purpose and Intent.**

The purposes of this chapter are to promote the public health, safety, and general welfare of the citizens of the City of Sandy, Utah. It is intended to be applicable to dangerous dogs, as defined herein, to prohibit the keeping of wild animal-dog hybrids, and to regulate certain dogs which have a history of one or more serious attacks on people or animals as defined herein, whether in Sandy or elsewhere, by ensuring responsible handling by their owners and custodians through registration, confinement, and other means provided herein.

(Revised Ords. 1978, § 3-3-1)

#### **Sec. 12-3-2. Definitions.**

If not otherwise defined in this section, words in this chapter shall have the same meanings as defined in Section 12-1-1, unless the context clearly suggests otherwise. ~~When used in this title, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.~~ The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Dangerous dog* means any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the custodian. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term "dangerous dog" includes any dog that, according to the records of the City Division of Animal Services, or any law enforcement agency:
  - a. Has aggressively bitten, attacked, endangered, or inflicted injury requiring medical attention on a human being on public or private property, or, without adequate provocation, has chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack;
  - b. Has severely injured or killed a domestic animal while off the owner's property; or
  - c. Has been used in or trained for dog fighting.

(Revised Ords. 1978, § 3-3-2)

#### **Sec. 12-3-3. Dangerous Dogs and Prohibited Hybrids.**

(a) Except as provided in Section 12-1-16, a court may determine whether a dog is dangerous in any case coming before it. The following factors may be considered in determining whether a dog is dangerous, but the court may consider others in its discretion:

- (1) Provocation in any attack by the dog;
- (2) The nature and severity of the attack or injury to a person or domestic animal by the dog;
- (3) Previous history of aggression of the dog or inadequate control by the custodian;
- (4) Observable behavior of the dog;
- (5) Site and circumstances of the incident; and
- (6) The dog's performance on a generally accepted or otherwise reliable temperament test.

(b) A determination that the dog is in fact a dangerous dog as defined in Section 12-3-2 shall subject the dog and its owner to the provisions of this chapter.

(c) Police service animals are not dangerous dogs under this chapter when employed by a police department of the Federal, State or local government or any subdivision of a State, or of the United States, or service animals owned and employed by one of the Armed Forces of the United States.

(d) The following animals are prohibited and may not be kept within Sandy City: wolves, coyotes, wolf-dog hybrids, coyote-dog hybrids, and any other hybrid of a dog and a wild animal.

(Revised Ords. 1978, § 3-3-3)

**Sec. 12-3-4. Keeping of Dangerous Dogs.**

The keeping of a dangerous dog shall be subject to the following requirements, in addition to those required of all dog owners in Sandy City pursuant to Chapter 12-1:

- (1) *Leash.* No person having charge, custody, control or possession of a dangerous dog shall allow the dog to be outdoors of its house, or to exit its kennel, pen or other secure enclosure unless such dog is securely attached to a leash strong enough to restrain the dog not more than six feet in length. A dangerous dog shall at all times be kept under direct physical control.
- (2) *Kept in Enclosure, Muzzle, Exercise.* It shall be unlawful for any owner or custodian of a dangerous dog to allow the dog to be outside of its secure enclosure unless it is either confined indoors in the custodian's dwelling or building, or unless it is necessary for the dog to receive veterinary care, in which case the dog shall be properly leashed and muzzled with an appropriately fitted muzzle, such as a basket muzzle. Nothing in this section shall prohibit necessary exercise for a dangerous dog, provided that it is in the immediate presence of a custodian capable of controlling the dog, and provided the dog is on non-public property within a secure fence or enclosure from which it cannot escape, and which prevents entry by small children.
- (3) *Confinement.* Except when leashed, muzzled and under direct physical control, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent and actually prevents the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
  - a. The enclosure must have secure sides and a secure top;
  - b. The enclosure must have a bottom permanently attached to the sides, or the sides must be securely embedded not less than one foot into the ground;
  - c. The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own; and
  - d. The enclosure shall be placed as close as practicable to the owners dwelling or building with a separate perimeter fence so that it prevents the dog from coming in contact with passersby or children, and may not be located in the front or side yard of a dwelling or other building and shall not be closer than ten feet from a property line. The enclosure shall be placed within a continuous perimeter fence which shall be at least six feet in height where the law and private property covenants and restrictions allow, shall be maintained in good repair, shall be constructed in a way so as to prevent the ready entry or exit of dogs, and shall prevent the entry of small children who are not of the custodian's family. The enclosure may not be part of or attached to the perimeter fence.
- (4) *Indoor Confinement.* No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the window screens or screen doors are the only obstacle preventing the dog from exiting the structure.
- (5) *Signs.* All owners, custodians or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" on all gates to the yard in which the dog is kept and doors to the home through which guests might reasonably be expected to enter, and on all sides of the property which abut a public right-of-way.
- (6) *Notification of Escape.* The owner or custodian of a dangerous dog shall notify the Division of Animal Services immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate

notification shall also be required if the dog bites or attacks a person or domestic animal.

- (7) *Notification to Custodian.* A custodian or owner must notify another person taking custody or ownership of a dog determined dangerous by a court under Section 12-3-3(a) that the dog has been determined to be a dangerous dog, and of the requirements that must be met in keeping the dog under this section.
- (8) *Failure to Comply.* It shall be unlawful and a misdemeanor for any owner or custodian of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this section shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.
- (9) *Microchip.* Every owner of a dangerous dog shall implant a microchip on the dog before registering it with the Division of Animal Services.
- (10) *No More than One Dangerous Dog.* In no event shall a person be allowed to keep any other dogs (other than an assistance animal, a retired assistance animal, or both) if the person has a dangerous dog.
- (11) *Other Conditions.* A court may impose other conditions on the keeping of a dangerous dog, including, but not limited to, maintaining liability insurance and surety bonds, training of animals or custodians, and sterilizing the dog.

(Revised Ords. 1978, § 3-3-4)

#### **Sec. 12-3-5. License and Tag Required for Dangerous Dogs; Applicability to Nonresidents.**

(a) The owner of a dangerous dog shall, within 14 days after establishing a residence in Sandy, or if the owner has already established a residence in Sandy, then upon acquisition of such a dog, obtain a license from the Division of Animal Services to harbor the dog. The fee for such permit shall be determined by the City Council. The owner shall disclose on a dog license application form provided by the Division whether the owner has homeowner's insurance, and, if so, the name of the insurance carrier and the policy number, which shall be public information, and which shall be disclosed, upon request, to any person who sustains an injury caused by the dog ~~upon request.~~

(b) At the time the license is issued, the Division shall issue a highly visible tag to the owner of the dangerous dog identifying it as such a dog. The tag shall be worn at all times by the dog.

(c) The permit for maintaining a dangerous dog shall be presented to an Animal Services Officer upon demand.

(d) Any person who brings into Sandy City a dog which has been determined dangerous by a court or body having jurisdiction over the owner or the dog, shall at all times comply with the provisions of Chapter 12-1 and this chapter which are applicable to the dog and owner, including ~~subsections (a) through (d) of this section.~~

(Revised Ords. 1978, § 3-3-5)

**State law reference**—Licensing of dogs, U.C.A. 1953, § 10-8-65.

#### **Sec. 12-3-6. Change of Ownership.**

(a) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten business days after such change of ownership or residence, provide written notification to the Division of Animal Services of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of a dangerous dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the Division of Animal Services along with written acknowledgment by the new owner of his receipt of such notification, and the name, address, and telephone number of the new owner.

(b) Any person receiving ownership or custody of a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this chapter, including those pertaining to payment of fees, and maintenance, control and ownership of such a dog.

(Revised Ords. 1978, § 3-3-6)

**Sec. 12-3-7. Continuation of Dangerous Dog Declaration.**

Any dog that has been declared dangerous by any agency or department of this City, another municipality, county, or state shall be subject to the provisions of this chapter for so long as the dog remains in the City. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county, or state government shall notify the Division of Animal Services of the dog's address and conditions of maintenance within ten days of moving the animal into the City of Sandy. The restrictions and conditions of maintenance of any dog declared dangerous by this City, another municipality, county, or state shall remain in force while the dog remains in the City.

(Revised Ords. 1978, § 3-3-7)

**Sec. 12-3-8. Penalties.**

Except as otherwise stated herein, a violation of any provision of this chapter shall be a Class B misdemeanor.

(Revised Ords. 1978, § 3-3-8)

**CHAPTER 12-4. PROHIBITION ON FEEDING DEER****Sec. 12-4-1. Purpose.**

(a) Sandy City has within its limits urban deer in such numbers that they are a threat to the safety of people and property and constitute a public nuisance. Such threats include, but are not necessarily limited to:

- (1) Threats to native plants and animal life through excessive foraging which disturbs natural ecological balances;
- (2) Threats in transmitting diseases to humans from deer;
- (3) Threats that increase the likelihood of deer-vehicle collisions; and
- (4) Threats to the quality of life by deer-related damage to landscaping and vegetable gardens.

(b) This chapter is intended to reduce these threats by prohibiting the feeding of deer so as not to actively encourage their presence.

(Revised Ords. 1978, § 3-4-1)

**Sec. 12-4-2. Prohibition on Supplemental Deer Feeding.**

(a) Except as provided herein, it is unlawful for any person to intentionally feed or make food available for consumption by deer, elk or moose on private or public property. This includes any fruit, grain, hay, salt licks, vegetables, nuts, seeds or other material placed outdoors for consumption by deer.

(b) Each property owner shall remove any materials placed on the owner's property for the purpose of feeding deer, elk or moose. Failure to remove such materials within 24 hours of notice from the City shall constitute a Class C misdemeanor.

(c) Any materials placed for the purpose of feeding deer, elk or moose are hereby declared to be a public nuisance, which may be abated summarily by civil action, or by criminal prosecution.

(Revised Ords. 1978, § 3-4-2)

**Sec. 12-4-3. Exemptions.**

(a) This chapter does not apply to City police officers, Animal Control Officers, or Federal or State wildlife officials who are acting within the scope of their authority.

(b) This chapter does not apply to naturally growing vegetation, or to planted vegetation growing in yards, gardens or beds.

(Revised Ords. 1978, § 3-4-3)

Title ~~7~~13**PUBLIC PEACE AND SAFETY****CHAPTER 13-1. MISCELLANEOUS OFFENSES AGAINST PUBLIC PEACE AND PROPERTY****Sec. 13-1-1. Vagrancy.**

It shall be unlawful for any person:

- (1) Not having lawful business pertaining thereto, to be in or about any public school grounds or building during school hours;~~or~~
- (2) To lodge or sleep in any barn, shop or other building not designed or normally used for sleeping or lodging, without the permission of the owner or tenant thereof;~~or~~
- (3) To be in or about any occupied or unoccupied dwelling, shop or other building in the City between the hours of sunset and sunrise, without being the owner or tenant thereof, and not having the permission of the owner or tenant thereof, or not having lawful business relating thereto; or
- (4) To solicit alms from any person, firm or corporation, or to solicit money, tribute or support by means of force, threat or coercion.

(Revised Ords. 1978, § 7-1-1)

**Sec. 13-1-2. Disorderly Houses.**

It shall be unlawful for any person to do, commit, or permit to be done or committed any of the following things or acts ~~in this section hereinafter enumerated~~:

- (1) To keep, maintain or permit to be kept or maintained upon or in any property owned, occupied or leased by or to such persons, any bawdy or other disorderly house, house of ill-fame or assignation house;~~or~~
- (2) To keep, maintain or permit to be kept or maintained upon or in any building, place or structure any facilities that are resorted to or used in whole or in part by one or more persons for lewdness or prostitution;~~or~~
- (3) To be the owner or lessee of any building or tenement, the whole or any part of which is used for any of the purposes mentioned in this section;~~or~~
- (4) To have control of any building or tenement as owner, agent, guardian or lessee after written notice from the Chief of Police that such building or tenement is being used for the purposes mentioned in this section as being illegal;~~or~~
- (5) To let or lease any building or tenement, knowing that the lessee intends using the same, or any part thereof, for the purposes mentioned in this section as being illegal; or
- (6) To encourage or allow to continue, after notice thereof, as the owner or tenant, any disturbance or breach of the peace upon any private lot, land, or within any dwelling or structure, which disturbance or breach of the peace disturbs any citizen.

(Revised Ords. 1978, § 7-1-2)

**Sec. 13-1-3. Incendiary Missiles.**

It shall be unlawful for any person to make, carry, possess or use any type of molotov cocktail, gasoline or petroleum base fire bomb, or other incendiary missile or explosive device within the limits of this City. The term "molotov cocktail" shall mean any bottle or other container containing gasoline or any other volatile substance with a fuse-type wick inserted therein.

(Revised Ords. 1978, § 7-1-3)

**Sec. 13-1-4. Missiles and Weapons.**

It shall be unlawful for any person to use or to carry or possess with the intent to use, any rock, bottle, club, brick, piece of metal, or any other object used as a weapon, unlawfully against the person or property of another within the limits of this City.

(Revised Ords. 1978, § 7-1-4)

**Sec. 13-1-5. Throwing Missiles.**

It shall be unlawful for any person, within the limits of this City, to willfully or carelessly throw any stone, stick, snowball or other missile whereby any person shall be hit, or any property injured or destroyed, or in such manner as to render travel upon the public streets and places of the City dangerous, or in such a manner as to frighten or annoy any other person.

(Revised Ords. 1978, § 7-1-5)

**Sec. 13-1-6. Animals and Fowl Disturbing the Neighborhood.**

It shall be unlawful for any person willfully to possess, maintain or keep, within the limits of this City, any animals or fowl which emit loud or offensive noises or which disturb the peace and quiet of another person.

(Revised Ords. 1978, § 7-1-6)

**Sec. 13-1-7. Obscene or Profane Language.**

It shall be unlawful for any person within the limits of this City to use obscene or profane language in a place or under circumstances which could reasonably cause or provoke a reasonable person to commit a breach of the peace and good order of the City or would cause such a reasonable person to act in an overtly hostile manner.

(Revised Ords. 1978, § 7-1-7)

**Sec. 13-1-8. Regulation of Smoking, Fires, and the Discharge of Fireworks and other Explosives.**

(a) A person may sell Class C common State-approved explosives in the City only as follows:

- (1) Beginning on June 23 and ending on July 27;
- (2) Beginning on December 29 and ending on December 31; and
- (3) Two days before and on the Chinese New Year's Eve.

(b) A person may discharge Class C common State-approved explosives in the City only as follows:

- (1) Between the hours of 11:00 a.m. and 11:00 p.m., except that on July 4 and July 24, the hours are 11:00 a.m. to 12:00 midnight:
  - a. Beginning on July 1 and ending on July 7; and
  - b. Beginning on July 21 and ending on July 27;
- (2) a. Beginning at 11:00 a.m. on December 31 and ending at 1:00 a.m. on the following day; or
  - b. If New Year's Eve is on a Sunday and the City determines to celebrate New Year's Eve on the prior Saturday, then it is lawful to discharge Class C common State-approved explosives on that prior Saturday; and
- (3) Beginning at 11:00 a.m. on the Chinese New Year's Eve and ending at 1:00 a.m. on the following day.

(c) Smoking, open fires, and the discharge of the fireworks and other explosives are hereby prohibited at the locations described in the document entitled "Fire Hazard Areas," a copy of which is on file for use and examination by the public in the Sandy City Recorder's Office, attached ~~hereto~~ to the ordinance from which this chapter is derived as Exhibit "B," and incorporated herein by reference.

(d) A person who discharges explosives not approved under state law, or who violates Subsection (a), (b), or (c) of this section, is guilty of an infraction.

(Revised Ords. 1978, § 7-1-8)

**State law reference**—Fireworks, U.C.A. 1953, §§ 11-3-1 et seq., 53-7-220 et seq.

**Sec. 13-1-9. Barbed Wire Fences Prohibited.**

(a) It shall be unlawful for any person, partnership, corporation or other entity within the limits of Sandy City to erect or cause to be erected or to maintain any barbed wire fence along or adjacent to any street or as a division fence between adjoining lots or parcels of land. This prohibition shall apply whether the fence is erected or maintained and any such barbed wire fence is hereby declared to be a nuisance and subject to the procedures for abatement thereof.

(b) Such fences shall not be prohibited in areas of this City which have been specifically zoned to allow for the maintenance of animals, such as horses, cattle, sheep and goats, or where such animals exist as per a nonconforming use.

(c) The above prohibition shall not be apply to the use of barbed wire or other security wire which is placed upon fences in commercial, industrial, business or civic property for the purpose of maintaining security and preventing property loss and vandalism.

(Revised Ords. 1978, § 7-1-9)

**Sec. 13-1-10. Leaving Children in Vehicles.**

(a) It shall be unlawful for any person within the limits of this City, having in his care, control or under his guidance any minor child under seven years of age, to at any time lock or confine or suffer to be locked or confined, or left unattended, even though not locked or confined, in any automobile, bus or other vehicle or trailer upon a public street, alley or other public property where parking or drive-in facilities are offered to the public, if the child's health or welfare is put at substantial risk or if the child is injured as a result of being left in the vehicle. A child is unattended within the meaning of this section if the oldest person with the vehicle is a person under the age of 12 years.

(b) Violation of this section is a Class B misdemeanor.

(Revised Ords. 1978, § 7-1-10)

**Sec. 13-1-11. Expectorating in Public Place and Prohibition Against Littering.**

(a) It shall be unlawful for any person in Sandy City to expectorate or throw or put any cigar stump, quid of tobacco, peeling or rind from any fruit or vegetable, upon the floor, wall or ceiling of any public conveyance or upon the floor, wall or ceiling of any building used for public purposes or gatherings or upon any sidewalk, road, highway or public property abutting upon any such sidewalk, road or highway.

(b) It shall be unlawful for any person to throw, discard, drop or deposit or to permit to be dropped, thrown, deposited or discarded any ashes, offal, dirt, garbage, or other matter which could or would cause injury or obstruction to any street, sidewalk, avenue, alley, park or public ground within Sandy City.

(Revised Ords. 1978, § 7-1-11)

**Sec. 13-1-12. Public Urination.**

(a) A person is guilty of public urination if the person urinates or defecates:

- (1) In a public place, other than a public rest room; and
- (2) Under circumstances which the person should know will likely cause affront or alarm to another.

(b) Public urination is a Class C misdemeanor.

(Revised Ords. 1978, § 7-1-11A)

**Sec. 13-1-13. Pollution of Canal, Stream or Watercourse.**

It shall be unlawful for any person to dump, allow to enter or place, any dirt, garbage, leaves or refuse of any kind into any stream, canal, waterway or watercourse within the limits of Sandy City.

(Revised Ords. 1978, § 7-1-12)

**Sec. 13-1-14. Removal of Snow from Sidewalks.**

It shall be unlawful for any owner, occupant, lessee or person in control of any property abutting on any paved

sidewalk within Sandy City to fail to remove or cause to be removed from such paved sidewalk all hail, snow or sleet falling thereon within 24 hours after such hail, snow or sleet has ceased falling. Any violation of the provisions of this section shall be deemed an infraction.

(Revised Ords. 1978, § 7-1-13)

### **Sec. 13-1-15. Opening and Closing Time for City Parks.**

(a) Except for unusual and unforeseen emergencies, City parks shall be open to the public every day of the year during designated hours. Parks shall open each day at 6:00 a.m. Parks shall be closed at 10:00 p.m. each day at parks without lighted playing fields and at 10:30 p.m. at parks with lighted playing fields. Closing hours for parks shall be posted in each park for public information.

(b) Any person found in or upon any park during these hours when such park is closed shall be guilty of an infraction.

(c) A person or group of persons may receive written permission from the Director of the Department of Parks and Recreation to be in a park during hours when it is posted as being closed. Such written permission must be presented to police officers or other City officials or employees upon request. The presentation of such written permission shall void, for the time period granted by the written permission, the penalty provisions of this section but shall not void any other penalties for violations of other ordinances or laws.

(d) All activities conducted within the parks shall comply with the provisions of ~~the Revised Ordinances of Sandy City~~ this Code, including specifically Chapter 13-2 concerning noise control.

(Revised Ords. 1978, § 7-1-14)

## **CHAPTER 13-2. NOISE CONTROL\***

\*State law reference—Noise control authorized, U.C.A. 1953, § 10-8-76.

### **Sec. 13-2-1. Declaration of Policy.**

(a) ~~WHEREAS,~~ The making ~~of or~~ creation of excessive, unnecessary or unusually loud noises within the limits of Sandy City is a condition which has existed for some time and the extent and magnitude of such noises is increasing; ~~and,~~

(b) ~~WHEREAS,~~ The making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged, unusual or unreasonable in their time, place and use affect and are a detriment to public health, comfort, convenience, safety and welfare of the residents of Sandy City; ~~and,~~

(c) ~~THEREFORE,~~ The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of public policy, and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of Sandy City.

(Revised Ords. 1978, § 7-2-1)

### **Sec. 13-2-2. Contracts.**

Sandy City shall not enter into any written agreement, purchase order or instrument requiring a commitment for the expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof unless such agreement, purchase order or instrument contains provisions requiring full compliance with this chapter.

(Revised Ords. 1978, § 7-2-2)

### **Sec. 13-2-3. Definitions and Standards.**

All terminology used in this chapter and not defined in this section shall be in conformance with applicable American National Standards Institute Publications, including, but not limited to, SI. 1-1960, R 171, or those from its successor publications or bodies. ~~For the purposes of this ordinance, certain words and phrases used herein are defined as follows:~~ The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *A-weighted sound pressure level* means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.
- (2) *Ambient sound pressure level* means the sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. ~~It~~ Ambient sound pressure level is also the A-weighted sound pressure level exceeded 90 percent of the time based on a measurement period which shall not be less than ten minutes.
- (3) *Continuous sound* means any sound which exists essentially without interruption, for a period of ten minutes or more.
- (4) *Cyclically varying noise* means any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.
- (5) *Decibel* means logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. The term "decibel" is denoted dB.
- (6) *Device* means any mechanism which is intended to produce or which actually produces noise when operated or handled.
- (7) *Dynamic braking device (commonly referred to as Jacobs brake)* means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- (8) *Emergency vehicle* means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- (9) *Emergency work* means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.
- (10) *Impulsive noise* means a noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristics.
- (11) *Motor vehicle* means any vehicle which is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobile and racing vehicles.
- (12) *Muffler* means an apparatus consisting of a series of chambers of baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.
- (13) *Noise* means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- (14) *Noise disturbance* means any sound which annoys or disturbs any reasonable person with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.
- (15) *Percentile sound pressure level.*
  - a. *Tenth percentile noise level* means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten minute period) and is denoted L10.
  - b. *Ninetieth Percentile Noise Level* means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a ten minute period) and is denoted L90.
- (16) *Person* means any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.
- (17) *Plainly audible noise* means any noise for which the information content of that noise is unambiguously transferred to the listener, such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

- (18) *Property boundary* means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by any other person.
- (19) *Public right-of-way* means any street, avenue, boulevard, highway, or alley or similar place which is owned or controlled by a public governmental entity.
- (20) *Pure tone* means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist of the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for frequencies of 500 Hz and above, by eight dB for frequencies between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125 Hz.
- (21) *Repetitive impulse noise* means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than ten dB(A).
- (22) *Sound* means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.
- (23) *Sound level meter* means an instrument, including a microphone, amplifier, RMS detector and integrator, time average, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type 2 or better as specified in American National Standards Institute Publication S1. 4-1971 or its successor publication.
- (24) *Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.
- (25) *Sound pressure level* means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals, denoted LP or SPL.
- (26) *Stationary noise source* means any device, fixed or movable, which is located or used on property other than a public right-of-way.
- (27) *Steady noise* means a sound pressure level which remains essentially constant during the period of observation (i.e., does not vary more than six dB(A) when measured with the "slow" meter characteristic of a sound level meter).
- (28) *Use district* means those land use districts as established by ~~the Sandy City Zoning Ordinances Title 21~~ or, in those cases in which the actual use differs from the use as established by ~~the Sandy City Zoning Ordinances Title 21~~, the land use to which the land in question is actually subjected.

(Revised Ords. 1978, § 7-2-3)

**Sec. 13-2-4. Noises Prohibited.**

(a) *General Prohibitions.* In addition to the specific prohibitions outlined in Subsection (b) of this section and Sections 13-2-5 and 13-2-11, it shall be unlawful for any person to make, continue, or cause to be made or continued, any noise disturbance within the limits of Sandy City. It shall not be a defense to a violation of the subsection that the noise disturbance, when created, was in a district that would allow for such disturbance if the noise created affects persons outside the use district from which the noise originates, as a noise disturbance as defined herein.

- (b) *Specific Prohibitions.* The following acts are declared to be in violation of this chapter:
- (1) *Horns and Signaling Devices.* Sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle on any street or public place within the City, except as a danger warning signal as provided in the vehicle codes of Sandy City and the State of Utah, or the sounding of any such signaling device for an unnecessary and unreasonable period of time.
  - (2) *Radios, Television Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices.* Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument,

television, phonograph, drum, or other machine or device for the production or reproduction of sound:

- a. Between the hours of 10:00 p.m. and 7:00 a.m. in a way that is plainly audible at the property boundary of the source; or
  - b. On public property or on a public right-of-way at any time so as to be plainly audible 50 feet (15.25 meters) from the device. Permits to exceed the limits of this subsection may be issued for special events on public property by the Director upon approval from the agency operating the public property.
- (3) *Public Loudspeakers.* Using or operating a loudspeaker sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, transmitting music to any persons or assemblages of persons, in such a manner as to violate Section 13-2-5 or cause a noise disturbance, unless a permit, as provided by Section 13-2-8, is first obtained.
- (4) *Hawkers and Peddlers.* Selling anything by outcry within any area of the City zoned primarily for residential uses in such a manner as to violate Section 13-2-5 or cause a noise disturbance. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.
- (5) *Loading Operation.* Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to violate Section 13-2-5 or cause a noise disturbance.
- (6) *Construction Work.* Operating, or causing to be used or operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto:
- a. In residential or commercial land use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day;
  - b. In any land use district where such operation exceeds the sound level limits for an industrial land use as set forth in Section 13-2-5.
- (7) *Domestic Power Equipment.* Operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair or grounds maintenance, including, but not limited to, power saw, sander, lawn mower, garden equipment or snow removal equipment, ~~in residential or snow removal equipment, in residential or commercial zones:~~
- a. Outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day;
  - b. ~~Any~~ If such power equipment which emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet (15 meters).
- (8) *Commercial Power Equipment.* Operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than five horsepower, including, but not limited to, chainsaws, pavement breakers, log chippers, powered hand tools:
- a. In residential or commercial land use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day;
  - b. In any land use district if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet (15 meters).
- (9) *Enclosed Places of Public Entertainment.* Operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at a point that is normally occupied by a customer, maximum sound pressure levels of 100 dB(A) as read with slow response on a sound level meter, unless a conspicuous and legible sign at least 225 square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other

source of sound in such a manner as to violate Section 13-2-5.

- (10) *Fireworks or Explosives*. The use of explosives or fireworks or the firing of guns or other explosive devices so as to be audible across a property boundary or on a public space or right-of-way, without first obtaining a permit as provided by Section 13-2-8. This provision shall not be construed to permit conduct prohibited or authorized by other statutes, ordinances or regulations governing such activity.
- (11) *Racing Events*. Permitting any motor vehicle racing event at any place in such a manner as to violate Section 13-2-5 or cause a noise disturbance without first obtaining a permit as provided by Section 13-2-8.
- (12) *Powered Model Mechanical Devices*. The flying of a model aircraft powered by internal combustion engines, whether tethered or not, the firing or operating of model rocket vehicles or other similar noise-producing devices, between the hours of 9:00 p.m. and 7:00 a.m. the following day or in such a manner as to violate Section 13-2-5 or cause a noise disturbance.
- (13) *Dynamic Braking Devices (commonly referred to as Jacobs Brake)*. Operating any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger.
- (14) *Defect in Vehicle*. Operating or permitting to be operated or used any truck, automobile, motorcycle, or other motor vehicle which, by virtue of disrepair or manner of operation, violates Section 13-2-5 or causes a noise disturbance.
- (15) *Refuse Compacting Vehicles*. The operating or causing or permitting to be operated or used any refuse compacting vehicle which creates a sound pressure level in excess of 74 dB(A) at 50 feet (15 meters) from the vehicle.
- (16) *Garbage Collection*. The collection of garbage, waste or refuse between the hours of 9:00 p.m. and 7:00 a.m. the following day:
  - a. In any area zoned residential, or within 300 feet of an area zoned residential.
  - b. In any land use district so as to cause a noise disturbance.
- (17) *Standing Motor Vehicles*. The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate Section 13-2-5 or cause a noise disturbance for a consecutive period longer than 15 minutes during which such vehicle is stationary in a residential zone.
- (18) *Quiet Zones*. Creating noise in excess of the residential standard as defined in Section 13-2-5 within the vicinity of any school, hospital, institution of learning, court, or other designated area where exceptional quiet is necessary, while the same is in use, provided conspicuous signs are displayed in the streets indicating that the same is a quiet zone.
- (19) *Bells and Alarm*. Sounding, operating or permitting to sound or operate an electronically amplified noise from any burglar alarm, bell, chime or clock, including, but not limited to, bells, chimes or clocks in schools, houses ~~or~~ of religious worship or governmental buildings, which fails to meet the standards set forth in Section 13-2-5 for more than five minutes in any hour.
- (20) *Fixed Sirens, Whistles and Horns*. The sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work, or for any other purpose except a sound signal of imminent danger, in such a manner as to violate Section 13-2-5 or cause a noise disturbance.
- (21) *Recreational Vehicles and Snowmobiles*.
  - a. Operating a recreational vehicle or snowmobile in a manner which violates Section 13-2-5 or causes a noise disturbance.
  - b. Selling or operating any new (after model year 1977) recreational vehicle or snowmobile in Sandy City unless such vehicle produces no more than a maximum sound level of 82 dB(A) at 50 feet (15 meters).

**Sec. 13-2-5. Use Districts Noise Levels.**

(a) *Maximum Permissible Sound Levels.* It shall be a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a 90th percentile sound pressure level (L90) of any measurement period (which shall not be less than ten minutes unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise:

<i>Use District</i>	<i>9:00 p.m.—7:00 a.m.</i>	<i>7:00 a.m.—9:00 p.m.</i>
Residential	50 dB(A)	55 dB(A)
Commercial-Agricultural	55 dB(A)	60 dB(A)
Industrial	75 dB(A)	80 dB(A)

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

**(b) Correction for Duration of Sound.**

(1) It shall be a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level (L10) greater than 15 dB(A) above the ambient sound pressure level (L90) of any measurement period. Such period shall not be less than ten minutes.

**(c) Correction for Character of Sound.**

(1) For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound the limits set forth in Subsection (a) of this section shall be reduced by five dB(A).

(2) Notwithstanding compliance with Subsection (c)(1) of this section, it shall be a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance.

(Revised Ords. 1978, § 7-2-5)

**Sec. 13-2-6. Sound Level Measurement.**

Sound level measurements shall be made with a sound level meter using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the Salt Lake City-County Health Department.

(Revised Ords. 1978, § 7-2-6)

**Sec. 13-2-7. Exemptions.**

The following uses and activities shall be exempt from noise level regulations:

- (1) Noise of safety signals, warning devices and emergency pressure relief valves.
- (2) Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (3) Noise resulting from emergency work.
- (4) Noise resulting from discharging Class C common State-approved explosives as permitted under U.C.A. 1953, § 53-7-225, or any successor section thereto.
- (5) Noise resulting from the starting of school busses at the Canyons School District Maintenance Facility, including the idling of engines during the safety inspection prior to early morning departure for normal school operations.
- (6) Any noise resulting from activities of temporary duration permitted by law for which a license or permit

has been approved by Sandy City or the Director of the Salt Lake Valley Health Department in accordance with Section 13-2-8.

(Revised Ords. 1978, § 7-2-7)

**Sec. 13-2-8. Permit.**

Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to Sandy City through the Mayor's Cabinet or the Salt Lake City-County Health Department. Any permit granted by Sandy City or the Director of the Salt Lake City-County Health Department or their authorized representatives shall contain all conditions upon which said permit has been granted, including, but not limited to, the effective dates, any time of day, location, sound pressure level, or equipment limitation. The relief requested may be granted upon good and sufficient showing:

- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
- (2) That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and
- (3) That no reasonable alternative is available to the applicant.

The City or Board of Health may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.

(Revised Ords. 1978, § 7-2-8)

**Sec. 13-2-9. Motor Vehicle Noise.**

(a) No person shall drive or move or cause or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown below. Noise shall be measured at a distance of at least 25 feet (7.5 meters) from the near side of the nearest lanes being monitored and at a height of at least four feet (1.2 meters) above the immediate surrounding surface.

Sound Pressure Level, dB(A)

<i>Motor Vehicles with a Manufacturer's Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR)</i>	<i>Speed Limit 40 MPH or Less</i>	<i>Speed Limit Over 40 MPH</i>
<del>(GCWR)</del> of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicle.	90	94
Any other motor vehicle or any combination of vehicles towed by any motor vehicle.	80	84

(b) This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this title relating to motor vehicle mufflers for noise control.

(c) No person shall operate or cause to be operated any motor vehicle unless the exhaust of such vehicle is:

- (1) Free from defects which affect sound reduction;
- (2) Equipped with a muffler or other noise dissipative device; and
- (3) Not equipped with any cut-out, bypass or similar device.

(d) These provisions shall be enforced consistent with law set forth in U.C.A. 1953, title 41.

(Revised Ords. 1978, § 7-2-9)

**Sec. 13-2-10. Enforcement Responsibility.**

The Salt Lake City-County Health Department shall have primary responsibility with appropriate law enforcement agencies as it relates to vehicular sources.

(Revised Ords. 1978, § 7-2-10)

**Sec. 13-2-11. Violation.**

Any person violating any provision of this chapter shall be guilty of an infraction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Revised Ords. 1978, § 7-2-11)

**Sec. 13-2-12. Additional Remedies.**

Violations of Sections 13-2-4 through 13-2-9 are deemed and declared to be a nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction by a court of competent jurisdiction.

(Revised Ords. 1978, § 7-2-12)

**Sec. 7-2-13. Severability.**

~~If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect independent from the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.~~

~~(Revised Ords. 1978, § 7-2-13)~~

**CHAPTER 13-3. REGULATIONS RELATING TO MINORS\***

\*State law reference—Sale of alcohol to minors, U.C.A. 1953, § 32B-4-403; possession or consumption of alcohol by minors, U.C.A. 1953, § 32B-4-409.

**Sec. 7-3-1. Providing Cigars, Cigarettes, or Tobacco to Minors – Penalties.**

~~(a) Any person who knowingly, intentionally, recklessly, or with criminal negligence provides any cigar, cigarette, or tobacco in any form, to any person under 19 years of age is guilty of a class C misdemeanor on the first offense, a class B misdemeanor on the second offense, and a class A misdemeanor on subsequent offenses.~~

~~(b) For purposes of this section "provides":~~

~~(1) includes selling, giving, furnishing, sending, or causing to be sent; and~~

~~(2) does not include the acts of the United States Postal Service or other common carrier when engaged in the business of transporting and delivering packages for others or the acts of a person, whether compensated or not, who transports or delivers a package for another person without reason to know of the package's contents.~~

~~(Revised Ords. 1978, § 7-3-1)~~

**Sec. 13-3-1. Purchase or Possession of Tobacco.**

~~(a) It shall be unlawful for any person under 19 years of age to purchase, obtain or otherwise possess any cigar, cigarette, electronic cigarette, or tobacco in any form.~~

~~(Revised Ords. 1978, § 7-3-2)~~

~~State law reference—Furnishing tobacco to minors, U.C.A. 1953, § 76-10-104.~~

**Sec. 7-3-3. Sale of Tobacco Products.**

~~As used in this part:~~

~~(a) Definitions:~~

~~(1) "Place of business" means any and all places such as shops, stores, factories, public garages, offices, theaters, recreation and dance halls, poolrooms, cafes, cafeterias, cabarets, restaurants, hotels,~~

- ~~lodging houses, streetcars, buses, interurban and railway passenger coaches and waiting rooms.~~
- (2) ~~"Smoking" means the possession of any lighted cigar, cigarette, pipe, or other lighted smoking equipment.~~
- (3) ~~"Cigarette" means any product which contains nicotine, is intended to be burned under ordinary conditions of use and consists of:~~
- ~~(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or~~
- ~~(B) any roll of tobacco wrapped in any substance containing tobacco which because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in Subsection (3)(A). "Cigarette" does not include a standard 60 carton case.~~
- (4) ~~"Cigarette tobacco" means any product that consists of loose tobacco that contains or delivers nicotine and is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements pertaining to cigarettes shall also apply to cigarette tobacco.~~
- (5) ~~"Retailer" means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption or who operates a facility where vending machines or self service displays are permitted under this section.~~
- (6) ~~"Self service display" means any display of cigarettes or smokeless tobacco products to which the public has access without the intervention of a retail employee.~~
- (7) ~~"Smokeless tobacco" means any product that consists of cut, ground, powdered, or leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity. "Smokeless tobacco does not include multi-container packs of smokeless tobacco.~~
- (b) ~~Except as provided in Subsection (c), a retailer may sell cigarettes and smokeless tobacco only in a direct face to face exchange between the retailer and the consumer. Examples of methods that are not permitted include vending machines and self service displays.~~
- ~~This section does not prohibit the use or display of locked cabinets containing cigarettes or smokeless tobacco if the locked cabinets are only accessible to the retailer or its employees.~~
- (c) ~~The following sales are permitted as exceptions to Subsection (b):~~
- ~~(1) mail order sales, excluding mail order redemption of coupons and distribution of free samples through the mail; and~~
- ~~(2) vending machines, including vending machines that sell packaged, single cigarettes, and self service displays that are located in a separate and defined area within a facility where the retailer ensures that no person younger than 19 years of age is present, or permitted to enter at any time, unless accompanied by a parent or legal guardian.~~
- ~~(3) A parent or legal guardian who accompanies a person younger than 19 years of age into an area described in Subsection (c)(2) and permits the persons younger than 19 years of age to purchase or otherwise take a cigar, cigarette, or tobacco in any form in guilty of furnishing tobacco as provided for in Section 76-10-104, Utah Code Ann., and is subject to the penalties provided for in that section.~~
- ~~(4) Violation of Subsection (c)(2) or (c)(3) is:~~
- ~~(i) a class C misdemeanor on the first offense;~~
- ~~(ii) a class B misdemeanor on the second offense; and~~
- ~~(iii) a class A misdemeanor on the third and all subsequent offenses.~~

~~(Revised Ords. 1978, § 7-3-3)~~

**Sec. 7-3-4. Sale of Beer, Alcoholic Beverage or Liquor.**

- (a) ~~It shall be unlawful for any person, business establishment, corporation or other entity to sell, give,~~

~~furnish or otherwise provide any alcoholic beverage, liquor or beer to any person under twenty one years of age.~~

~~(b) The terms "alcoholic beverage," "beer" and "liquor" shall have as their definitions those same definitions for such similar terms as are found in the Utah Liquor Control Act, which Act is a part of the laws of the State of Utah.~~

~~(c) Any violation of this section shall be deemed a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-3-4)~~

**Sec. 7-3-5. Unlawful Purchase, Possession, Consumption By Minors – Measurable Amounts in Body.**

~~(a) Unless specifically authorized by this title, it is unlawful for any minor to:~~

- ~~(1) purchase any alcoholic beverage or product;~~
- ~~(2) attempt to purchase any alcoholic beverage or product;~~
- ~~(3) solicit another person to purchase any alcoholic beverage or product;~~
- ~~(4) possess any alcoholic beverage or product;~~
- ~~(5) consume any alcoholic beverage or product; or~~
- ~~(6) have measurable blood, breath, or urine alcohol concentration in the minor's body.~~

~~(b) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic beverage or product for a minor for:~~

- ~~(1) any minor to misrepresent the minor's age; or~~
- ~~(2) any other person to misrepresent the age of a minor.~~

~~(c) It is unlawful for a minor to possess or consume any alcoholic beverage while riding in a limousine or chartered bus.~~

~~(d) This section does not apply to a minor's consumption of an alcoholic beverage or product in accordance with this title:~~

- ~~(1) for medicinal purposes if the alcoholic beverage is furnished by:
 
  - ~~(A) The parent or guardian of the minor; or~~
  - ~~(B) The minor's physician or dentist; or~~~~
- ~~(2) as part of a church's or religious organization's religious services.~~

~~(Revised Ords. 1978, § 7-3-5)~~

**Sec. 13-3-2. Curfew.**

~~(a) Definitions. The following definitions shall apply for purposes of this section: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

- ~~(1) *Care and custody* means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.~~
- ~~(2) *Emergency errand* means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potentially criminal activity, or fire or other accident, and shall include the seeking of aid and assistance from medical or emergency response personnel or the purchase of medications.~~
- ~~(3) *Minor* means any unmarried, unemancipated person who is not a member of the Armed Forces of the United States and who is under the age of 16 years for the purposes of Section 13-3-3 or who is under the age of 18 years for the purpose of Section 13-3-4.~~
- ~~(4) *Public places* means any place open to the public, whether publicly- or privately-owned, including, but~~

not limited to, parking lots and the interiors and exteriors of commercial establishments such as restaurants, stores or places of entertainment.

(b) *Sixteen-Year-Old Curfew.* It shall be unlawful for any minor under the age of 16 years to remain or loiter upon any of the sidewalks, streets, alleys or public places in Sandy City, between the hours of 11:00 p.m. and 5:00 a.m. the following morning.

(c) *Eighteen-Year-Old Curfew.* It shall be unlawful for any minor under the age of 18 years to remain or loiter upon any of the sidewalks, streets, alleys or public places in Sandy City, between the hours of 1:00 a.m. and 5:00 a.m.

(d) *Parental Liability.* It shall be unlawful for any parent, guardian or other person having care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this section.

(e) *Business Liability.* No person owning or operating a business as defined by this Code of ordinances shall knowingly permit any minor to remain on the premises of such business in violation of the provisions of this section. This section, however, shall not apply to any minor who is lawfully employed on the premises.

(f) *Exceptions.* The provisions of this section shall not apply to any circumstance in which the minor is:

- (1) Accompanied by a parent, guardian, or other responsible adult having care and custody of such minor;
- (2) Engaged in a legitimate trade, employment or occupation which requires the minor's presence in or on the sidewalks, streets, alleys or public places while working at or traveling to or from such employment;
- (3) Engaged on an emergency errand directed by the minor's parent, guardian or other responsible adult having care and custody;
- (4) In a motor vehicle engaged in normal interstate travel beginning in, traveling through, or ending in Sandy, Utah;
- (5) Attending or engaged in traveling between the minor's home or place of residence and a place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring; or
- (6) Within the immediate vicinity of the minor's place of residence.

(g) *Enforcement.*

- (1) Any minor who is in violation of the provisions of this section is subject to arrest and citation.
- (2) Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.
- (3) It shall be unlawful for any parent, guardian, or other person charged with the care and custody of a minor who is in violation of this section to knowingly refuse to appear and take custody of said minor within a reasonable time after being ordered to do so by a peace officer.

(Revised Ords. 1978, § 7-3-6)

### **Sec. 13-3-3. Regulation of Movies for Minors.**

(a) ~~For the purposes of this section, the following definitions shall apply: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

- (1) *Advertisement* means any commercial or promotional material initiated or disseminated by an exhibitor, his agents or employees, designed to bring a film to public attention, or to increase the sale of tickets to exhibition of the same, whether by newspaper, billboard, motion picture, radio, or other media, when such is originated or disseminated within the City of Sandy.
- (2) *Exhibitor* means any person, partnership, firm or corporation which exhibits a film in Sandy City.
- (3) *Exhibit* means to project any film at any public motion picture theater or other public place within Sandy City at which tickets are sold for admission.
- (4) *Film* means any motion picture film or series of films, whether full length or short subjects, not including

news reels or films portraying actual current events or pictorial news of the day.

- (5) *Harmful to young persons* means that quality of any description of representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
- a. Predominantly appeals to the prurient, shameful or morbid interest of young persons; ~~and~~
  - b. Is patently offensive to prevailing standards in the adult community of Sandy City as a whole with respect to what is suitable material for young persons; and
  - c. Is utterly without redeeming social importance for young people.
- (6) *Knowingly* means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry, or both:
- a. The character and content of any material described herein which is reasonably susceptible for examination by the defendant; and
  - b. The age of the young person; provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such young persons.
- (7) *Nudity* means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discerning turgid state.
- (8) *Sado-masochistic abuse* means flagellation or torture by or upon a person clad in under garments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.
- (9) *Sexual conduct* means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person ~~be~~ is a female, her breasts.
- (10) *Sexual excitement* means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (11) *Young person* means any unmarried natural person who has not attained his ~~or her~~ 18th birthday.
- (b) The following shall be deemed violations of the provisions of this section:
- ~~(1) It shall be unlawful for any person unknowingly to exhibit for a monetary consideration to a young person or knowingly to sell to a young person an admission or pass or knowingly to admit a young person for a monetary consideration to premises in Sandy City wherein there is exhibited a motion picture, show or other presentation which in whole or in part, depicts nudity, sexual conduct, sexual excitement, or sado-masochistic abuse and which is harmful to young persons, or to allow any young person as defined herein to enter or be in any movie picture house or theater in a position to observe the screen thereof at any time when there is exhibited in said theater, any movie picture film which has been advertised by the exhibitor as "for adults only".~~
- (1) It shall be unlawful for any young person defined herein to view or willfully be in a position to observe a theater screen at a time when there is on exhibit in said theater any movie picture film which has been advertised by the exhibitor as for adults only.
- ~~(3) It shall be unlawful to exhibit any film advertised as "adult only" to young persons. When such film has been so advertised, notice shall be prominently displayed on the marquee and box office and no young person shall be admitted or allowed to view the same when said film is being shown on said premises.~~
- (2) It shall be unlawful for any young person falsely to give his age as ~~over~~ 18 years old or older for the purpose of gaining admittance to any film advertised as being unsuitable or not recommended for young persons.

To the extent that any prosecution or other proceeding under this section involves a young person entering, purchasing, or otherwise receiving a ticket, or viewing a film advertised by the exhibitor as being not suitable for

young persons, it shall be a valid defense that such young person was accompanied by his ~~or her~~ parent or legally appointed guardian throughout the viewing of such film.

(Revised Ords. 1978, § 7-3-7)

**State law reference**—Materials harmful to minors, U.C.A. 1953, § 76-10-1206.

**Sec. 7-3-8. Regulation of Magazines for Minors.**

(a) ~~For the purpose of this section, the following definitions shall apply:~~

(1) ~~"Young person" means any unmarried natural person who has not attained his or her eighteenth birthday.~~

(2) ~~"Magazine" for the purpose of this section shall mean any printed magazine, book, brochure, folder, or material of a similar nature, in and upon which are printed, or by other means reproduced, pictures, writing, printing, or characters of any nature.~~

(3) ~~"Magazine seller" shall mean any person, firm, partnership, or corporation, or agent or employee thereof, selling magazines on a retail basis within the City limits of Sandy City.~~

(4) ~~"Nudity" means the showing of the human male or female genitals, pubic area, or buttocks, with less than a full opaque covering, or the showing of the female breasts with less than a fully opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.~~

(5) ~~"Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical conduct with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, her breasts.~~

(6) ~~"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.~~

(7) ~~"Sado masochistic abuse" means flagellation or torture by or upon a person clad in under garments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.~~

(8) ~~"Harmful to young persons" means that quality of any description or representation, in whatever form of nudity, sexual conduct, sexual excitement, or sado masochistic abuse, when it:~~

(A) ~~Predominantly appeals to the prurient, shameful, or morbid interests of young persons, and~~

(B) ~~Is patently offensive to prevailing standards in the adult community as a whole without respect to what is suitable material for young persons, and~~

(C) ~~Is utterly without redeeming social importance for young persons.~~

(9) ~~"Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both:~~

(A) ~~The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and~~

(B) ~~The age of the young person, provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such young person.~~

(b) ~~The following shall be deemed violations of the provisions of this section: It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a young person:~~

(1) ~~Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation of image of a person or portion of the human body which depicts nudity, sexual conduct, or sado masochistic abuse, and which is harmful to young persons, or~~

(2) ~~Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in paragraph (a) herein, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado masochistic abuse, and which, taken as a whole,~~

~~is harmful to young persons, without the prior express permission of said young person's parent or legal guardian.~~

- ~~(3) It shall be unlawful for any young person, as defined herein, to purchase, possess, handle, read, or inspect any item as enumerated in subsection (1) and (2) hereinabove described, without the express permission of said young person's parent or guardian.~~
- ~~(4) It shall be unlawful for any young person to falsely give his age as 18 years or older, or to falsely represent prior consent of his parent or guardian for the purpose of purchasing or otherwise obtaining access to and possession of the items described and enumerated in paragraphs (1) and (2) above.~~

(Revised Ords. 1978, § 7-3-8)

#### **Sec. 13-3-4. Contributing to the Delinquency of a Minor.**

- (a) A person commits contributing to the delinquency of a minor if that person is:
- ~~(1) 18 years of age or older and:~~
- ~~(i) solicits, requests, commands, encourages, or intentionally aids or who acts with a minor in the violation of any federal, state, or local law, or municipal ordinance;~~
- ~~(ii) tends to cause minors to become or remain delinquent; or~~
- ~~(iii) aids, contributes to, or becomes responsible for the neglect, abuse, or delinquency of any minor.~~
- ~~(2) 18 years or older, having a minor in his legal custody, or under his care, or in his employment, and willfully abuses or ill treats, neglects, or abandons the minor in any manner likely to cause the minor unnecessary suffering or serious injury to his health or morals;~~
- (1) 18 years of age or older and:
- a. Forcibly takes away a minor from, or wrongfully encourages him to leave, the legal or physical custody of any person, agency, or institution in which the minor lawfully resides or has been legally placed for the purpose of care, support, education, or adoption; ~~or~~
- b. Knowingly detains or harbors a minor whom he has reasonable grounds to believe has escaped or fled from the custody of any agency or institution in which the minor lawfully resides or has run away from his parent or guardian or custodian;
- ~~(2) 18 years of age or older and:~~
- c. Provides a minor with an alcoholic beverage or a controlled substance; or
- d. Encourages or permits a minor to consume an alcoholic beverage or controlled substance.
- (b) It is not necessary in order to obtain a conviction under this section to establish that the minor had become delinquent or committed a delinquent act.
- (c) For purposes of this section, the term "minor" means a person younger than 18 years of age.

(Revised Ords. 1978, § 7-3-9)

**State law reference**—Contributing to the delinquency of a minor, U.C.A. 1953, § 76-10-2301; child abuse and child abandonment, U.C.A. 1953, § 76-5-109.

### **CHAPTER 13-4. INCHOATE OFFENSES**

#### **Sec. 13-4-1. Attempt—Elements of Offense.**

- (a) For purposes of this ~~part chapter~~, a person is guilty of an attempt to commit a crime if he:
- (1) Engages in conduct constituting a substantial step toward commission of the crime; and
- (2) a. Intends to commit the crime; or
- b. When causing a particular result in an element of the crime, he acts with an awareness that his conduct is reasonably certain to cause that result.

(b) For purposes of this ~~part~~ chapter, conduct constitutes a substantial step if it strongly corroborates the actor's mental state as defined in Subsection (a)(2) of this section.

(c) A defense to the offense of attempt does not arise:

- (1) Because the offense attempted was actually committed; or
- (2) Due to factual or legal impossibility if the offense could have been committed if the attendant circumstances had been as the actor believed them to be.

(Revised Ords. 1978, § 7-4-1)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-4-101.

**Sec. 13-4-2. ~~Attempt Same~~—Classification of Offenses.**

Criminal attempt to commit:

- (1) A Class A misdemeanor is a Class B misdemeanor;
- (2) A Class B misdemeanor is a Class C misdemeanor;
- (3) A Class C misdemeanor is punishable by a penalty not exceeding one-half the penalty for a Class C misdemeanor;
- (4) An infraction is an infraction and such attempt is punishable as an infraction.

(Revised Ords. 1978, § 7-4-2)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-4-101.

**Sec. 13-4-3. Conspiracy—Elements of Offense.**

For purposes of this ~~part~~ chapter, a person is guilty of conspiracy when he, intending that conduct constituting a crime be performed, agrees with one or more persons to engage in or cause the performance of such conduct and any one of them commits an overt act in pursuance of the conspiracy.

(Revised Ords. 1978, § 7-4-3)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-4-201.

**Sec. 13-4-4. ~~Conspiracy Same~~—Classification of Offenses.**

Conspiracy to commit:

- (1) A Class A misdemeanor is a Class B misdemeanor;
- (2) A Class B misdemeanor is a Class C misdemeanor;
- (3) A Class C misdemeanor is punishable by a penalty not exceeding one-half the penalty for a Class C misdemeanor;
- (4) An infraction is an infraction and such attempt is punishable as an infraction.

(Revised Ords. 1978, § 7-4-4)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-4-202.

**Sec. 13-4-5. Specific Attempt or Conspiracy Offense Prevails.**

Whenever any offense specifically designates or defines an attempt or conspiracy and provides a penalty for the attempt or conspiracy other than provided in this chapter, the specific offense shall prevail over the provisions of this chapter.

(Revised Ords. 1978, § 7-4-5)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-4-301.

**Sec. 13-4-6. Connection of Inchoate and Principal Offense Prohibited.**

No person shall be convicted of both an inchoate and principal offense.

(Revised Ords. 1978, § 7-4-6)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-4-302.

## **CHAPTER 13-5. OFFENSES AGAINST THE PERSON\***

**\*State law reference**—Offenses against the person, U.C.A. 1953, § 76-5-101 et seq.

### **Sec. 7-5-1. Assault.**

(a) ~~Assault is:~~

- (1) ~~An attempt, with unlawful force or violence, to do bodily injury to another; or~~
- (2) ~~A threat, accompanied by a show of immediate force or violence, to do bodily injury to another.~~
- (3) ~~An act committed with unlawful force or violence, that causes or creates a substantial risk of bodily injury to another.~~

(b) ~~Assault is a class B misdemeanor, except when it is committed in a fight or scuffle entered into by mutual consent and no serious bodily injury results, in which case it is a class C misdemeanor. In the case of serious bodily injury, the offense may be charged as a class A misdemeanor pursuant to State law.~~

(Revised Ords. 1978, § 7-5-1)

### **Sec. 7-5-2. Battery.**

(a) ~~Battery is:~~

- (1) ~~A person intentionally or knowingly causing bodily injury to another; or~~
- (2) ~~A person recklessly causing serious bodily injury to another.~~

(b) ~~Battery is a class B misdemeanor, except when it is committed in a fight or scuffle entered into by mutual consent and no serious bodily injury results, in which case it is a class C misdemeanor.~~

(Revised Ords. 1978, § 7-5-2)

### **Sec. 13-5-1. Offensive Touching.**

(a) A person commits offensive touching if his contact with another is not legally consented to by the other or otherwise privileged.

(b) Offensive touching is a Class B misdemeanor.

(Revised Ords. 1978, § 7-5-3)

### **Sec. 7-5-4. Harassment.**

(a) ~~A person is guilty of harassment if, with intent to frighten or harass another, he communicates in writing a threat to commit any violent felony.~~

(b) ~~Harassment is a class C misdemeanor.~~

(Revised Ords. 1978, § 7-5-4)

### **Sec. 7-5-5. Terroristic Threat.**

(a) ~~A person commits terroristic threat if he threatens to commit any offense involving bodily injury, death, or substantial property damage, and:~~

- (1) ~~causes action of any nature by an official or volunteer agency organized to deal with emergencies; or~~
- (2) ~~places a person in fear of imminent serious bodily injury, substantial bodily injury, or death.~~

(b) ~~A violation of this section is a class B misdemeanor.~~

(c) ~~It is not a defense under this section that the person did not attempt to or was incapable of carrying out the threat.~~

(d) ~~A threat under this section may be express or implied.~~

(e) ~~A person who commits an offense under this section is subject to punishment for that offense, in addition~~

to any other offense committed, including the carrying out of the threatened act.

~~(f) In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement is inappropriate.~~

~~(Revised Ords. 1978, § 7-5-5)~~

**~~Sec. 7-5-6. Custodial Interference.~~**

~~(a) A person, whether a parent or other, is guilty of custodial interference if, without good cause he takes, entices, conceals, or detains a child under the age of sixteen from his parent, guardian, or other lawful custodian.~~

~~(1) Knowing that he has no legal right to do so; and~~

~~(2) With intent to hold the child for a period substantially longer than the visitation or custody period previously awarded by a court of competent jurisdiction.~~

~~(b) A person, whether a parent or other, is guilty of custodial interference if, having actual physical custody of a child under the age of sixteen pursuant to a judicial award of any court of competent jurisdiction which grants to another person visitation or custody rights, and without good cause, he conceals or detains the child with intent to deprive the other person of his lawful visitation or custody rights.~~

~~(c) A person is guilty of custodial interference if, without good cause, he takes, entices, conceals, or detains an incompetent or other person under the age of sixteen who has been committed by authority of law to the custody of another person or institution from the other person or institution, knowing he has not legal right to do so.~~

~~(d) Custodial interference is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-5-6)~~

**~~Sec. 7-5-7. Unlawful Detention.~~**

~~(a) A person commits unlawful detention if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.~~

~~(b) Unlawful detention is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-5-7)~~

**~~Sec. 7-5-8. Unlawful Sexual Activity with a Minor -- Elements -- Penalties -- Evidence of Age Raised by Defendant.~~**

~~(a) For purposes of this section "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred.~~

~~(b) A person commits unlawful unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of 76-5-402, U.C.A., object rape, in violation of 76-5-402.2, U.C.A., forcible sodomy, in violation of Section 76-5-403, U.C.A., or aggravated sexual assault, in violation of 76-5-405, U.C.A., the actor:~~

~~(1) has sexual intercourse with the minor;~~

~~(2) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or~~

~~(3) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.~~

~~(c) If the defendant is less than four years older than the minor, unlawful sexual activity with a minor is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-5-8)~~

**~~Sec. 7-5-9. Sodomy.~~**

~~(a) A person commits sodomy when the actor engages in any sexual act with a person who is 14 years of age or older involving the genitals of one person and mouth or anus of another person, regardless of the sex of either participant.~~

~~(Revised Ords. 1978, § 7-5-9)~~

**Sec. 7-5-11. Child Abuse.**

~~(1) As used in this section:~~

~~(a) "Child" means a human being who is 17 years of age or less.~~

~~(b) "Physical injury" means an injury to or condition of a child which impairs the physical condition of the child, including:~~

~~(i) a bruise or other contusion of the skin;~~

~~(ii) a minor laceration or abrasion;~~

~~(iii) failure to thrive or malnutrition; or~~

~~(iv) any other condition which imperils the child's health or welfare and which is not a serious physical injury as defined in 76-5-109, U.C.A.~~

~~(2) Any person who inflicts upon a child physical injury or, having the care or custody of such child, causes or permits another to inflict physical injury upon a child is guilty of an offense as follows:~~

~~(a) if done intentionally, knowingly, the offense is a class A misdemeanor;~~

~~(b) if done recklessly, the offense is a class B misdemeanor; or~~

~~(c) if done with criminal negligence, the offense is a class C misdemeanor.~~

~~(3) Criminal actions under this section may be prosecuted in Sandy if the offense was committed or discovered in the City, or if the victim or defendant resides in the City.~~

~~(Revised Ords. 1978, § 7-5-11)~~

**Sec. 7-5-12. Commission of Domestic Violence in the Presence of a Child.**

~~(a) As used in this section:~~

~~(1) "Cohabitant" has the same meaning as defined in Section 30-6-1, U.C.A.~~

~~(2) "Domestic violence" has the same meaning as in Section 77-36-1.~~

~~(3) "Child" means any human being who is 17 years of age or less.~~

~~(4) "In the presence of a child" means:~~

~~(A) in the physical presence of a child; or~~

~~(B) having knowledge that a child is present and may see or hear an act of domestic violence.~~

~~(b) A person is guilty of an offense if the person, under circumstances not amounting to a violation of 76-5-109.1(2)(a) or (b), U.C.A., commits an act of domestic violence in the presence of a child.~~

~~(c) A person who violates this section is guilty of a class B misdemeanor.~~

~~(d) A charge under this section is separate and distinct from, and is in addition to, a charge of domestic violence where the victim is the cohabitant. Either or both charges may be filed by the prosecutor.~~

~~(Revised Ords. 1978, § 7-5-12)~~

**CHAPTER 13-6. OFFENSES AGAINST PROPERTY\***

\*State law reference—Offenses against property, U.C.A. 1953, § 76-6-101 et seq.

**Sec. 7-6-1. Definitions.**

For purposes of this chapter:

~~(a) "Property" means any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure.~~

~~(b) "Habitable structure" means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is actually present or not.~~

~~(c) "Property" is that of another, if anyone other than the actor has possessory or proprietary interest in any portion thereof.~~

~~(d) "Value" means:~~

~~(1) The market value of the property, if totally destroyed, at the time and place of the offense, or where costs of replacement exceeds the market value; or~~

~~(2) Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.~~

~~(3) If the property damaged has a value that cannot be ascertained by the criteria set forth in subsections (1) and (2) above, the property shall be deemed to have a value of less than \$300.~~

~~(Revised Ords. 1978, § 7-6-1)~~

**Sec. 7-6-2. Arson.**

~~(a) A person is guilty of arson if, under circumstances not amounting to aggravated arson as defined by Utah Code Annotated, 1953, at section 76-6-103, by means of fire or explosives, he unlawfully and intentionally damages:~~

~~(1) Any property with intention of defrauding an insurer; or~~

~~(2) The property of another.~~

~~(b) Arson is a class B misdemeanor if the damage caused is less than \$300.~~

~~(Revised Ords. 1978, § 7-6-2)~~

**Sec. 7-6-3. Reckless Burning.**

~~(a) A person is guilty of reckless burning if he:~~

~~(1) Recklessly starts a fire or causes an explosion which endangers human life; or~~

~~(2) Having started a fire, whether reckless or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put it out or control the fire or fails to give a prompt fire alarm; or~~

~~(3) Damages the property of another by reckless use of fire or causing an explosion.~~

~~(b) Reckless burning is:~~

~~(1) A class B misdemeanor if the damage to property exceeds \$500 but is or exceeds \$300 but is less than \$1,000 in value; and~~

~~(2) A class C misdemeanor if the damage to property is or exceeds \$150 but is less than \$300 in value.~~

~~(3) Any other infraction under subsection (2) shall constitute an infraction.~~

~~(Revised Ords. 1978, § 7-6-3)~~

**Sec. 7-6-4. Criminal Mischief and Damage to Mail Receptacle.**

~~(a) A person commits criminal mischief if:~~

~~(1) He intentionally and unlawfully tampers with the property of another and as a result:~~

~~(A) recklessly endangers human health or safety; or~~

~~(B) intentionally damages, defaces, or destroys the property of another; or~~

~~(C) recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.~~

~~(D) In determining the value of damages under this section, or for computer crimes under Section 76-6-703, the value of any item, computer, computer network, computer property, computer services, software, or data includes the measurable value of the loss of use of the items and the measurable cost to replace or restore the items.~~

~~(b) A person commits the crime of damage to mail receptacle if the person knowingly damages the condition of a mail receptacle of another, including:~~

- ~~(1) taking, concealing, damaging, or destroying a key; or~~
- ~~(2) breaking open, tearing down, damaging or destroying a mail receptacle.~~
- ~~(3) The definitions used in 76-6-1001, U.C.A. shall apply to this section.~~

~~(c) Criminal mischief and damage to mail receptacle are:~~

- ~~(1) Class B misdemeanors if the actor's conduct causes or is intended to cause pecuniary loss of less than \$300 in value.~~
- ~~(2) In determining the degree of an offense committed under this subsection, the penalty levels in Subsection 76-6-106(3)(b) apply.~~
- ~~(3) If the act committed amounts to an offense subject to a greater penalty, this subsection does not prohibit prosecution and sentencing for the more serious offense.~~

~~(Revised Ords. 1978, § 7-6-4)~~

**~~Sec. 7-6-5. Manufacture or Possession of Instrument for Burglary, Theft, Vandalism, or Destruction of Property.~~**

~~Any person who manufactures or possesses any instrument, tool, device, article, or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that some person intends to use the same in commission of a burglary, theft, vandalism, or destruction of property, is guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-6-5)~~

**~~Sec. 7-6-6. Criminal Trespass.~~**

- ~~(a) For purposes of this section, "enter" means intrusion of the entire body.~~
- ~~(b) A person is guilty of criminal trespass if:~~
  - ~~(1) He enters or remains unlawfully on property and:
 
    - ~~(A) Intends to cause annoyance or injury to any person thereon or damage to any property thereon; or~~
    - ~~(B) Intends to commit any crime, other than theft or a felony; or~~
    - ~~(C) Is reckless as to whether his presence will cause fear for the safety of another.~~~~
  - ~~(2) Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by:
 
    - ~~(A) Personal communication to the actor by the owner or someone with apparent authority to act for the owner; or~~
    - ~~(B) Fencing or other enclosure obviously designed to exclude intruders; or~~
    - ~~(C) Posting of signs reasonably likely to come to the attention of those entering the property or area. This includes, but is not limited to, signs for park, trail and street closures, No Trespassing, No Admittance and Employees Only signs.~~~~
  - ~~(3) He is a professional fund raiser or solicitor on or at the entrance to property and attempts to acquire the attention of the property owner, occupier or resident when a "No Solicitation" sign or the like is posted in a location reasonably likely to come to the attention of those entering or on the property.~~
  - ~~(4) He is skateboarding, skating, bicycling or the like on property where there is a sign posted in a location~~

~~reasonably likely to come to the attention of those entering or on the property that the activity is prohibited.~~

~~(c) A violation of subsection (b)(1) is a class C misdemeanor unless it was committed in a dwelling, in which event it is a class B misdemeanor. A violation of subsection (b)(2) is an infraction.~~

~~(d) It is a defense to prosecution under this section:~~

~~(1) That the property was open to the public when the actor entered, or remained; and~~

~~(2) The actor's conduct did not substantially interfere with the owner's use of the property.~~

~~(Revised Ords. 1978, § 7-6-6)~~

**Sec. 7-6-7. Tampering with Records.**

~~(a) Any person who, having no privilege to do so, knowingly falsifies, destroys, removes, or conceals any writing or record, public or private, with intent to deceive or injure any person or to conceal any wrongdoing, is guilty of tampering with records.~~

~~(b) Tampering with records is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-6-7)~~

**Sec. 7-6-8. Issuing a Bad Check – Presumption.**

~~(a) Any person who issues or passes a check or draft for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent, knowing it will not be paid by the drawee and payment is refused by the drawee, is guilty of issuing a bad check.~~

~~(b) For purposes of this subsection, a person who issues a check or draft for which payment is refused by the drawee is presumed to know the check or draft would not be paid if he had no account with the drawee at the time of issue.~~

~~(c) Any person who issues or passes a check or draft for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent, payment of which a check or draft is legally refused by the drawee, is guilty of issuing a bad check or draft if he fails to make good and actual payments to the payee in the amount of the refused check or draft within 14 days of his receiving actual notice of the check or draft's nonpayment.~~

~~(d) If the check or series of checks is made or drawn in this City within a period not exceeding six months amounts to a sum that is less than \$300, such offense of issuing a bad check is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-6-8)~~

**Sec. 7-6-9. Fraudulent Use of Credit Card – "Credit Card" Defined.**

~~(a) A person is guilty of a class B misdemeanor if he uses a credit card for the purpose of obtaining property or services with the knowledge that:~~

~~(1) The card is stolen; or~~

~~(2) The card has been revoked or cancelled; or~~

~~(3) For any other reason his use of the card is unauthorized by either the issuer or the person to whom the credit card is issued, and~~

~~(4) the value of the property, money, or thing obtained or sought to be obtained is less than \$300.~~

~~(Revised Ords. 1978, § 7-6-9)~~

**Sec. 7-6-10. Deceptive Business Practices – Definitions – Defense.**

~~(a) A person is guilty of a class B misdemeanor if, in the course of business, he:~~

~~(1) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or~~

- ~~(2) Sells or offers or exposes for sale or delivers less than the represented quantity or quality of any commodity or services; or~~
- ~~(3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or~~
- ~~(4) Sells, offers or exposes for sale adulterated or mislabeled commodities.~~
- ~~(A) "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any ordinance or statute providing criminal penalties for each variance, or set by established commercial usage.~~
- ~~(B) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any ordinance or statute providing criminal penalties for such variance, or set by established commercial usage; or~~
- ~~(5) Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services; or~~
- ~~(6) Offers, by advertising or other means of communication, to the public or a substantial number of persons, property, or services as part of the scheme or plan, with intent not to sell or provide the advertised property or services;~~
- ~~(A) At the price which he offered them; or~~
- ~~(B) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or~~
- ~~(C) At all.~~
- ~~(b) It is an affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless.~~

~~(Revised Ords. 1978, § 7-6-10)~~

**Sec. 7-6-11. Bribery of, or Receiving Bribe by, Person in the Business of Selection, Appraisal, or Criticism of Goods or Services.**

- ~~(a) A person is guilty of a class B misdemeanor when, without the consent of the employer or principal, contrary to the interests of the employer or principal:~~
- ~~(1) He confers, offers, or agrees to confer upon the employee, agent, or fiduciary of an employer or principal any benefit with the purpose of influencing the conduct of the employee, agent, or fiduciary in relating to his employer's or principal's affairs; or~~
- ~~(2) He, as an employee, agent, or fiduciary of an employer or principal, solicits, accepts, or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence his conduct in relation to his employer's or principal's affairs; provided that this section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent, or fiduciary.~~
- ~~(b) A person is guilty of violation of this section if he holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of goods or services and he solicits, accepts, or agrees to accept any benefit to influence his selection, appraisal, or criticism.~~

~~(Revised Ords. 1978, § 7-6-11)~~

**Sec. 7-6-12. Defrauding Creditors.**

A person is guilty of a class B misdemeanor if:

- ~~(a) He destroys, removes, conceals, encumbers, transfers, or otherwise deals with property subject to a security interest with a purpose to hinder enforcement of that interest; or~~
- ~~(b) Knowing that proceedings have been or are about to be instituted for the appointment of a person entitled to administer property for the benefit of creditors, he:~~

- ~~(1) Destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with a purpose to defeat or obstruct the claim of any creditor, or otherwise obstruct the operation of any law relating to administration of property for the benefit of creditors; or~~
- ~~(2) Presents to any creditor or to an assignee for the benefit of creditors, orally or in writing, any statement relating to the debtor's estate, knowing that a material part of such statement is false.~~

~~(Revised Ords. 1978, § 7-6-12)~~

**Sec. 7-6-13. Using or Making Slugs.**

- ~~(a) A person is guilty of a class B misdemeanor if:
 
  - ~~(1) With a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, he inserts, deposits, or uses a slug in that machine; or~~
  - ~~(2) He makes, possesses or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine.~~~~
- ~~(b) As used in this section:
 
  - ~~(1) "Coin machine" means any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose, and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.~~
  - ~~(2) "Slug" means any object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill, or token.~~~~

~~(Revised Ords. 1978, § 7-6-13)~~

**Sec. 7-6-14. Criminal Simulation.**

- ~~(a) A person is guilty of criminal simulation if, with intent to defraud another:
 
  - ~~(1) He makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source, or authorship that it does not have;~~
  - ~~(2) He sells, passes, or otherwise utters an object so made or altered;~~
  - ~~(3) He possesses an object so made or altered with intent to sell, pass, or otherwise utter it;~~
  - ~~(4) He authenticates or certifies an object so made or altered as genuine or as different from what it is.~~~~
- ~~(b) Criminal simulation is a class B misdemeanor if the value defrauded or intended to be defrauded is less than \$300.~~

~~(Revised Ords. 1978, § 7-6-14)~~

**Sec. 7-6-15. False or Fraudulent Insurance Claim.**

~~Every person who presents, or causes to be presented, any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance for the payment of any loss, or who prepares, makes or subscribes any account, certificate of survey, affidavit or proof of loss, or other book, paper or writing with intent to present or use the same, or to allow it to be presented or used, in support of any such claim, is punishable as in the manner prescribed for theft of property of like value.~~

~~(Revised Ords. 1978, § 7-6-15)~~

**Sec. 7-6-16. Definitions.**

~~For the purposes of this chapter, the following definitions shall apply:~~

~~(a)"Property" means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments, or other writings representing or embodying rights concerning real or personal property, labor, services, or otherwise containing anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam, or water, and trade~~

~~secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him.~~

~~(b) ——— "Obtain" means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph, or other reproduction.~~

~~(c) "Purpose to deprive" means to have the conscious object:~~

~~(1) ——— To withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or~~

~~(2) ——— To restore the property only upon payment of a reward or other compensation; or~~

~~(3) ——— To dispose of the property under circumstances that make it unlikely that the owner will recover it.~~

~~(d) ——— "Obtain or exercise unauthorized control" means, but is not necessarily limited to, conduct heretofore defined or known as common-law larceny by trespassory taking, larceny by conversion, larceny by bailee, and embezzlement.~~

~~(e) "Deception" occurs when a person intentionally:~~

~~(1) ——— Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true and that is likely to affect the judgment of another in the transaction; or~~

~~(2) ——— Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true; or~~

~~(3) ——— Prevents another from acquiring information likely to affect his judgment in the transaction; or~~

~~(4) ——— Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim or other legal impediment to the enjoyment of the property, whether the lien, security interest, claim, or impediment is or is not valid or is not a matter of official record; or~~

~~(5) ——— Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed; provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.~~

~~(Revised Ords. 1978, § 7-6-16)~~

#### **~~Sec. 7-6-17. Presumptions and Defenses.~~**

~~The following presumptions and defenses shall apply to this chapter:~~

~~(a) — Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.~~

~~(b) — It is no defense under this chapter that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this subsection shall not include a security interest for the repayment of a debt or obligation.~~

~~(c) — It is a defense under this part that the actor:~~

~~(1) — Acted under an honest claim of right to the property or service involved; or~~

~~(2) — Acted in the honest belief that he had the right to obtain or exercise control over the property or service as he did; or~~

~~(3) — Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.~~

~~(Revised Ords. 1978, § 7-6-17)~~

#### **~~Sec. 7-6-18. Theft — Evidence to Support Accusation.~~**

~~Conduct denominated theft in this chapter constitutes a single offense embracing the separate offenses such as those heretofore known as larceny, larceny by trick, larceny by bailee, embezzlement, false pretenses, extortion, blackmail, and receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in this chapter subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense were prejudiced by lack of fair notice or by surprise.~~

~~(Revised Ords. 1978, § 7-6-18)~~

**Sec. 7-6-19. Theft – Elements.**

~~A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof.~~

~~(Revised Ords. 1978, § 7-6-19)~~

**Sec. 7-6-20. Theft by Deception.**

~~(a) — A person commits theft if he obtains or exercises control over property of another by deception and with a purpose to deprive him thereof.~~

~~(b) — Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares or worth in communications addressed to the public or to a class or group.~~

~~(Revised Ords. 1978, § 7-6-20)~~

**Sec. 7-6-21. Theft by Extortion.**

~~(a) — A person is guilty of theft if he obtains or exercises control over the property of another by extortion and with a purpose to deprive him thereof.~~

~~(b) — As used in this section, extortion occurs when a person threatens to:~~

- ~~(1) — Cause physical harm in the future to the person threatened or to any other person or to the property at any time; or~~
- ~~(2) — Subject the person threatened or any other person to physical confinement or restraint; or~~
- ~~(3) — Engage in other conduct constituting a crime; or~~
- ~~(4) — Accuse any person of a crime or expose him to hatred, contempt, or ridicule;~~
- ~~(5) — Reveal any information sought to be concealed by the person threatened; or~~
- ~~(6) — Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or~~
- ~~(7) — Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or~~
- ~~(8) — Bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or~~
- ~~(9) — Do any other act which would not in itself substantially benefit him but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.~~

~~(Revised Ords. 1978, § 7-6-21)~~

**Sec. 7-6-22. Theft of Lost, Mislaid or Mistakenly Delivered Property.**

~~A person commits theft when:~~

- ~~(a) — He obtains property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return it to the owner; and~~

- ~~(b) He has the purpose to deprive the owner of the property when he obtains the property or at any time prior to taking the measures designated in paragraph (a).~~

~~(Revised Ords. 1978, § 7-6-22)~~

**Sec. 7-6-23. Receiving Stolen Property.**

~~(a) A person commits theft if he receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds, or aids in concealing, selling or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.~~

~~(b) The knowledge or belief required for paragraph (a) is presumed in the case of an actor who:~~

- ~~(1) Is found in possession or control of other property stolen on a separate occasion; or~~
- ~~(2) Has received other stolen property within the year preceding the receiving offense charged; or~~
- ~~(3) Being a dealer in property of the sort received, retained, or disposed, acquires it for consideration which he knows is far below its reasonable value.~~

~~(c) Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who buys, receives or obtains property shall require the seller or person delivering the property to certify in writing, that he has the legal rights to sell the property. If the value given for the property exceeds \$20 the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to the signature, or any other positive form of identification.~~

~~(1) Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee, or representative of the pawnbroker or person who fails to comply with the requirements of section (c) above shall be presumed to have bought, received or obtained the property knowing it to have been stolen or unlawfully obtained. This presumption may be rebutted by proof to the contrary.~~

~~(2) When in a prosecution under this section it appears from the evidence that the defendant was a pawnbroker or a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or was an agent, employee or representative of a pawnbroker or person, that the defendant bought, received, concealed or withheld the property without requiring the person from whom he bought, received, or obtained the property to sign the certificate required in paragraph (c), and in the event the transaction involves an amount exceeding \$20, also place his legible print, the right thumb, on the certificate, then the burden shall be upon the defendant to show that the property bought, received or obtained was not stolen.~~

~~(d) As used in this section:~~

- ~~(1) "Receives" means acquiring possession, control, or title, or lending on the security of the property;~~
- ~~(2) "Dealer" means a person in business of buying or selling goods.~~

~~(Revised Ords. 1978, § 7-6-23)~~

**Sec. 7-6-24. Theft of Services.**

~~(a) A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefor.~~

~~(b) A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts such services to his own benefit or to the benefit of another who he knows is not entitled thereto.~~

~~(c) As used in this section "services" includes, but is not necessarily limited to, labor, professional service, public utility and transportation services, cable television services, restaurant, hotel, motel, tourist cabin, rooming house, and like accommodations, the supplying of equipment, tools, vehicles, or trailers for temporary use, telephone or telegraph service, gas, electricity, water or steam, and the like, admission to entertainment, exhibitions,~~

sporting events, or other events for which a charge is made.

(Revised Ords. 1978, § 7-6-24)

**Sec. 7-6-25. Theft by Person Having Custody of Property Pursuant to Repair or Rental Agreement.**

A person is guilty of theft if:

- (a) ~~Having custody of property pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair, or use of such property, he intentionally uses or operates it, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or~~
- (b) ~~Having custody of any property pursuant to a rental or lease agreement where it is to be returned in a specified manner or at a specified time, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.~~

(Revised Ords. 1978, § 7-6-25)

**Sec. 7-6-26. Theft by Failure to Make Required Payment or Disposition of Property Subject to Legal Obligation – Presumptions – Definitions.**

(a) ~~A person commits theft if he obtains property from anyone or personal services from an employee upon agreement, or subject to a known legal obligation to make a specified payment or other disposition to a third person, whether from that property or its proceeds or from his own property to reserved in an equivalent or agreed amount, if he purposely or recklessly fails to make the required payment, or disposition and deals with the property obtained or withheld as his own.~~

(b) ~~Liability under paragraph (a) is not affected by the fact that it may be impossible to identify particular property as belonging to the victim at the time of the failure to make the required payment or disposition.~~

(c) ~~An officer or employee of the government or of a financial institution is presumed:~~

- (1) ~~To know of any legal obligation relevant to his liability under this section, and~~
- (2) ~~To have dealt with the property as his own if he fails to pay or account upon lawful demand, or if an audit reveals a shortage or falsification of his accounts.~~

(d) ~~As used in this section:~~

- (1) ~~"Financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or other medium of savings or collective investment.~~
- (2) ~~"Government" means the United States, any state, county, municipality or other political unit within this state and any agency, department, or subdivision of the foregoing, or any corporation or other association carrying out the functions of government.~~

(Revised Ords. 1978, § 7-6-26)

**Sec. 13-6-1. Theft of Water.**

(a) It shall be unlawful for any person to take, use or direct any water belonging to, or in the custody of, Sandy City, by means of any jumper placed upon a meter box, bypass, headgate, pipe, culvert, pump, hose or other devise, without the express authorization of Sandy City.

(b) It shall be unlawful for any person to turn to divert any water belonging to, or in the custody of, Sandy City, into any private canal, channel, pipe or through any meter, when Sandy City, by means of authorized service personnel, have terminated service or sought to prevent use of the said water by reason of nonpayment of bills for service.

(Revised Ords. 1978, § 7-6-27)

**Sec. 7-6-29. Identity Fraud Crime.**

- ~~(a) For purposes of this part, "personal identifying information" may include"~~
- ~~(1) name;~~
  - ~~(2) address;~~
  - ~~(3) telephone number;~~
  - ~~(4) driver's license number;~~
  - ~~(5) Social Security number;~~
  - ~~(6) place of employment;~~
  - ~~(7) employee identification numbers or other personal identification numbers;~~
  - ~~(8) mother's maiden name;~~
  - ~~(9) electronic identification numbers;~~
  - ~~(10) digital signatures or a private key; or~~
  - ~~(11) any other numbers or information that can be used to access a person's financial resources or medical information in the name of another person except for numbers or information that can be prosecuted as financial transaction card offenses under Sections 76-6-506 through 76-6-506.4 U.C.A.~~
- ~~(b) A person is guilty of identity fraud when that person knowingly or intentionally:~~
- ~~(1) obtains personal identifying information of another person without the authorization of that person; and~~
  - ~~(2) uses, or attempts to use, that information with fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services, any other thing of value, or medical information in the name of another person without the consent of that person.~~
- ~~(c) Identity fraud is:~~
- ~~(1) a class B misdemeanor if the value of the credit, goods, services, or any other thing of value is less than \$300.~~

~~(Revised Ords. 1978, § 7-6-29)~~

**~~Sec. 7-6-30. Theft – Classification of Offense.~~**

~~Theft of property and services as provided in this chapter shall be punishable as follows:~~

- ~~(a) As a class B misdemeanor if the value of the property stolen was greater than \$50, but less than \$300; and~~
- ~~(b) As a class C misdemeanor if the value of the property stolen was \$50 or less.~~

~~(Revised Ords. 1978, § 7-6-30)~~

**CHAPTER 13-7. OFFENSES AGAINST PUBLIC ORDER AND DECENCY\***

**\*State law reference**—Offenses against public order and decency, U.C.A. 1953, § 76-9-101 et seq.

**~~Sec. 7-7-1. Riot.~~**

- ~~(a) A person is guilty of riot if:~~
- ~~(1) Simultaneously with two or more other persons he engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or~~
  - ~~(2) He assembles with two or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two or more other persons in the assembly have the same purpose; or~~
  - ~~(3) He assembles with two or more other persons with the purpose of committing an offense against a person or property of another who he supposes to be guilty of a violation of law, believing that two or more other persons in the assembly have the same purpose.~~

~~(b) Any person who refuses to comply with a lawful order to withdraw given to him immediately prior to, during, or immediately following a violation of paragraph (a) is guilty of riot. It is no defense to a prosecution under this paragraph that withdrawal must take place over private property; provided, however, that no persons so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.~~

~~(c) Riot is a class B misdemeanor unless, in the course of and as a result of the conduct, any person suffers bodily injury, or substantial property damage, arson occurs, or the defendant was armed with a deadly weapon. If the riot results in the aforementioned exceptions to its being a class B misdemeanor, the offense is then felony and punishable by the laws of the State and not the ordinances of the City.~~

~~(Revised Ords. 1978, § 7-7-1)~~

**Sec. 7-7-2. Disorderly Conduct.**

~~(a) A person is guilty of disorderly conduct if:~~

~~(1) He refuses to comply with the lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or~~

~~(2) Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof;~~

~~(A) He makes unreasonable noises in a public place; or~~

~~(B) He makes unreasonable noises in a private place which can be heard in a public place; or~~

~~(C) He engages in abusive or obscene language or makes obscene gestures in a public place; or~~

~~(D) He obstructs vehicular or pedestrian traffic.~~

~~(b) "Public place" for the purposes of this section, means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.~~

~~(c) Disorderly conduct is a class C misdemeanor if the offense continues after a request by another person that the actor desist. Otherwise it is an infraction.~~

~~(Revised Ords. 1978, § 7-7-2)~~

**Sec. 7-7-3. Disrupting a Meeting or Procession.**

~~(a) A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, processing or gathering, he obstructs or interferes with the meeting, processing, or gathering by physical action, verbal utterance, or any other means.~~

~~(b) Disrupting a meeting or procession is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-3)~~

**Sec. 7-7-4. Failure to Disperse.**

~~(a) A person is guilty of failure to disperse when he remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been lawfully ordered to disperse by a peace officer.~~

~~(b) This section shall not apply to a person who attempted to, but was unable to leave the scene of the riot or unlawful assembly.~~

~~(c) Failure to disperse is a class C misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-4)~~

**Sec. 7-7-5. Giving a False Alarm.**

~~(a) A person is guilty of giving a false alarm if he initiates or circulates a report or warning of any fire, impending bombing or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause evacuation of any building, place of assembly, or facility of public transport, to cause public inconvenience or alarm or action of any sort by any official or volunteer agency organized to deal with emergencies.~~

~~(b) Giving a false alarm is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-5)~~

**Sec. 7-7-6. Telephone Harassment.**

~~(a) A person is guilty of telephone or e-mail harassment and subject to prosecution in the jurisdiction where the telephone call or e-mail originated or was received if with intent to annoy, alarm another, intimidate, offend, abuse, threaten, harass, or frighten any person at the called number or e-mail address or recklessly creating a risk thereof, the person:~~

- ~~(1) makes repeated telephone calls or e-mails, whether or not a conversation ensues, or after having been told not to call or e-mail back, causes the telephone of another to ring repeatedly or continuously or causes e-mails to be repeatedly received;~~
- ~~(2) makes a telephone call or e-mail and insults, taunts, or challenges the recipient of the telephone call or e-mail or any person at the called number or e-mail address in a manner likely to provoke a violent or disorderly response;~~
- ~~(3) makes a telephone call or e-mail and threatens to inflict injury, physical harm, or damage to any person or the property of any person.~~

~~(b) A person is guilty of telephone or e-mail harassment if by making the telephone call he violates a protective order issued pursuant to Subsection 30-6-6(2), Utah Code Annotated.~~

~~(c) Telephone or e-mail harassment is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-6)~~

**Sec. 7-7-7. Emergency Reporting -- Interference -- False Report.**

~~(a) As used in this section:~~

- ~~(1) "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.~~
- ~~(2) "Party line" means a subscriber's line or telephone circuit consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.~~

~~(b) A person is guilty of emergency telephone abuse if he:~~

- ~~(1) Intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another person upon being informed that said telephone is needed to report a fire, summon police, medical, or other aid in case of emergency, unless said telephone is likewise being used for an emergency call; or~~
- ~~(2) Asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.~~
- ~~(3) Reports an emergency or causes an emergency to be reported to any public, private, or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when the actor knows the reported emergency does not exist.~~

~~(c) (1) A violation of Subsection (b)(1) or (2) is a class C misdemeanor.~~

~~(2) A violation of Subsection (b)(3) is a class B misdemeanor, except as provided under Subsection (c)(3).~~

~~(3) A violation of Subsection (b)(3) is a second degree felony if the report is regarding a weapon of mass destruction, as defined in Section 76-10-401, U.C.A.~~

~~(d) In addition to any other penalty authorized by law, a court shall order any person convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.~~

~~(Revised Ords. 1978, § 7-7-7)~~

**Sec. 7-7-8. Definitions.**

For the purposes of this chapter, the following shall apply:

(a) "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.

(b) "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral communication of others without the consent of at least one party thereto by means of any electronic, mechanical, or other device.

(c) "Public" includes any professional or social group of which the victim of a defamation is a member.

(Revised Ords. 1978, § 7-7-8)

#### **Sec. 7-7-9. Privacy Violation.**

(a) A person is guilty of privacy violation if, except as authorized by law, he:

(1) Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or

(2) Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in the place or uses any unauthorized installation; or

(3) Installs or uses outside of a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy therein.

(4) Under circumstances not amounting to a violation of 76-9-702.7, Subsection (1), views or attempts to view an individual, with or without the use of any instrumentality:

(A) with the intent of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;

(B) without the knowledge or consent of the individual; and

(C) under circumstances in which the individual has a reasonable expectation of privacy.

(D) A violation is a class B misdemeanor if the person is more than 15 years of age.

(Revised Ords. 1978, § 7-7-9)

#### **Sec. 7-7-10. Communication Abuse.**

(a) A person commits communication abuse if, except as authorized by law, he:

(1) Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; this paragraph does not extend to:

(A) Overhearing messages through a regularly installed instrument on a telephone party line or on an extension; or

(B) Interception by the telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use; or

(2) Divulges without consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted or if he learned of the message in the course of employment with an agency engaged in transmitting it.

(b) Communication abuse is a class B misdemeanor.

(Revised Ords. 1978, § 7-7-10)

#### **Sec. 7-7-11. Criminal Defamation.**

(a) A person is guilty of criminal defamation if he, with actual knowledge of the falsity of such a statement, communicates to any person orally or in writing any information which he knows to be false and knows will tend

~~to expose any other living person to public hatred, contempt, or ridicule.~~

~~(Revised Ords. 1978, § 7-7-11)~~

**Sec. 7-7-12. Abuse of Personal Identity.**

~~(a) A person is guilty of abuse of personal identity if, for the purpose of advertising any articles of merchandise for purposes of trade or for any other advertising purposes, he uses the name, picture, or portrait of any individual or uses the name or picture of any public institution of this state, the official title of any public officer of this state, or of any person who is living, without first having obtained the written consent of his heirs or personal representatives.~~

~~(b) Abuse of personal identity is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-12)~~

**Sec. 7-7-13. Conveying False or Libelous Material to Newspaper or Broadcasting Stations.**

~~Any person who willfully states, conveys, delivers, or transmits, by any means whatsoever, to the manager, editor, publisher, reporter, or agent of any radio station, television station, newspaper, magazine, periodical, or serial for publication therein, any false or libelous statement concerning any person and thereby secures actual publication of the same, is guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-13)~~

**Sec. 7-7-14. Abuse of Flag.**

~~(a) A person is guilty of abuse of a flag if he:~~

~~(1) Intentionally places any unauthorized inscription or other thing upon any flag of the United States or upon any flag of any state of the United States; or~~

~~(2) Knowingly exhibits any such flag, knowing the inscription or other thing to be unauthorized; or~~

~~(3) For purpose of advertising a product or service for sale or for distribution, affixes a representation of the flag of the United States or of a state of the United States to the product or on any display whereon the product or service is advertised; or~~

~~(4) Knowingly casts contempt upon the flag of the United States or of any state of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it.~~

~~(b) Abuse of a flag is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-14)~~

**Sec. 13-7-1. Public Intoxication; Release of Defendant from Custody.**

~~(a) A person is guilty of public intoxication if he is under the influence of beer, alcoholic beverages, intoxicating liquor, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another, in a public place or in a private place where he unreasonably disturbs other persons.~~

~~(b) It shall be unlawful for any person to consume, possess or have, in any City park or upon any public property, any beer, alcoholic beverage, or intoxicating liquor.~~

~~(c) A peace officer or magistrate may release from custody an individual arrested under this section U.C.A. 1953, § 76-9-701 if he believes imprisonment is unnecessary for the protection of the individual or another.~~

~~(d) An offense under this section shall be deemed a class C misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-15)~~

**Sec. 7-7-16. Lewdness.**

~~(a) A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse or an attempt to commit any of these offenses, performs an act of sexual intercourse or sodomy, exposes his or her genitals or private parts, masturbates, engages in trespassory voyeurism,~~

~~or performs any other act of lewdness in a public place or under circumstances in which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older.~~

~~(b) A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstances constitute a lewd or grossly lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.~~

~~(c) Lewdness is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-16)~~

**Sec. 7-7-18. Abuse of a Corpse.**

~~(a) A person is guilty of abuse or desecration of a dead human body if the person intentionally and unlawfully fails immediately and/or by quickest means possible to report the finding of a dead human body to a local law enforcement agency.~~

~~(b) Failure to report the finding of a dead human body as required under subsection (a) is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-18)~~

**Sec. 7-7-19. Duty to Answer a Police Officer.**

~~(a) It shall be the duty of every person within the limits of this City, whether or not a resident of the City, to stop when requested to do so by any police officer showing some form of reasonable identification, such as a standard police uniform or badge. Each person so stopped shall have the duty to answer such reasonable questions as may be asked of him by the police officer.~~

~~(b) Police officers are hereby empowered to stop and question persons when there exists a reasonable belief that the person stopped and questioned has been involved in a crime, or where there exists other reasonable cause for the peace officer to believe that the person stopped and questioned would be able to provide information beneficial to the maintenance of the peace, safety, health and public welfare of the citizens of this City.~~

~~(Revised Ords. 1978, § 7-7-19)~~

**Sec. 7-7-20. Emergency Reporting Abuse.**

~~(a) A person is guilty of emergency reporting abuse if he reports an emergency or causes an emergency to be reported to any public, private, or volunteer entity whose purpose is to respond to fire, police, or to medical emergencies, when the actor knows the reported emergency does not exist.~~

~~(b) "Emergency Reporting Abuse" is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-20)~~

**Sec. 7-7-21. Damage to or Interruption of a Communication Device.**

~~(a) As used in this section:~~

~~(1) "Communication device" means any device, including a telephone, cellular telephone, computer, or radio, which may be used in an attempt to summon police, fire, medical, or other emergency aid.~~

~~(2) "Emergency" means any situation in which:~~

~~(i) property or human health or safety is in jeopardy; and~~

~~(ii) the prompt summoning of aid is essential to the preservation of the property or human safety or health.~~

~~(b) A person is guilty of damage to or interruption of a communication device if the actor attempts to prohibit or interrupt, or prohibits or interrupts, another person's use of communication equipment when the other person is attempting to summon emergency aid or has communicated a desire to summon emergency aid, and in the process the actor:~~

~~(1) uses force, intimidation, or any other form of violence;~~

- ~~(2) destroys, disables, or damages communication equipment; or~~
- ~~(3) commits any other act in an attempt to prohibit or interrupt the person's use of a communication device to summon emergency aid.~~
- ~~(c) It is not a defense to this section that emergency aid was not required.~~
- ~~(d) Damage to or interruption of a communication device is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-7-21)~~

### **CHAPTER 13-8. OFFENSES AGAINST GOVERNMENT\***

**\*State law reference**—Offenses against administration government, U.C.A. 1953, § 76-8-101 et seq.

#### **Sec. 7-8-1. Definitions.**

For the purposes of this chapter:

~~(a) "Public servant" means any officer or employee of the City, state or any political subdivision thereof, including judges, council persons, consultants, jurors, and persons otherwise performing a governmental function. A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.~~

~~(b) "Party official" means any person holding any post in a political party, whether by election, appointment, or otherwise.~~

~~(c) "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reductions or increased prosperity generally.~~

~~(d) A person is a candidate for electoral office upon his filing as a candidate for office under the laws of the state, county, city, or other governmental subdivision.~~

~~(Revised Ords. 1978, § 7-8-1)~~

#### **Sec. 7-8-2. Campaign Contributions Not Prohibited.**

~~Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.~~

~~(Revised Ords. 1978, § 7-8-2)~~

#### **Sec. 7-8-3. Receiving Bribe or Bribery by Public Servant.**

A person is guilty of a class B misdemeanor if:

- ~~(a) Being a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit in return for having given a decision, opinion, recommendation, nomination, vote, otherwise exercised his discretion, or for having violated his duty; or~~
- ~~(b) He promises, offers, or gives pecuniary benefit, acceptance of which would be a violation of paragraph (a).~~

~~(Revised Ords. 1978, § 7-8-3)~~

#### **Sec. 7-8-4. Receiving Bribe or Bribery for Endorsement of Person as Public Servant.**

A person is guilty of a class B misdemeanor if:

- ~~(a) He solicits, accepts, agrees to accept for himself, another person or political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval or disapproval of any person for a position as a public servant or for the advancement of any public servant; or~~
- ~~(b) He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph (a).~~

(Revised Ords. 1978, § 7-8-4)

**Sec. 7-8-5. Failure of Member of City Council to Disclose Interest in Measure or Ordinance.**

Every member of the City Council who has a personal or private interest in any measure or ordinance proposed or pending before the City Council of which he is a member and does not disclose such fact to the other members of the Council of which he is a member and subsequently thereon, is guilty of a class B misdemeanor.

(Revised Ords. 1978, § 7-8-5)

**Sec. 7-8-6. Official Misconduct.**

A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or ordinance or is clearly inherent in the nature of his office.

(Revised Ords. 1978, § 7-8-6)

**Sec. 7-8-7. Unlawful Acts Based on "Inside" Information.**

A public servant is guilty of a class B misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant, which information has not been made public, he:

- (a) Acquires or divests himself of a pecuniary interest in any property, transaction or enterprise which may be affected by such action or information.
- (b) Speculates or wagers on the basis of such action or information; or
- (c) Knowingly aids another to do any of the foregoing.

(Revised Ords. 1978, § 7-8-7)

**Sec. 7-8-8. Unofficial Misconduct.**

(a) A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office when:

- (1) He has not taken and filed the required oath of office; or
- (2) He has failed to execute or file the required bond; or
- (3) He has not been elected or appointed to office; or
- (4) He exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed; or
- (5) He knowingly withholds or retains from his successor in office or other person entitled thereto the official seal or any records, papers, documents, or other writings appertaining or belonging to his office or mutilates, destroys or takes away the same.

(b) Unofficial misconduct is a class B misdemeanor.

(Revised Ords. 1978, § 7-8-8)

**Sec. 7-8-9. Interference with a Public Servant or Officer.**

A person is guilty of a class B misdemeanor if he uses force, violence, intimidation or engages in any other unlawful act with a purpose to interfere with a public servant or officer performing or purporting to perform an official function. The term "public officer" shall specifically include, but shall not be limited to, police officers of Sandy City, Salt Lake County or any other governmental agency of the State of Utah.

(Revised Ords. 1978, § 7-8-9)

**Sec. 7-8-10. Picketing or Parading in or Near Court.**

A person is guilty of a class B misdemeanor if he pickets or parades in or near a building which houses a court of the state, county, or city or other governmental unit, with the intent to obstruct access to that court or to affect

~~the outcome of a case pending before that court.~~

~~(Revised Ords. 1978, § 7-8-10)~~

**~~Sec. 7-8-11. Disturbing an Official Meeting.~~**

~~(a) A person is guilty of a class B misdemeanor if he intentionally disturbs any official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting and thereby tending to interrupt its proceedings.~~

~~(b) "Official meeting" as used in this section means any lawful meeting of public servants for the purposes of carrying on governmental functions.~~

~~(Revised Ords. 1978, § 7-8-11)~~

**~~Sec. 7-8-12. Interference with Arresting Officer.~~**

~~A person is guilty of a class B misdemeanor if he has knowledge, or by the exercise of reasonable care should have knowledge, that a peace officer is seeking to effect a lawful arrest or detention of that person or another and interferes with the arrest or detention by:~~

~~(a) use of force or any weapon;~~

~~(b) the arrested person's refusal to perform any act required by lawful order:~~

~~(1) necessary to effect the arrest or detention; and~~

~~(2) made by a peace officer involved in the arrest or detention; or~~

~~(c) the arrested person's or another person's refusal to refrain from performing any act that would impede the arrest or detention.~~

~~(Revised Ords. 1978, § 7-8-12)~~

**~~Sec. 7-8-13. Obstruction of Justice – Elements – Penalties – Exceptions.~~**

~~(a) An actor commits obstruction of justice if the actor, with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction or punishment of any person regarding conduct that continues a criminal offense:~~

~~(1) alters, destroys, conceals, or removes any item or other thing;~~

~~(2) makes, presents, or uses any item or thing known by the actor to be false;~~

~~(3) harbors or conceals a person, or conceals the identity of the offender;~~

~~(4) provides a person with transportation, disguise, or other means of avoiding discovery or apprehension;~~

~~(5) warns any person of impending discovery or apprehension;~~

~~(6) conceals information that is not privileged and that concerns the offense, after a judge or magistrate has ordered the actor to provide the information;~~

~~(7) provides false information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation; or~~

~~(8) obstructs by force, intimidation or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.~~

~~(b) (1) As used in this section, "conduct that constitutes a criminal offense" means conduct that would be punishable as a crime and is separate from a violation of this section, and includes:~~

~~A. any violation of a criminal statute or ordinance of this state, its political subdivisions, any other state, or any district, possession, or territory of the United States; and~~

~~B. conduct committed by a juvenile which would be a crime if committed by an adult.~~

~~(2) A violation of a criminal statute that is committed in another state or any district, possession or territory of the United States, is a misdemeanor if the penalty provided includes imprisonment for any period of~~

~~one year or less.~~

~~(c) Obstruction of justice is:~~

~~(1) a class B misdemeanor if the conduct that constitutes the offense is a misdemeanor and the actor violates Subsection (1)(a) through (1)(8).~~

~~(2) Subsection (a)(3) does not apply to harboring a youth offender, which is governed by Section 62A-7-106.~~

~~(Revised Ords. 1978, § 7-8-13)~~

**~~Sec. 7-8-14. Failure to Aid a Peace Officer.~~**

~~A person is guilty of a class B misdemeanor if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person. Any peace officer shall have the authority under this section, when an emergency demands and eminent danger is present to himself or another from whatever source, to take temporary custody, control and possession of any vehicle, instrument or communication device for official purposes and no person shall fail to relinquish the same; provided, however, that the owner or custodian thereof shall be entitled to reasonable compensation for the use thereof.~~

~~(Revised Ords. 1978, § 7-8-14)~~

**~~Sec. 7-8-17. Failure to Appear or Comply.~~**

~~(a) A person is guilty of an offense when having been released on bail or on his own recognizance by court order or by other lawful authority upon condition that he subsequently appear personally upon a charge of an offense, he fails, without just cause, to appear at the time and place which have been lawfully designated for his appearance; or otherwise fails to comply with any lawful order of the court.~~

~~(b) An offense under this section is a class C misdemeanor.~~

~~(Revised Ords. 1978, § 7-8-17)~~

**~~Sec. 7-8-18. Failure to Pay Over Fine, Forfeiture or Fee.~~**

~~Every public officer who receives any fine, forfeiture, or fee and refuses or neglects to pay the same over to the City within the time prescribed by law is guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-8-18)~~

**~~Sec. 7-8-19. Injuring or Removing Monuments of Official Surveys.~~**

~~Every person who willfully injures, defaces or removes any signal, monument, building, or appurtenance thereto, placed, erected, or used by person engaged in any governmental survey is guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-8-19)~~

**~~Sec. 7-8-20. Tampering With Official Notice or Proclamation.~~**

~~Every person who intentionally defaces, obliterates, tears down, or destroys any copy or transcript or extract from or of any law of the United States, or of this state, county, or city, or any proclamation, advertisement, or notice, set up at any place in this city by authority of any law of the United States, this state, county, or city or by order of any court or of any public officer, before the expiration of the time for which the same was to be set up, is guilty of an infraction.~~

~~(Revised Ords. 1978, § 7-8-20)~~

**~~Sec. 7-8-21. Removing, Injuring or Possessing Road Signs.~~**

~~Every person who maliciously removes or injures, or who has in his possession without any legal right thereto, any milepost, sign or other highway marker or any inscription thereon, erected upon any highway, municipal street or road, shall be guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-8-21)~~

**~~Sec. 7-8-22. False or Inconsistent Statements.~~**

~~A person is guilty of a class B misdemeanor if:~~

- ~~(a) He makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and he does not believe that statement to be true if:
 
  - ~~(1) The falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing his official functions; or~~
  - ~~(2) The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or~~~~
- ~~(b) He makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.~~
- ~~(c) No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.~~

~~(Revised Ords. 1978, § 7-8-22)~~

**Sec. 7-8-23. Written False Statement.**

~~A person is guilty of a class B misdemeanor if:~~

- ~~(a) He makes a written false statement which he does not believe to be true or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or~~
- ~~(b) With intent to deceive a public servant in the performance of his official function, he:
 
  - ~~(1) Makes any written false statement which he does not believe to be true; or~~
  - ~~(2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or~~
  - ~~(3) Submits or invites reliance on any writing which he knows to be lacking in authenticity; or~~
  - ~~(4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.~~~~
- ~~(c) No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.~~

~~(Revised Ords. 1978, § 7-8-23)~~

**Sec. 7-8-24. Perjury or False Swearing.**

~~(a) On any prosecution for perjury or false swearing, except a prosecution upon inconsistent statements, pursuant to 7-8-27(b), falsity of a statement may not be established solely through contradiction by the testimony of a single witness.~~

~~(b) No prosecution shall be brought under this part when the substance of the defendant's false statement is his denial of guilt in a previous criminal trial.~~

~~(Revised Ords. 1978, § 7-8-24)~~

**Sec. 7-8-25. False Reports of Offenses to Law Enforcement Officer.**

~~A person is guilty of a class B misdemeanor if he:~~

- ~~(a) Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing the officer to believe that another has committed an offense; or~~
- ~~(b) Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger.~~

~~(Revised Ords. 1978, § 7-8-25)~~

**Sec. 7-8-26. False Information to a Peace Officer.**

~~A person commits a class C misdemeanor if, with intent of misleading a peace officer as to the person's identity, birth date, or place of residence, the person knowingly gives a false name, birth date, or address to a peace officer in the lawful discharge of the peace officer's official duties.~~

~~(Revised Ords. 1978, § 7-8-26)~~

**Sec. 7-8-27. Falsification or Alteration of Government Record.**

~~A person is guilty of a class B misdemeanor if he:~~

- ~~(a) Knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by the City for information or record, or required by law to be kept for information of the City; or~~
- ~~(b) Presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or records referred to in paragraph (a); or~~
- ~~(c) Intentionally and unlawfully destroys, conceals, or otherwise impairs the verity or availability of any such thing.~~
- ~~(d) Not under oath or affirmation, intentionally or knowingly gives false or misleading material information to an officer of the court for the purpose of influencing a criminal proceeding.~~

~~(1) For the purposes of this section "officer of the court" means:~~

- ~~(A) prosecutor;~~
- ~~(B) judge;~~
- ~~(C) court clerk;~~
- ~~(D) interpreter;~~
- ~~(E) pre-sentence investigator;~~
- ~~(F) probation officer;~~
- ~~(G) parole officer; and~~
- ~~(H) any other person reasonably believed to be gathering information for a criminal proceeding.~~

~~(2) This section does not apply under circumstances amounting to Section 76-8-306 or any other provision of state code carrying a greater penalty.~~

~~(Revised Ords. 1978, § 7-8-27)~~

**Sec. 7-8-28. Impersonation of an Officer.**

~~A person is guilty of a class B misdemeanor if he impersonates a public servant or a peace officer with the intent to deceive another or with the intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.~~

~~(Revised Ords. 1978, § 7-8-28)~~

**Sec. 7-8-29. False Judicial or Official Notice.**

~~A person is guilty of a class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails, or delivers to the person a notice or other writing which has no judicial or other sanction by which in its format or appearance simulates a summons, complaint, court order, or process, or an insignia, seal or printed form of a federal, state, or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.~~

~~(Revised Ords. 1978, § 7-8-29)~~

**Sec. 13-8-1. Unlawful Acts in or About Schools, Colleges or Universities.**

(a) It shall be unlawful for any person to:

- (1) Annoy, disturb, or otherwise disrupt the orderly conduct of the activities, administration, or classes of

any school, college or university.

- (2) Annoy, disturb, assault or molest any student or employee of any school, college or university while in or on such school, college, or university building or on the grounds thereof.
- (3) Loiter, idle, wander, stroll, or play in ~~about~~ or on any school, college or university grounds, or building, either on foot, or in or on any vehicle, without having some lawful business therein, or thereabout, or in connection with such school, college or university, or the employees thereof.
- (4) Conduct himself or herself in a lewd, wanton, or lascivious manner in speech or behavior in or ~~about~~ on any school, college or university building or grounds.
- (5) Park or move a vehicle in the immediate vicinity of, or on the grounds of, any school, college, or university for the purpose of annoying or molesting the students or employees thereof; or in an effort to induce, entice or invite students or employees into or on the vehicle for immoral purposes.

- (b) Any person violating any provisions of this section shall be deemed guilty of a Class B misdemeanor.

(Revised Ords. 1978, § 7-8-30)

### **CHAPTER 13-9. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, WELFARE AND MORALS\***

\*State law reference—Offenses against public health, safety, welfare and morals, U.C.A. 1953, § 76-10-101 et seq.

#### **Sec. 13-9-1. "Place of Business" and "Enclosed Public Place" Defined.**

For the purpose of this chapter, the following definitions shall apply:

- (a) ~~"Place of business" means any and all such places as shops, stores, factories, public garages, offices, theaters, recreation and dance halls, pool rooms, cafes, cafeterias, cabarets, restaurants, motels, lodging houses, street cars, buses, interurban and railway passenger coaches and waiting rooms.~~
- (1) ~~"Enclosed public place" means the dining rooms in hotels, restaurants, cafes and cafeterias, theaters, arenas, passenger elevators, streetcars, buses, interurban and railway passenger coaches, motor and other passenger vehicles used by common carriers, railway station waiting rooms, and state, county and city buildings; but the owner or proprietor of any hotel dining room, restaurant, cafe, or cafeteria may designate the same as a public smoking room by a conspicuous sign at or near the entrance, and in any state, county, or city building any public officer who has a private office, separate and apart from his public office, may, if he so desires, designate the private office as a place where smoking may be permitted, and, so long as the private office is so designated, smoking therein shall not be considered in violation of this action.~~

(Revised Ords. 1978, § 7-9-1)

#### **Sec. 7-9-2. Advertising Restrictions on Cigarettes and Tobacco.**

It is a misdemeanor for any person to display on any billboard, streetcar, streetcar sign, bus, placard, or on any other object or place of display, any advertisement of cigarette papers, cigars, chewing tobacco, or smoking tobacco or any disguise or substitute of either, except that a dealer in cigarettes, cigarette papers, tobacco or cigars, or their substitutes, may have a sign on the front of his place of business stating that he is a dealer in the articles; provided that nothing herein shall be construed to prohibit the advertising of cigarettes, cigarette papers, chewing tobacco or smoking tobacco, or any substitute or either in any newspaper, magazine, or periodical printed or circulating in this City.

(Revised Ords. 1978, § 7-9-2)

#### **Sec. 7-9-3. Permitting Minors to Use Tobacco in Place of Business.**

It is a class C misdemeanor for the proprietor of any place of business to knowingly permit persons under the age of nineteen to frequent a place of business while they are using tobacco.

(Revised Ords. 1978, § 7-9-3)

#### **Sec. 7-9-5. Abuse of Psychotoxic Chemical Solvents.**

- ~~(a) A person is guilty of abuse of a psychotoxic chemical solvent if:~~
- ~~(1) For the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, he intentionally:~~
- ~~(A) Smells or inhales the fumes of any psychotoxic chemical solvent; or~~
- ~~(B) Possesses, purchases, or attempts to possess or purchase any psychotoxic chemical solvent.~~
- ~~(2) Knowing or believing that a purchaser or another intends to use a psychotoxic chemical solvent in violation of subsection (a)(1)(A) or (a)(1)(B), sells or offers to sell any psychotoxic chemical solvent.~~
- ~~(b) This section shall not apply to the inhalation of any anesthesia for medical or dental purposes.~~
- ~~(c) Abuse of psychotoxic chemical solvents is a class B misdemeanor.~~

~~(d) As used in this section, psychotoxic chemical solvent includes any glue, cement, or other substance containing one or more of the following chemical compounds: acetone and acetate, benzene, butyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethylketone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, inhalation of the fumes or vapors of such chemical substance regulated by the Utah State Code (Annotated, 1953) or by the ordinances of this City.~~

~~(Revised Ords. 1978, § 7-9-5)~~

#### **Sec. 7-9-6. Interference with Control of Water.**

Every person who in any way interferes with or alters the flow of water in any stream, ditch, or lateral while such water is under the control or management of any water control officer or water commissioner or under the control of the City, is guilty of a class B misdemeanor.

(Revised Ords. 1978, § 7-9-6)

#### **Sec. 7-9-7. Taking Water out of Turn or Injuring Facilities.**

Every person who, in violation of any right of any other person, willfully turns or uses the water or any part thereof, of any canal, ditch, pipeline, or reservoir, except at a time when the use of the water has been duly distributed to the person, or willfully uses any greater quantity of the water than has been duly distributed to him or in any way changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change, or willfully and maliciously breaks or injures any dam, canal, pipeline, water gate, ditch, or other means of diverting or conveying water for irrigation or other useful purposes, is guilty of a class B misdemeanor.

(Revised Ords. 1978, § 7-9-7)

#### **Sec. 7-9-8. Fencing of Shaft and Wells and Swimming Pools.**

(a) Any person who has sunk or shall sink a shaft or well on the public domain for any purpose shall enclose it with a substantial curb or fence, which shall be at least six feet (6') high.

(b) Every owner of a swimming pool located within the limits of Sandy City shall enclose it with a substantial fence, which shall be at least six feet (6') high.

(c) Any violation of the provisions of this section shall be a class B misdemeanor.

(Revised Ords. 1978, § 7-9-8)

#### **Sec. 13-9-1. Definitions.**

For purposes of this chapter, the following definitions shall apply: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Bureau* means the Utah State Bureau of Criminal Identification.
- (2) *Dangerous weapon* means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a

dangerous weapon is a dangerous weapon, the character of the instrument, object or thing; the character of the wound produced, if any; and the manner in which the instrument, object or thing was used shall be determinative.

- (3) Enclosed public place means the dining rooms in hotels, restaurants, cafes and cafeterias, theaters, arenas, passenger elevators, streetcars, buses, interurban and railway passenger coaches, motor and other passenger vehicles used by common carriers, railway station waiting rooms, and State, County and City buildings; but the owner or proprietor of any hotel dining room, restaurant, cafe, or cafeteria may designate the same as a public smoking room by a conspicuous sign at or near the entrance, and in any State, County, or City building any public officer who has a private office, separate and apart from his public office, may, if he so desires, designate the private office as a place where smoking may be permitted, and, so long as the private office is so designated, smoking therein shall not be considered in violation of this action.
- (4) *Firearms* means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force, regardless of whether the motive force by which the projectile is expelled is air, gun-powder, a chemical combination, gas or any other element.
- (5) Junk dealer means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand or castoff material of any kind, such as old iron, copper, brass, lead, zinc, tin, and other metals, cables, wires, ropes, bottles, bagging, rags, rubber, paper, and other like materials.
- (e) "Sawed off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.
- (6) *Prohibited area* means any place where it is unlawful to discharge a weapon.

(Revised Ords. 1978, §§ 7-9-1, 7-9-9, 7-9-23)

**Sec. 7-9-13. Unlawful use of a laser pointer – Definitions – Penalties.**

(a) ~~As used in this section:~~

- (1) ~~"Laser light" means light that is amplified by stimulated emission of radiation.~~
- (2) ~~"Laser pointer" means any portable device that emits a visible beam of laser light that may be directed at a person.~~
- (3) ~~"Law enforcement officer" means an officer under Section 53-13-103.~~

(b) ~~A person is guilty of unlawful use of a laser pointer if the person directs a beam of laser light from a pointer at:~~

- (1) ~~a moving motor vehicle or its occupants; or~~
- (2) ~~one whom the person knows or has reason to know is a law enforcement officer.~~
- (c) ~~It is an affirmative defense to a charge under Subsection (b)(2) that:~~
- (1) ~~the law enforcement officer was:~~
- A. ~~Not in uniform;~~
- B. ~~Not traveling in a vehicle identified as a law enforcement vehicle; and~~
- C. ~~Not otherwise engaged in an activity that would give the person reason to know him to be a law enforcement officer; and~~

(2) ~~the law enforcement officer was not otherwise known by the person to be a law enforcement officer.~~

(d) ~~Violation of Subsection (b)(1) is an infraction. Violation of Subsection (b)(2) is a class C misdemeanor.~~

(e) ~~If the violation of this section constitutes an offense subject to a greater penalty under another provision~~

~~of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.~~

~~(Revised Ords. 1978, § 7-9-13)~~

**Sec. 13-9-2. Discharge of Firearm.**

- (a) A person may not discharge any kind of dangerous weapon or firearm:
  - (1) From an automobile or other vehicle;
  - (2) From, upon, or across any highway;
  - (3) At any road signs placed upon any highways of Sandy City;
  - (4) At any communications equipment or property of public utilities, including facilities, lines, poles, or devices of transmission or distribution;
  - (5) At railroad equipment or facilities, including any sign or signal;
  - (6) Within Sandy City buildings, designated camp or picnic sites, overlooks, golf courses, boat ramps and developed beaches; or
  - (7) Within the corporate limits of Sandy City.
- (b) A violation of any provision of this section is a Class B misdemeanor.

~~(Revised Ords. 1978, § 7-9-14)~~

**Sec. 13-9-3. Hunting Prohibited.**

(a) It is unlawful for any person to engage in the act of hunting under conditions which may be reasonably construed as hunting within the City limits of Sandy City.

(b) As used within this section, the term "hunting" is the search for or pursuit of any wild game animal or protected wildlife animal, bird or mammal, with the purpose of capturing or killing or attempting to capture or kill, regardless of whether such kill or capture is actually effected.

(c) Any violation of this section is a Class B misdemeanor.

~~(Revised Ords. 1978, § 7-9-14A)~~

**Sec. 7-9-17. Soliciting Contributions.**

~~(a) No charitable organization, professional fund-raiser, or professional solicitor, seeking to raise funds for charitable purposes, shall use the name of any other person for the purpose of soliciting contributions, in this City, without the written consent of the person whose name is so used; provided, that the provisions of this section shall not apply to religious corporations or organizations, charities, agencies, and organizations operated, supervised, or controlled by or in connection with a religious corporation or organization.~~

~~(b) It shall be unlawful to use, without written consent, the name of a person for the purpose of soliciting contributions if the person's name is listed or referred to as one who has contributed to, sponsored or endorsed the charitable organization or its activities.~~

~~(c) A violation of this section is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-17)~~

**Sec. 7-9-18. "Nuisance" Defined.**

~~A nuisance is any item, thing, manner, or condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome. Any person who contributes, creates, aids in creating, continues, supports, or retains a nuisance, whether as owner, agent, or occupant, is guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-18)~~

**Sec. 7-9-19. Befouling Waters.**

~~A person is guilty of a class B misdemeanor if he:~~

- (a) ~~Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse where the waste or drainage there from shall flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or~~
- (b) ~~Deposits, piles, unloads, or leaves any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or~~
- (c) ~~Dips or washes sheep in any stream or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream used by the inhabitants of this City for domestic purposes as to make the waters thereof impure or unwholesome; or~~
- (d) ~~Constructs or maintains any corral, yard, or vat to be used for the purpose of shearing or dipping sheep within twelve miles of this City, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of the City for domestic purposes; or~~
- (e) ~~Establishes and maintains any corral, camp, or bedding place for the purpose of herding, holding, or keeping any cattle, horses, sheep, goats, or hogs within this City, where the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water or other water source used by the inhabitants of the City for domestic purposes.~~

(Revised Ords. 1978, § 7-9-19)

#### **Sec. 13-9-4. Public Nuisance Defined.**

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

- (1) Annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons; ~~or~~
- (2) Offends public decency; ~~or~~
- (3) Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage, any lake, stream, canal, or basin or any public park, square, street or highway; ~~or~~
- (4) In any way renders three or more persons insecure in life or the use of property; or
- (5) Is a nuisance as defined in U.C.A. 1953, § 78B-6-1107.

(b) An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of the fact that the extent of annoyance or damage inflicted on individuals is unequal.

(Revised Ords. 1978, § 7-9-20)

#### **~~Sec. 7-9-21. Maintaining, Committing or Failing to Remove a Public Nuisance.~~**

~~Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class B misdemeanor.~~

(Revised Ords. 1978, § 7-9-21)

#### **~~Sec. 7-9-22. Carcass or Offal – Prohibition Relating to Disposal.~~**

~~Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop into any river, creek, pond, street, alley, or public highway, or road in common use, or who attempts to destroy it by fire while within the limits of the City is guilty of a class B misdemeanor.~~

(Revised Ords. 1978, § 7-9-22)

#### **Sec. 13-9-6. "Junk Dealer" Defined.**

For purposes of this chapter, the term "junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand, or castoff material of any kind such as old iron, copper, brass, lead, zinc, tin, and other metals, cables, wires, ropes, bottles, bagging, rags, rubber, paper, and other like materials.

(Revised Ords. 1978, § 7-9-23)

### **Sec. 13-9-5. Fraudulent Practices to Affect Market Price.**

Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price or any kind of property, is guilty of a Class B misdemeanor.

(Revised Ords. 1978, § 7-9-24)

### **Sec. 13-9-6. Junk Dealer's Record of Sales and Purchases.**

Every junk dealer shall keep a book in which shall be written in ink and in the English language, at the time of each and every purchase and sale, a listing of the weight and metallic description of the sale or purchase, together with the full name and residence of ~~the person or persons~~ selling the junk, together with the date and place of the purchase and sale. No entry in the book shall be erased, mutilated or changed. The book and entries shall at all times be open to inspection by the Sheriff of the County or any of his deputies and by any member of the police force of the City and by any other State, municipal, or County official, provided that this ~~part section~~ shall not apply to the sale of less than 20 pounds. Any junk dealer found guilty of a violation of any of the provisions of this section shall be guilty of a Class B misdemeanor.

(Revised Ords. 1978, § 7-9-25)

### **Sec. 13-9-7. Falsification of Seller's Statement to Junk Dealer.**

Any seller who, in making his statement as contemplated by Section 13-9-6 in selling, offering, or trying to sell junk, willfully makes a false statement or gives untrue information, shall be guilty of a Class B misdemeanor.

(Revised Ords. 1978, § 7-9-26)

### **Sec. 7-9-27. Definitions.**

~~For the purposes of this chapter, the following definitions shall apply:~~

~~(a) "Gambling" means risking anything of value for return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome is based upon an element of chance and is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome, and gambling includes a lottery; however, gambling does not include:~~

~~(1) ——— A lawful business transaction, or~~

~~(2) ——— Playing an amusement device that confers only an immediate and unrecorded right to replay not exchangeable for value.~~

~~(b) ——— "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property, or portions of it, or for any share or any interest in property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise or by whatever name it may be known.~~

~~(c) "Gambling bet" means money, checks, credit, or any other representation of value.~~

~~(d) ——— "Gambling device or record" means anything specifically designed for use in gambling or used primarily for gambling.~~

~~(e) "Gambling proceeds" means anything of value used in gambling.~~

(Revised Ords. 1978, § 7-9-27)

### **Sec. 7-9-28. Gambling.**

~~(a) A person is guilty of gambling if he:~~

~~(1) Participates in gambling; or~~

~~(2) Knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property, owned, rented, or under the control of the actor, whether in whole or in part.~~

~~(b) Gambling is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-28)~~

**~~Sec. 7-9-29. Gambling Fraud.~~**

~~(a) A person is guilty of gambling fraud if he participates in gambling and wins or acquires to himself or another any gambling proceeds when he knows he has a lesser risk of losing or greater chance of winning than one or more of the other participants, and the risk is not known to all the participants.~~

~~(b) A person convicted of gambling fraud shall be punished as in the case of theft or property of like value.~~

~~(Revised Ords. 1978, § 7-9-29)~~

**~~Sec. 7-9-30. Possession of Gambling Device or Record.~~**

~~(a) A person is guilty of possessing a gambling device or record if he knowingly possesses it with intent to use it in gambling.~~

~~(b) Possession of a gambling device or record is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-30)~~

**~~Sec. 7-9-31. Failure to Prosecute Offenses.~~**

~~Any prosecuting attorney, sheriff, constable, or police officer who has reasonable cause to believe that any person has violated any provision of these ordinances concerning the prohibition against gambling and shall thereafter fail or refuse to diligently prosecute such persons is guilty of a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-31)~~

**~~Sec. 7-9-32. Confidence Game.~~**

~~(a) Any person who obtains or attempts to obtain from any other person any money or property by any means, instrument, or device commonly called a confidence game shall be punished as in the case of theft of property of like value.~~

~~(b) In every indictment, information, or complaint under this section, it shall be deemed and held a sufficient description of the offense to charge that the accused did, on \_\_\_\_\_ (insert date) unlawfully and knowingly obtain or attempt to obtain (as the case may be) from \_\_\_\_\_, (insert the name of the victim) his money or property (as the case may be) by means and by use of a confidence game.~~

~~(Revised Ords. 1978, § 7-9-32)~~

**~~Sec. 7-9-33. Definitions.~~**

~~For purposes of this chapter, the following definitions shall apply:~~

~~(a) "Material" means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any recording, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects.~~

~~(b) "Performance" means any physical human bodily activity, whether engaged in alone or with other persons, including, but not limited to signing, speaking, acting, simulation, or pantomiming.~~

~~(c) "Distribute" means to transfer possession of materials whether with or without consideration.~~

~~(d) "Knowing" means an awareness, whether actual or constructive, of the character of material or of a performance. A person has constructive knowledge if a reasonable inspection or observation under the circumstances would have disclosed the nature of the subject matter and if a failure to inspect or observe is for the purpose of avoiding the disclosure.~~

~~(e) "Exhibit" means to show.~~

~~(Revised Ords. 1978, § 7-9-33)~~

**~~Sec. 7-9-34. Pornographic Material or Performance.~~**

~~(a) Any material or performance is pornographic if considered as a whole, applying contemporary community standards:~~

- ~~(1) Its predominant appeal is to prurient interest; and~~
- ~~(2) It goes substantially beyond customary limits of candor in the description or representation of nudity, sex, or excretion.~~

~~(b) In any prosecution dealing with an offense relating to pornographic material or performances, the question whether the predominant appeal of material or of a performance is to prurient interest shall be determined with reference to average adults.~~

~~(c) Neither the prosecution nor the defense shall be required to introduce expert witness testimony concerning the pornographic character of the material or performance which is the subject of prosecution under this chapter.~~

~~(Revised Ords. 1978, § 7-9-34)~~

**Sec. 7-9-35. Distributing Pornographic Material.**

- ~~(a) A person is guilty of distributing pornographic material when he knowingly:~~
  - ~~(1) Sends or brings any pornographic material into this City with intent to distribute or exhibit it to others; or~~
  - ~~(2) Prepares, publishes, prints or possesses any pornographic material with intent to distribute or exhibit it to others; or~~
  - ~~(3) Distributes or offers to distribute, exhibits or offers to exhibit, any pornographic material to others; or~~
  - ~~(4) Writes, creates, or solicits the publication or advertising of pornographic material; or~~
  - ~~(5) Promotes the distribution or exhibition of material which he represents to be pornographic; or~~
  - ~~(6) Presents or directs a pornographic performance in any public place or any place exposed to public view or participates in that portion thereof which makes it pornographic.~~
- ~~(b) Distributing pornographic material is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-35)~~

**Sec. 7-9-36. Affirmative Defenses.**

~~The following shall be affirmative defenses to prosecution under Section 7-9-35:~~

- ~~(a) That the distribution of pornographic material was restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing pornographic material; or~~
- ~~(b) That the actor was a motion picture projectionist or a motion picture machine operator who is regularly employed to operate a projection machine in a public motion picture theater and he is required to project the materials as part of his employment.~~

~~(Revised Ords. 1978, § 7-9-36)~~

**Sec. 7-9-37. Seizure and Disposition of Prohibited Materials.**

~~(a) Any person who is authorized to arrest a person for violation of Section 7-9-35 is also authorized to seize any of the prohibited articles found in possession or under the control before whom the person arrested is required to be taken.~~

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

~~(c) Upon the final conviction of the accused, the prosecuting attorney must cause any writing, paper, book, picture, print, design, figure, still or motion picture, photograph, or negative thereof, photocopy, engraving, sound~~

~~recording, card, instrument, or other thing which is pornographic or harmful to minors, in respect whereof the accused stands convicted and which remains in the possession or under the control of the prosecuting attorney, to be destroyed.~~

~~(Revised Ords. 1978, § 7-9-37)~~

**~~Sec. 7-9-38. Fornication.~~**

~~(a) Any unmarried person who shall voluntarily engage in sexual intercourse with another is guilty of fornication.~~

~~(b) Fornication is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-38)~~

**~~Sec. 7-9-39. Definitions.~~**

~~For the purposes of this chapter, the following definitions shall apply:~~

~~(a) "Sexual activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.~~

~~(b) "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.~~

~~(c) "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.~~

~~(d) "Public place" means any place to which the public or any substantial group thereof has access.~~

~~(Revised Ords. 1978, § 7-9-39)~~

**~~Sec. 7-9-40. Prostitution.~~**

~~(a) A person is guilty of prostitution when:~~

~~(1) He engages or offers or agrees to engage in any sexual activity with another person for a fee; or~~

~~(2) Is an inmate of a house of prostitution; or~~

~~(3) Loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.~~

~~(b) Prostitution is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-40)~~

**~~Sec. 7-9-41. Patronizing a Prostitute.~~**

~~(a) A person is guilty of patronizing a prostitute when:~~

~~(1) He pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or~~

~~(2) He enters or remains in a house of prostitution for the purpose of engaging in sexual activity.~~

~~(b) Patronizing a prostitute is a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-9-41)~~

**~~Sec. 7-9-42. Aiding Prostitution.~~**

~~(a) A person is guilty of aiding prostitution if he:~~

~~(1) Solicits a person to patronize a prostitute; or~~

~~(2) Procures or attempts to procure a prostitute for a patron; or~~

~~(3) Leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or~~

~~(4) Solicits, receives, or agrees to receive any benefit for doing any of the acts prohibited by this section.~~

~~(b) Aiding prostitution is a class B misdemeanor.~~

(Revised Ords. 1978, § 7-9-42)

**Sec. 7-9-43. Definition.**

For purposes of this chapter, the term "controlled substance" refers to those substances listed in the schedules found in the Utah Code Annotated, 1953, as in force at the close of the fourteenth legislature (1973) at 58-37-4. The term "controlled substance" shall be deemed to include any other substances later added to the schedules found in 58-37-4 as referred to above.

(Revised Ords. 1978, § 7-9-43)

**Sec. 7-9-44. Possession of Controlled Substance.**

(a) It shall be unlawful for:

- (1) Any person knowingly and intentionally to possess or use a controlled substance, unless it was obtained pursuant to a valid prescription or order or directly from a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this subsection;
- (2) Any owner, tenant, licensee, or person in control of any building, room, tenement, vehicle, boat, aircraft, or other place, knowingly and intentionally to permit the same to be occupied by persons unlawfully possessing, using or distributing controlled substances therein;
- (3) Any person knowingly and intentionally to be present where controlled substances are being used or possessed in violation of this section and the use or possession is open, obvious, apparent, and not concealed from those present. No person shall be convicted under this action if the evidence that he did not use the substance himself or advise, encourage or assist anyone else to do so; provided, however, that incidence of prior unlawful use of controlled substance by the defendant may be admitted to rebut this defense;
- (4) Any person knowingly and intentionally to possess an altered or forged prescription or written order for a controlled substance.

(b) Possession of a controlled substance is a class B misdemeanor if it is done by a person as a first offense; otherwise, the provisions of this section do not apply.

(Revised Ords. 1978, § 7-9-44)

**Sec. 7-9-45. Sale and Display of Narcotic and Other Paraphernalia.**

(a) Minors. No owner, manager, proprietor or other person in charge of any place of business selling, displaying for the purpose of sale, any device, contrivance, instrument, or paraphernalia for smoking, injecting or consuming marijuana, hashish, PCP, cocaine, or any controlled substance, as defined in Section 7-9-43 of the Revised Ordinances of Sandy City, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of eighteen (18) years to be, remain in, enter or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

(b) Minors - Excluded. A person under the age of eighteen (18) years shall not be in, enter or visit any room in any place used for the sale, or displaying for sale, devices, contrivances, instruments or paraphernalia for smoking, ingesting or injecting marijuana, hashish, PCP, cocaine, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless such person is accompanied by one of his or her parents, or his or her legal guardian.

(c) Sale and Display Rooms. A person shall not in any place of business to which the public is invited display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking, ingesting or injecting marijuana, hashish, PCP, cocaine, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room shall have a sign posted in reasonably visible and legible words to the effect that narcotic paraphernalia are being offered for sale in such a room, and minors unless

~~accompanied by a parent or legal guardian are excluded.~~

~~(d) Nuisance. The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this section, and where devices, contrivances, instruments or paraphernalia for smoking, ingesting or injecting marijuana, hashish, PCP, cocaine, or any controlled substance, other than prescription drugs or devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of law. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter and of the Revised Ordinances of Sandy City.~~

~~(Revised Ords. 1978, § 7-9-45)~~

### **Sec. 13-9-8. Soil Erosion/Blowing Dust as a Public Nuisance.**

(a) *Declaration of Nuisance.* Soil erosion caused by wind and dust storms produced thereby and blowing of dust, soil and sand are hereby declared to be destructive of property within and natural resources of the City and are harmful to the health and well-being of the residents of the City. The Sandy City Council does hereby declare conditions causing, allowing, or maintaining blowing dust, soil or sand to be public nuisances.

(b) *Duty of Landowner.* To conserve property and the natural resources of the City and to prevent injurious effects of blowing dust, soil or sand, it is the duty of the owner of real property and the duty of all responsible parties to prevent, by appropriate means, the blowing of dust, soil or sand.

(c) *Action by Engineering Department.* When the City Engineer is advised of blowing dust, soil or sand and is supplied with a description of such nuisance, or when by reason of such blowing the streets or other public property are damaged, the Engineer is authorized to immediately inspect or cause to be inspected the source of such blowing. Should the Engineer determine that such blowing is injurious to persons, property, streets, public property or public health and convenience, the Engineer shall then determine what may be done to prevent or lessen such nuisance. Should the Engineer determine that such blowing can be prevented or lessened, he is hereby authorized to issue an order to the responsible party specifying the nature of the nuisance, the treatment required, the extent thereof, the date by which such treatment is to be commenced and the date such treatment is to be completed. Notice of such order shall be served by regular mail, postage prepaid, to the last-known address of the responsible party.

(d) *Appeal of Order.* Any responsible party aggrieved by the issuance or extent of an order issued under authority of this chapter may appeal the issuance or extent of such order to the Mayor of Sandy City. Any appeal must be brought no later than 30 days after the order is issued and a copy thereof is mailed to the responsible party. A determination regarding the appeal, when made by the Mayor, shall be final.

(e) *Method of Enforcement.* If the treatment ordered by the Engineer is not performed in the manner and to the extent specified in the order, if no appeal is taken, or is not performed in the manner and to the extent specified in the order or amendment thereof within three days of any decision rendered by the Mayor as a result of an appeal of an order issued by the Engineer:

- (1) The City Attorney may bring an action for abatement of the blowing condition as authorized by the provisions of U.C.A. 1953, § 76-10-806, as amended, or its successor sections; or
- (2) The Engineer is authorized to employ necessary assistance and cause such treatment to be performed. The Engineer shall prepare an itemized statement of all expenses incurred in the treatment and shall mail a copy of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last-known address of the property owner.

~~Methods of compelling and collecting payment shall be as authorized by the provisions of Section 9-3-6 et seq., or its successor sections ordinance or applicable law.~~

~~(Revised Ords. 1978, § 7-9-46)~~

### **Sec. 7-9-47. Use and Possession of Drug Paraphernalia.**

~~(a) Definitions. As used in this section, "Drug Paraphernalia" means any equipment, product, or material used, or intended for use, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repack, store, contain, conceal, inject, ingest, inhale, or to otherwise~~

~~introduce a controlled substance into the human body in violation of Chapter 37, Title 58, Utah Code Annotated, 1953, and includes, but is not limited to:~~

- ~~(1) Kits used, or intended for use, in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be contrived;~~
- ~~(2) Kits used, or intended for use, in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;~~
- ~~(3) Isomerization devices used, or intended for use, to increase the potency of any species of plant which is a controlled substance;~~
- ~~(4) Testing equipment used, or intended for use, to identify or to analyze the strength, effectiveness, or purity of a controlled substance;~~
- ~~(5) Scales and balances used, or intended for use, in weighing or measuring a controlled substance;~~
- ~~(6) Diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannited, dextrose and lactose, used, or intended for use to cut a controlled substance;~~
- ~~(7) Separation gins and sifters used, or intended for use to remove twigs, seeds, or other impurities from marihuana;~~
- ~~(8) Blenders, bowls, containers, spoons and mixing devices used or intended for use to compound a controlled substance;~~
- ~~(9) Capsules, balloons, envelopes, and other containers used, or intended for use to package small quantities of a controlled substance;~~
- ~~(10) Containers and other objects used, or intended for use to store or conceal a controlled substance;~~
- ~~(11) Hypodermic syringes, needles, and other objects used, or intended for use to parenterally inject a controlled substance into the human body; and~~
- ~~(12) Objects used, or intended for use to ingest, inhale, or otherwise introduce marihuana, cocaine, hashish, or hashish oil into the human body, including but not limited to:
 
  - ~~A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;~~
  - ~~B. Water Pipes;~~
  - ~~C. Carburetion tubes and devices;~~
  - ~~D. Smoking and carburetion masks;~~
  - ~~E. Roach clips; meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;~~
  - ~~F. Miniature cocaine spoons and cocaine vials;~~
  - ~~G. Chamber pipes;~~
  - ~~H. Carburetor pipes;~~
  - ~~I. Electric pipes;~~
  - ~~J. Air driven pipes;~~
  - ~~K. Chillums;~~
  - ~~L. Bongs; and~~
  - ~~M. Ice pipes or chillers.~~~~

~~(b) Unlawful Acts. It is unlawful for any person to use, or possess with intent to use, drug paraphernalia as defined in subsection (a).~~

~~(c) Determination of Drug Paraphernalia. In determining whether an object is drug paraphernalia, the trier of fact, in addition to all other logically relevant factors, should consider:~~

- ~~(1) statements by an owner or by anyone in control of the object concerning its use;~~
  - ~~(2) prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to a controlled substance;~~
  - ~~(3) the proximity of the object, in time and space, to a direct violation of this section;~~
  - ~~(4) the proximity of the object to a controlled substance;~~
  - ~~(5) the existence of any residue of a controlled substance on the object;~~
  - ~~(6) instructions whether oral or written, provided with the object concerning its use;~~
  - ~~(7) descriptive materials accompanying the object which explain or depict its use;~~
  - ~~(8) national and local advertising concerning its use;~~
  - ~~(9) the manner in which the object is displayed for sale;~~
  - ~~(10) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;~~
  - ~~(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;~~
  - ~~(12) the existence and scope of legitimate uses of the object in the community; and~~
  - ~~(13) expert testimony concerning its use.~~
- ~~(d) Drug paraphernalia is subject to seizure and forfeiture and no property right can exist in it.~~

~~(Revised Ords. 1978, § 7-9-47)~~

## ~~CHAPTER. 10 SANCTIONS, FINES AND PENALTIES~~

### ~~Sec. 7-10-1. Sanctions.~~

~~(a) A person who has been convicted of an offense under these ordinances may be sentenced to any one of the following sentences or a combination of sentences:~~

- ~~(1) To pay a fine; or~~
- ~~(2) To probation; or~~
- ~~(3) To imprisonment.~~

~~(b) This chapter shall not deprive a court of authority conferred by law to forfeit property, suspend or cancel a license or permit, cite for contempt, or impose any other civil penalty. A civil penalty may be included as a part of any sentence.~~

~~(Revised Ords. 1978, § 7-10-1)~~

### ~~Sec. 7-10-2. Fines. (General Sanctions)~~

~~(a) A person who has been convicted of an offense may be sentenced to pay a fine not exceeding \$1000.00:~~

- ~~(1) \$1000 when the conviction is of a class B misdemeanor;~~
- ~~(2) \$750 when the conviction is of a class C misdemeanor or infraction.~~

~~(b) The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this code for which no special corporate fine is specified shall be to pay an amount, fixed by the court, not exceeding:~~

- ~~(1) \$5,000 when the conviction is for a class B misdemeanor; and~~
- ~~(2) \$1,000 when the conviction is for a class C misdemeanor or an infraction.~~

~~(Revised Ords. 1978, § 7-10-2)~~

### ~~Sec. 7-10-3. Imprisonment.~~

~~(a) A person who has been convicted of a class B misdemeanor may be sentenced to a term in the city or county jail not to exceed six months.~~

~~(b) A person who has been convicted of a class C misdemeanor may be sentenced to a term in the county of city jail not to exceed ninety days.~~

~~(c) A person who has been convicted of an infraction may not be sentenced to a term in the county or city jail.~~

~~(Revised Ords. 1978, § 7-10-3)~~

**Sec. 7-10-4. Liability of Employers and Agents to Penalty for Violation of Ordinances.**

~~When the provisions of an ordinance prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting therein, shall be guilty of the offense described and liable to the penalty prescribed for the offense.~~

~~(Revised Ords. 1978, § 7-10-4)~~

**Sec. 7-10-5. Essentials of Crime.**

~~In every crime or public offense, there must exist a union or joining joint operation of act and intent, or criminal negligence.~~

~~(Revised Ords. 1978, § 7-10-5)~~

**Sec. 7-10-6. Continuing Offenses Deemed Daily Violations.**

~~In all instances where the violation of these ordinances is a continuing violation, a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.~~

~~(Revised Ords. 1978, § 7-10-6)~~

**Sec. 7-10-7. Classification of Offenses.**

~~Absent the specific denomination of class B or C misdemeanor or infraction, any violation of these ordinances or any amendatory ordinances shall be deemed a class B misdemeanor.~~

~~(Revised Ords. 1978, § 7-10-7)~~

**CHAPTER 13-10. LITTER CONTROL\***

**\*State law reference**—Littering public lands, U.C.A. 1953, §§ 76-10-2701, 76-10-2702; municipal authority relative to littering streets and sidewalks, U.C.A. 1953, §§ 10-8-23, 10-8-24.

**Sec. 13-10-1. Definitions.**

For purposes of this chapter, the following definitions shall apply: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Litter* means any quantity of paper, metal, plastic, glass, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk which is not stored in a container.
- (2) *Public property* includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal (County) housing project grounds, school grounds, municipal (County) vacant lots, parks, beaches, playgrounds, other publicly-owned recreation facilities, and municipal (County) waterways and bodies of water.
- (3) *Private property* includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.
- (4) Containers are locally-approved metal, heavy-duty or plastic receptacles used for the disposal and storage of solid waste.

(Revised Ords. 1978, § 7-11-1)

**Sec. 13-10-2. Regulations.**

(a) *Pedestrians and Motorists.*

- (1) It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within the corporate limits of Sandy City except in containers or areas lawfully provided therefor.
- (2) To facilitate proper disposal of litter by pedestrians and motorists, such publicly-patronized or -used establishments and institutions, as may be designated by the City, shall provide, regularly empty and maintain in good condition adequate containers that meet standards prescribed by the City. This requirement shall be applicable, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges.

(b) *Vehicles Transporting Loose Materials.*

- (1) It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of Sandy City unless said cargo is covered and secured in a such a manner as to prevent depositing of litter on public and private property.
- (2) The duty and responsibility imposed by Subsection (b)(1) of this section shall be applicable alike to the owner of the truck ~~or~~ other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated.
- (3) In the prosecution charging a violation of Subsection (b)(1) of this section, lack of adequate covering and securing shall in itself constitute proof ~~of that~~ a violation has been committed.

(c) *Loading and Unloading Operations.*

- (1) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof.
- (2) It shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations.

(d) *Construction/Demolition Projects.*

- (1) It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after the completion of the construction or demolition project.
- (2) It shall be unlawful for the owner, agent or contractor on any construction or demolition site to allow litter to blow or otherwise, through natural acts, be removed from the construction or demolition site.
- (3) The owner, agent or contractor may be required at any time to show proof of appropriate collection, or if transported by himself, of final disposition at an authorized facility.

(e) *Household Solid Waste Containerization and Removal.*

- (1) All residences located in any area in which solid waste collection is made by the City or approved contractors shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. The type, size and number of containers, as prescribed by the City, shall be made by resolution of the City Council.
- (2) All items too large to fit into containers, such as, but not limited to, appliances, furniture and mattresses, shall be disposed of only in accordance with the policy prescribed by resolution of the City Council.
- (3) All loose materials which normally fit into containers but which are excess as a result of special circumstances, such as holidays, shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed beside the containers.

- (4) Containers shall be kept covered at all times.
- (5) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the City. Failure to do so within five days of such notification shall constitute a violation of this section.
- (6) In placing containers for collection and removing them after collection, all residents shall follow these practices prescribed by resolution of the City Council.
- (7) It shall be unlawful for any resident to deposit household waste in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.
- (f) *Commercial Solid Waste Containerization and Removal.*
- (1) All establishments and institutions which ~~general~~generate solid waste for collection by the City or approved contractors shall abide by the following container requirements prescribed by resolution of the City Council. (Requirements re: types, sizes, numbers, locations, safety precautions, accessibility and collection frequency.)
- (2) Containers shall be kept covered at all times.
- (3) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the City. Failure to do so within five days of such notification shall constitute a violation of this section.
- (4) It shall be unlawful for any owner, manager or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal or litter by pedestrians.
- (g) *Provision for Solid Waste Disposal and Storage Facilities at New Buildings.*
- (1) Before building permits shall be issued for construction of commercial buildings and multiple dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the City.
- (2) No certificate of occupancy shall be issued for said premises until the City's approval of these facilities has been obtained.
- (h) *Keeping Property Clean.*
- (1) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.
- (2) Owners, agents, occupants or lessees whose properties face on City sidewalks, strips between streets and sidewalks and alleys shall be responsible for keeping those sidewalks and strips free of litter.
- (3) It shall be unlawful to sweep or push litter from sidewalks and strips into streets. Sidewalk and strip sweepings must be picked up and put into household or commercial solid waste containers.
- (4) It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter.
- (5) If, after due warning, citation or summons, an owner, agent or occupant or lessee fails to remove litter from any private property, the City may serve written notice to the owner or his appointed agent that if the condition is not corrected within ten days, the property will be cleaned by the City and the owner or his appointed agent billed for the cost thereof. If the bill is not paid within 30 days, execution may be issued by the City against the property for the amount of the cleaning charge, and such execution shall constitute a lien on the property until the claim has been satisfied.

**Sec. 13-10-3. Separate Violations.**

Each and every day during which a violation continues shall be considered a separate and distinct offense.

(Revised Ords. 1978, § 7-11-3)

**Sec. 13-10-4. Penalty.**

A violation of this chapter shall be deemed as an infraction.

(Revised Ords. 1978, § 7-11-4)

**CHAPTER ~~12~~13-11. CITY PARKS\***

\***State law reference**—General authority relative to parks, U.C.A. 1953, § 10-8-8 et seq.

**Sec. 13-11-1. Definitions.**

~~As used in this chapter:~~ The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Park* means a specific piece of ground, either within the City or that is under the control of the City, that is operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, including natural parks, and that is usually, or may be, planted with trees, lawns and other shrubbery. A park may include within its boundary facilities for sport, entertainment, dancing, recreation, swimming, or a park may be planned for any beneficial used by the citizenry. A park may have numerous facilities or consist of only a single facility.
- (2) *Recreation* means a leisure activity or diversion which restores one's strength, spirit or vitality and which refreshes the mind and/or body.
- (3) *Recreation center* means those buildings and surrounding areas owned by Sandy City (the "City") where recreation activities, day care, health services and other beneficial services and activities are provided by the City, that are designated by the City Council as recreation centers or senior citizen centers.
- (4) *Recreation facilities ("facilities")* means parks, recreation areas and recreation centers which are owned or operated by the City, or for which the City has enforcement and/or maintenance responsibilities.

(Revised Ords. 1978, § 7-12-1)

**Sec. 13-11-2. Authority to Make Rules.**

The Director of the Parks and Recreation Department (the "Director") of the City may adopt or recommend the adopting of rules for the use and care of City recreational facilities consistent with this chapter and other City ordinances, as provided by the City's ordinances on rulemaking. The Director may coordinate rulemaking and enforcement with the Sandy Police Department which has enforcement authority in all City recreational facilities.

(Revised Ords. 1978, § 7-12-2)

**Sec. 13-11-3. Prohibited Activities.**

The following activities are prohibited in or on City recreational facilities:

- (1) Entering into a flood detention pond where there is water present in it;
- (2) Expectorating, urinating or littering in violation of Section 13-1-11, or defecating except into a toilet for that purpose;
- (3) Except as provided in U.C.A. 1953, § 62A-5b-104, bringing into a City recreational facility an animal other than a dog, cat, horse, donkey, burro, mule or llama, unless a special permit has been obtained from Salt Lake County ("County");
- (4)  Allowing any dog or cat to be off of a leash, or allowing such animal not to be secured to a person;
- (5) Allowing a donkey, horse, burro, mule or llama to be in a facility when not being led by a halter or ridden;
- (6) Allowing an animal, other than a horse, donkey, burro, mule or llama, under one's ownership, care,

custody or control, to defecate in a recreational facility without removing the defecation to a proper trash receptacle as provided in Section 12-1-17;

~~(g) Possessing or drinking any alcoholic beverage;~~

- (7) Hitting or throwing balls or other hard objects against fences, or against baseball, soccer or other backstops;
- (8) Shooting any projectile, paint ball or golfing;
- (9) Adjusting or tampering with sprinklers, sprinkling valves, or sprinkling or irrigation systems;
- (10) Making excessive, unnecessary or unusually loud noises in violation of Chapter 13-2;
- (11) Making or continuing to burn an open fire except in barbecue or grill areas provided by the City or County;
- (12) Skiing, snowboarding, sledding, tobogganing or riding inner tubes or similar means of descending a hill on snow or ice in areas where such uses are prohibited by posted signs;
- (13) Putting any object which is not normally used in those receptacles in sinks, toilets or drinking fountains, which is reasonably likely to clog or plug the plumbing;
- (14) Parking a motor vehicle or trailer overnight in a facility unless in an area where specifically allowed by posted signs;
- (15) Riding bicycles or using skateboards, rollerblades, roller skates or the like on any surface other than a sidewalk, parking lot or designated trail, or using any of these in a careless or reckless manner;
- (16) Operating a snowmobile;
- (17) Using any trail, path, walk, road, lot or area for any purpose other than that which is designated by signs or by City or County personnel;
- (18) Creating or constructing any path without the express written consent of the Director or County;
- (19) Tying or tethering any animal to a tree, plant or structure which is not specifically designated for that purpose;
- (20) Annoying, injuring, releasing from confinement or interfering with any animal;
- (21) ~~Hunting or~~ Fishing, unless there is a special facility set aside for such purpose by the City;
- (22) Swimming, bathing or wading in any lake, pond, fountain or stream not specifically set aside by the City for that purpose (except that persons wearing fishing waders may wade where fishing is allowed);
- (23) Operating any dispensary or concession stand without the express written consent of the Director or without first obtaining a current, valid business license from the City;
- (24) Distributing any handbills or circulars, or posting, placing or erecting any bills, notices, papers or advertising of any kind without the express written consent of the Director or County;
- (25) Engaging in any activity in an area which is not specifically designated for that activity;
- (26) Camping, lodging or remaining overnight unless in an area specifically designated for that purpose;
- (27) Throwing or depositing any bottle, metal objects, glass, paper, wood, clippings, rubbish or garbage except in receptacles set out for that purpose;
- (28) Carrying or discharging an explosive of any kind, including fireworks, or discharging any firearm, excepting law enforcement officers and those who have received written consent to do so from the Director;
- (29) Violating any provision or instruction on any sign, or violating any rule of the facility;
- (30) Conducting or carrying on any parade, formal celebration, service or speech-making without express written permission from the Director, the City Council or the County;
- (31) Removing any plant, shrub, natural plant, rock, etc., from the recreational facility, excepting parks and

recreation personnel in furtherance of their duties;

- (32) Entering any area designated by signs as a rehabilitation or restoration area, excepting parks and recreation personnel in furtherance of their duties.

(Revised Ords. 1978, § 7-12-3)

**Sec. 13-11-4. Opening and Closing Times for City Recreational Facilities.**

(a) Except for unusual or unforeseen events, City recreational facilities shall be open to the public every day of the year during designated hours. Unless otherwise noticed by sign or other communication, facilities shall open each day at 6:00 a.m. Facilities without lighted playing fields shall be closed at 10:00 p.m. and those with lighted playing fields shall be closed at 10:30 p.m. Closing hours for facilities shall be posted in each recreation facility for public information and those posted hours shall be the actual closing time for that facility. With the exception of police, fire, and parks and recreation personnel, no one may enter a recreational facility during the hours it is closed.

(b) Individuals or groups may receive express written permission from the Director, the Director's assistant or the County to be in a facility during the hours it is closed. The written permission shall designate specific hours within which the exemption is granted. The exemption from closing hours shall be in effect only for those hours exempted. Such written permission must be presented to any police officer or City official or employee upon demand. Written exemption from closing hour prohibitions shall not void any other penalties or violations of this chapter or other Sandy City ordinances.

(Revised Ords. 1978, § 7-12-4)

**Sec. 13-11-5. Motor Vehicle Restrictions.**

(a) *Speeding.* It is unlawful to operate or drive a motor vehicle within any recreational facility at a speed in excess of that posted on the particular road, trail or pathway in the facility. If no speed is posted, then no motor vehicle shall be operated at a speed in excess of seven miles per hour. Nothing in this subsection shall be construed to allow operation of a motor vehicle outside of parking lots and roads unless otherwise permitted by a sign posted by the City.

(b) *Careless, Reckless or Hazardous Operation.* No motor vehicle, even operated within the permissible speed limit or within areas designated for such vehicle's use, shall be operated in a careless or reckless manner, or in a manner which causes significant hazard to life, safety or property.

(c) *Drive Only Where Allowed.* No motor vehicle, as defined in Section 13-2-3(11), may be driven within a facility other than those in areas specifically designated and posted by the City for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used by on-duty City or County employees or emergency personnel for transportation, maintenance or service of facilities, or in performance of their duties.

(d) *Definition of Motor Vehicle.* ~~This~~ A motor vehicle is any vehicle within the definition of the term "motor vehicle" contained in U.C.A. 1953, § 41-6-1(20).

(Revised Ords. 1978, § 7-12-5)

**Sec. 13-11-6. Noise Restrictions.**

No person may play or cause to be played amplified music or sound in a facility without the express written approval of the Director and without obtaining a license for such purpose. Such permission or license may be denied by the Director or the City where it is reasonably believed that such noise would disturb other patrons of the facility, annoy residents neighboring the facility or disturb wildlife. The written permission and license to play amplified sound must be provided to any City employee or official upon demand during the time for which it is granted. Issuance of permission and a license does not exempt the holder or permittee from all other rules, regulations, ordinances or statues, whether State, County or City.

(Revised Ords. 1978, § 7-12-6)

**Sec. 13-11-7. Violation of Ordinances or Rule.**

(a) *Eviction.* Any person violating any of the ordinances, rules or instructions established by the City or the Director may be evicted immediately from the facility by any City employee who has been granted that authority

by the Director. Any person who, having been given direction to leave by such an employee, and who does not leave, is guilty of violating this chapter.

(b) *Penalty.* Any person who violates any ordinance, rule, instruction or sign within this chapter is guilty of an infraction, unless the violation is a greater offense under State, County or City criminal codes, in which case the violation shall be punishable as the greater offense.

(Revised Ords. 1978, § 7-12-7)

PROOFS

Title 14  
**TRAFFIC CODE**

**ARTICLE CHAPTER 14-1. DEFINITION OF TERMS (RESERVED)\***

\*State law reference—Definitions, U.C.A. 1953, § 41-6a-102.

**Sec. 1. Definitions of terms. 41-6-1**

As used in this code:

**Sec. 2. Alley. 41-6-1(1)**

means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

**Sec. 3. Authorized emergency vehicle. 41-6-1(3)**

means fire department vehicles, police vehicles, ambulances and other publicly or privately owned vehicles designated by the Commissioner of the Department of Public Safety, of the State of Utah.

**Sec. 4. Bicycle. 41-6-1(4)**

means every device propelled by human power upon which any person may ride, having two tandem wheels except scooters and similar devices.

**Sec. 5. Bus. 41-6-1(5)**

means every motor vehicle designed for carrying more than fifteen passengers and used the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**Sec. 6. Bus zone**

means an area so designated and marked by the city transportation engineer solely for the use of public transportation.

**Sec. 7. Center line**

shall mean single or double continuous or broken yellow line or lines marked upon the surface of a roadway to indicate each portion of the roadway allocated to traffic proceeding in two opposite directions and if no line is so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

**Sec. 8. City Council**

shall mean the council of Sandy City Corporation, Sandy, Utah.

**Sec. 9. Crosswalk. 41-6-1(7)**

(a) means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of the roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the center line; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**Sec. 10. Crosswalk line**

shall mean a single white line, not less than six inches in width, or the outside edges of the broad multiple lines, painted on a street marking the outlying limits of a pedestrian crossing which conform to the MUTCD.

**Sec. 11. Divided highway. 41-6-1(9)**

means a highway divided into two or more roadways by unpaved intervening space or by a physical barrier or by a clearly indicated dividing section or median constructed to impede vehicular traffic.

**Sec. 12. Edge line**

means a single continuous white line indicating the outside limit of the outermost traffic or travel lane.

**Sec. 12.1. Electric Assisted Bicycle. 41-6-1(10)**

means a moped with an electric motor with a power output of not more than 1,000 watts, which is not capable of propelling the device at a speed of more than 20 miles per hour on level ground, and which is not capable of increasing the speed of the device when human power is used to propel the device at more than 20 miles per hour.

**Sec. 13. Explosives or Hazardous Material**

means any material, solid, liquid, or gas, or any combination thereof, designated by the Sandy City Fire Department as dangerous and requiring special consideration.

**Sec. 14. Farm tractor. 41-6-1(11)**

means every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

**Sec. 15. Fire department**

means the fire department of Sandy City Corporation, Sandy, Utah.

**Sec. 16. Gross weight. 41-6-1(13)**

means the weight of a vehicle without load plus the weight of any load on the vehicle.

**Sec. 17. Highway. 41-6-1(14)**

Means: the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

**Sec. 18. Intersection. 41-6-1(15)**

Means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another;
- (b) Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection;
- (c) The junction of an alley with a street or highway is not an intersection.

**Sec. 19. Island, traffic island, or physical barrier**

means a continuous raised barrier, raised median or curb installed in a roadway.

**Sec. 20. Lane line**

means a solid or broken white line used to separate traffic lanes moving in the same direction.

**Sec. 21. Limited-access street, highway, or roadway**

means every highway, street or roadway in respect to which owners or occupants from abutting lands and other persons have no legal right of access to or from the same except at such public authority having jurisdiction over such highway, street or roadway.

**Sec. 22. Loading zone**

means any zone alongside, in front of, or behind any business so designated by the city transportation engineer for the sole purpose of loading and unloading of goods or materials.

**Sec. 23. Mobile home. 41-6-1(18)**

means:

- (a) ~~A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place either permanently or temporarily and is equipped for use as a conveyance on streets and highways, or~~
- (b) ~~A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in paragraph (a), but which is instead used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distributing by a private carrier.~~

**Sec. 24. Moped. 41-6-1(19)**

~~means a motor driven cycle having both pedals to permit propulsion by human power, and a motor which produces not more than two brake horsepower and which is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.~~

**Sec. 24.1. Motor Assisted Scooter. 41-6-1(22)**

~~means a self propelled device with at least two wheels in contact with the ground, a braking system capable of stopping the unit under typical operating conditions, a gas or electric motor not exceeding 40 cubic centimeters, a deck design for a person to stand while operating the device, and the ability to be propelled by human power alone.~~

**Sec. 25. Motor vehicle. 41-6-1(20)**

~~means every vehicle which is self propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, and every vehicle being towed or pushed by another vehicle but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.~~

**Sec. 26. Motoreycle. 41-6-1(21)**

~~means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.~~

**Sec. 27. Motor driven cycle. 41-6-1(24)**

~~means every motoreycle and motor scooter, moped, electric assisted bicycle, motor assisted scooter, and every motorized bicycle having an engine with less than 150 cubic centimeters displacement or having a motor which produces not more than five horsepower.~~

**Sec. 28. MUTCD**

~~means "Manual of Uniform Traffic Control Devices for Streets and Highways", as published by the Federal Highways Administration and the United States Department of Transportation to govern traffic markings and devices nationwide. All references shall be made to the most current edition with all supplements and additions.~~

**Sec. 29. Neutral zone or two-way turn lane**

~~means the area of space between two sets of double yellow painted lines, one solid and one broken, or set apart by physical barrier to separate traffic lanes for vehicles that move in opposite directions upon any street or highway.~~

**Sec. 30. Official Traffic Control devices. 41-6-1(22)**

~~means all signs, signals, traffic markings and devices not inconsistent with this code or the Manual on Uniform Traffic Control Devices of the State of Utah placed or erected by authority of a public body or official having~~

~~jurisdiction, for the purpose of regulating, warning or guiding traffic.~~

**Sec. 31. Operator. 41-6-1(24)**

~~means any person who is in actual physical control of a vehicle.~~

**Sec. 32. Owner**

~~means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either the registered or legal owner.~~

**Sec. 33. Park or parking. 41-6-1(28)**

~~means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.~~

**Sec. 34. Passenger loading zone**

~~means the zone in front of any business so designated by the city transportation engineer for the sole purpose of loading and unloading of passengers.~~

**Sec. 35. Peace Officer. 41-6-1(26)**

~~means every law enforcement officer authorized under Section 77-1a-1 UCA to direct or regulate traffic or to make arrests for violations of traffic laws.~~

**Sec. 36. Pedestrian. 41-6-1(29)**

~~means a person afoot.~~

**Sec. 37. Play Street**

~~means any street set aside by the city transportation engineer on a temporary basis to facilitate non-traffic related activities such as neighborhood parties.~~

**Sec. 38. Police Department**

~~shall mean the police department of Sandy, Utah.~~

**Sec. 39. Police Officer. 41-6-1(32)**

~~means any officer, including peace and police officers, authorized by the law to execute criminal process or to make arrests for the violation of the regulations generally or of any particular regulation relative to the highways of the State of Utah or the streets or alleys of the City of Sandy.~~

**Sec. 41. Private road or driveway. 41-6-1(30)**

~~means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.~~

**Sec. 42. Railroad. 41-6-1(31)**

~~means a carrier of persons or property upon cars operated upon stationary rails.~~

**Sec. 43. Railroad sign or signal. 41-6-1(36)**

~~means [#any] [#a] sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.~~

**Sec. 44. Railroad train. 41-6-1(33)**

~~means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.~~

**Sec. 45. Right-of-way. 41-6-1(34)**

~~means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or~~

~~pedestrian approaching under such circumstances of direction, speed and proximity which give rise to danger of collision unless one grants precedence to the other.~~

**Sec. 46. Roadway. 41-6-1(35)**

~~means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though any of them are used by persons riding bicycles or other human-powered vehicles. If a highway includes two or more separate roadways, roadway refers to any roadway operated separately but not to roadways collectively.~~

**Sec. 47. Safety zone. 41-6-1(36)**

~~means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.~~

**Sec. 48. School bus. 41-6-1(37)**

~~means every motor vehicle that complies with the color and identification requirements of the most recent edition of Minimum Standards for School Busses" and is used to transport school children to or from school or school activities. This definition does not include vehicles operated by common carriers in transportation of school children to or from school or school activities.~~

**Sec. 49. Semitrailer. 41-6-1(38)**

~~means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.~~

**Sec. 50. Shoulder area. 41-6-1(39)**

~~means that area of the hard surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices (MUTCD)," or that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use and lateral support.~~

**Sec. 51. Sidewalk. 41-6-1(40)**

~~means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.~~

**Sec. 52. Stand or standing. 41-6-1(42)**

~~means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.~~

**Sec. 53. Stop. 41-6-1(43)**

~~when required means complete cessation from movement.~~

**Sec. 54. Stop or limit line**

~~shall mean a single white line not less than twelve inches in width behind which vehicles must stop when directed by a police officer or traffic control device.~~

**Sec. 55. Stop or stopping. 41-6-1(44)**

~~when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or when in compliance with the directions of a peace officer or official traffic control device.~~

**Sec. 56. Street or city street. 41-6-1(51)**

~~means every highway, or part thereof, located within the corporate limits or Sandy City, except alleys.~~

**Sec. 57. Taxicab**

~~means and includes every motor vehicle having a seating capacity of nine passengers or less, as per~~

manufacturer's rating, used for the transportation of passengers for hire, and not operated exclusively over a fixed and defined route.

**Sec. 58. Traffic. 41-6-1(45)**

means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

**Sec. 59. Traffic citation**

means a form notifying a violator to appear at a court or traffic violators' bureau and to answer to a charge of violating a traffic law or code.

**Sec. 60. Traffic control signal. 41-6-1(46)**

means any device whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and permitted to proceed.

**Sec. 61. Traffic division**

means the traffic division of the police department of the City of Sandy.

**Sec. 62. Traffic lane**

means a strip of roadway intended to accommodate the forward movement of a single line of vehicles.

**Sec. 63. Traffic markings**

means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing, or to objects within or adjacent to the roadway officially placed for the purpose of regulating, warning, or guiding traffic.

**Sec. 64. Trailer. 41-6-1(48)**

means every motor vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**Sec. 65. Truck. 41-6-1(48)**

means every motor vehicle designed, used, or maintained primarily for the transportation of property.

**Sec. 66. Truck tractor. 41-6-1(57)**

means a motor vehicle designed and used primarily for drawing other vehicles and constructed to carry a part of the weight of the vehicle and load [#so] drawn by the truck tractor.

**Sec. 67. UCA**

means Utah Code Annotated 1953, as amended.

**Sec. 68. Urban district. 41-6-1(50)**

means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

**Sec. 69. U-turn**

means turning a vehicle so as to proceed in the opposite direction of travel on the same street.

**Sec. 70. Vehicle**

means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

**Sec. 71. Violator**

means a person who has violated or is alleged to have violated any ordinance or code of Sandy City, motor

~~vehicle law or criminal code of this state.~~

~~(Traffic Code, §§ 1-71)~~

## **ARTICLE CHAPTER 14-2. ADMINISTRATION**

### **Sec. 14-2-1. Authority of Police Department.**

It shall be the duty of the Police Department to enforce the street traffic regulations of this City and all the State vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate accidents, to cooperate with the city transportation engineer and other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those specifically imposed upon ~~the~~ said Department by the ordinances of this City.

- (1) Traffic Regulation in Pepperwood Subdivision. The street traffic regulations of this City and all state vehicle laws applicable to street traffic in this City shall, on the effective date of ~~this the~~ ordinance from which this title is derived, be applicable to those on private streets now owned or which may be owned by Pepperwood Homeowners Association, within the Pepperwood Subdivision, whether presently in existence, or which may yet be created. ~~Such streets include, but are not limited to the following: Lone Hollow, Pepperwood Drive, Pleasant Hill Circle, Pleasant View Drive, Cindy Circle, Rolling Wood Lane, Sunwood Lane, Legend Lane, Apple Hill, Mountain Wood Lane, Circle Oaks, Dawn Hill, Windsong, Parkside Lane, Cherry Wood, Old Oak Lane, Northridge Lane, Shadow Wood Lane, Northridge Way, Northridge Cove, Gatehouse Lane, Quietwood Lane, Birchtree Lane, Bentwood Lane and Snowstar Lane.~~
- (2) The Police Department shall have authority to enforce all traffic and vehicle laws and regulations within the Pepperwood Subdivision. However, this provision shall not be construed to require Sandy City to provide public services to this or any other area.

~~(Traffic Code, § 73)~~

### **Sec. 74. Record of Traffic Violations. 41-6-173**

~~A record of all local violations of the traffic ordinances of this city or the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses shall be kept by the clerk of the court. Such record shall be maintained so as to show all types of violations and shall be allowed to accumulate for a period in accordance with the motor vehicle laws and regulations of the state. All forms for records of violations and notices of violations shall be serially numbered.~~

~~(Traffic Code, § 74)~~

### **Sec. 75. Investigate accidents.**

~~The police department shall investigate traffic accidents, arrest, and assist in the prosecution of those persons charged with the violation of law causing or contributing to such accidents.~~

~~(Traffic Code, § 75)~~

### **Sec. 76. Traffic accident studies.**

~~Whenever the accidents in any particular location become numerous, the Police Department shall cooperate with the city transportation engineer in conducting studies of such accidents and determining remedial measures.~~

~~(Traffic Code, § 76)~~

### **Sec. 77. Traffic accident reports. 41-4-40, 14-6-170**

~~(1) The Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the city transportation engineer.~~

~~(2) The Police Department shall receive and properly file all accident reports made to it under state law or under the ordinances of this city, but all such accident reports made by drivers shall be for the confidential use of the Police Department and the city transportation engineer, and no such reports shall be admissible in any civil or criminal proceeding, other than upon the request of any party to such trial or the court having jurisdiction to prove~~

compliance with the laws requiring the making of any such report.

(Traffic Code, § 77)

**Sec. 14-2-2. City Transportation Engineer.**

The City Traffic Engineer shall be the City Transportation Engineer and shall exercise the powers and duties as prescribed by law.

(Traffic Code, § 78)

**~~Sec. 79. Traffic control devices standards authority to implement traffic engineering standards to be used.~~  
41-6-20**

~~(1) The Manual on Uniform Traffic Control Devices for Streets and Highways, (MUTCD), in its most recent edition, by the Federal Highway Administration, is hereby adopted by Sandy City as the ordinance rules and regulations of said City; one copy of which shall be for use and examination of the public in the office of the City Recorder of Sandy City. Said code establishes the standards of design and application of traffic control devices.~~

~~(2) The city transportation engineer is empowered to place and maintain any and all traffic control devices when and as needed in his/her opinion and shall implement the provisions of said manual in accordance with accepted highway engineering principles.~~

~~(Traffic Code, § 79)~~

**Sec. 80. Emergency and experimental regulations.**

~~(1) The chief of police, by and with the approval of the city transportation engineer, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental regulations shall remain in effect for more than ninety days.~~

~~(2) The city transportation engineer may test traffic control devices under actual conditions of traffic.~~

~~(Traffic Code, § 80)~~

**Sec. 81. The duty of city transportation engineer. 41-6-21**

~~It is the general duty of the city transportation engineer to determine the installation and proper timing and maintenance of traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city and as directed by the city council.~~

~~(Traffic Code, § 81)~~

**~~Sec. 82. Authority to designate crosswalks, establish safety zones and mark traffic lanes.~~**

~~The city transportation engineer is hereby authorized to:~~

~~(1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he/she may deem necessary.~~

~~(2) Establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.~~

~~(3) Mark lanes for traffic on street pavements at such places as he/she may deem advisable, consistent with the traffic ordinances of this city.~~

~~(Traffic Code, § 82)~~

**Sec. 83. Timing of speed by traffic signals.**

~~The city transportation engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds somewhat below the speeds otherwise applicable within the district or at intersections.~~

(Traffic Code, § 83)

**Sec. 84. Authority to place and obedience to turn markings.**

The city transportation engineer is authorized to place islands, markers, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course shall be traveled irrespective of any other provisions of this ordinance.

(Traffic Code, § 84)

**Sec. 85. No stopping, standing, or parking near hazardous or congested places.**

The city transportation engineer is hereby authorized to determine and designate by proper signs or other traffic control devices, areas in which the stopping, standing or parking of vehicles would create especially hazardous conditions or would cause unusual delay to traffic.

(Traffic Code, § 85)

**Article CHAPTER 14-3. ENFORCEMENT AND OBEDIENCE TO TRAFFIC CODE\***

\*State law reference—Applicability and obedience to traffic laws, U.C.A. 1953, § 41-6a-201 et seq.

**Sec. 14-3-1. Required Obedience to Traffic Code.**

(a) *Unlawful Acts.* It shall be unlawful for any person to:

- (1) Do any act prohibited by this title;
- (2) Fail or refuse to do any act required by this title;
- (3) Operate any vehicle in violation of any provision of this title; or
- (4) Operate any vehicle unless such vehicle is equipped and maintained in compliance with this title.

(b) *Penalty.* Any person guilty of violating any provision of this title shall be deemed guilty of an infraction, with the exception of the following: ~~Violations of Sections 108, 109, 110, 112, 116, 124, 126, 133, 241, 310 and 326 shall be class C misdemeanors.~~ Violations of Sections 111, 119, 119.1, 119.2, 127, 128, ~~129-14-5-1, 130-14-5-2, 131, 132, 134.1, 134.2, 134.5, 242, and 245-14-10-3, 279 and 311~~ are Class B misdemeanors. Any speeding violation in excess of 25 miles per hour over the limit is a Class C misdemeanor. Any person convicted of an offense under this Code title shall be punished in accordance with U.C.A. 1953, §§ 76-4-204, 76-3-205, 76-3-301, 76-3-302, and other relevant provisions (as amended). ~~Any traffic offense except Driving Under the Influence of Drugs or Alcohol may be prosecuted as an infraction by the filing of an amended information by the City prosecutor.~~

(a) ~~A person convicted of an infraction may not be imprisoned, but may be subject to a fine, forfeiture, and disqualification, or any combination. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.~~

(b) ~~Misdemeanor penalty class C: A person convicted of a class C misdemeanor shall be punished by a fine not to exceed \$750 and or imprisonment not to exceed ninety days.~~

(c) ~~Misdemeanor penalty class B. A person convicted of a class B misdemeanor shall be punished by a fine not to exceed \$1,000 or imprisonment not to exceed six months or by both such imprisonment and fine.~~

(d) ~~Any section of this code that indicates it will be a misdemeanor and does not specify the class, is hereby specified a class B misdemeanor.~~

(Traffic Code, § 86)

**Sec. 87. Obedience to police and fire department officials. 41-6-13**

(1) ~~A person may not willfully fail or refuse to comply with any lawful order or direction of any peace officer, fireman, flagger at a highway construction or maintenance site, or uniformed adult school crossing guard or juvenile crossing guard, invested by law with authority to direct, control, or regulate traffic.~~

(2) ~~Any person violating this section is guilty of a misdemeanor.~~

(Traffic Code, § 87)

**Sec. 88. Duty of Fire Department and other designated personnel.**

~~It shall be the duty of the fire department and other personnel designated by the Chief of Police, to cite and/or assist in the enforcement of the provisions of this title while in the performance of their duties.~~

~~(Traffic Code, § 88)~~

**Sec. 89. Persons propelling push carts or riding animals to obey traffic regulations. 41-6-15**

~~A person riding an animal or driving any animal drawn vehicle upon a roadway is subject to this chapter, except the penalties regarding operator licenses specified under the alcohol or drug related traffic offenses do not apply.~~

~~(Traffic Code, § 89)~~

**Sec. 14-3-2. Use of Coasters, Roller Skates, etc., Restricted.**

No person upon roller skates or riding in or by means of any coaster, sled, toy-wagon, scooter, skate board or similar device, shall go upon any roadway except while crossing such roadway on a crosswalk and, when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This section shall not apply on any street while set aside as a play street as authorized by this code.

(Traffic Code, § 90)

**Sec. 91. Public employees to obey traffic regulations. Workers and equipment on streets. 41-6-165.5**

~~(1) The provisions of this code shall apply to the operator of any vehicle owned by or used in the service of the United States government, this state or any of its political subdivisions, and it is unlawful for the operator to violate any of the provisions of this code, except as otherwise permitted.~~

~~(2) Unless specifically made applicable, the provisions of this code shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in authorized work upon the surface of the street or upon wires immediately above the surface of the street, but shall apply to such persons, teams, vehicles and equipment when traveling to or from such work.~~

~~(Traffic Code, § 91)~~

**Sec. 92. Emergency vehicles. 41-6-14**

~~(1) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges under this section, subject to Subsections (2) through (4).~~

~~(2) The operator of an authorized emergency vehicle may:~~

~~(a) Park or stand, irrespective of the provisions of this chapter;~~

~~(b) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation;~~

~~(c) Exceed the maximum speed limits if the operator does not unreasonably endanger life or property; or~~

~~(d) Disregard regulations governing direction of movement or turning in specified directions.~~

~~(3) Privileges granted under this section to an authorized emergency vehicle apply only when the vehicle sounds an audible signal under Section 41-6-146, UCA, or uses a visual signal as defined under Section 41-6-132, UCA, which is visible from in front of the vehicle.~~

~~(4) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:~~

~~(a) the operator of the vehicle sounds both an audible signal under Section 41-6-146 and uses a visual signal as defined under Section 41-6-132, which is visible from in front of the vehicle;~~

~~(b) the public agency employing the operator of the vehicle has, in effect a written policy which describes the manner and circumstances in which any vehicle pursuit should be conducted and terminated.~~

~~(c) the operator of the vehicle has been trained in accordance with the written policy described in Subsection (4)(b); and~~

~~(d) the pursuit policy of the public agency is in conformance with standards established by the Department of Public Safety, Division of Peace Officer Standards and Training, which shall adopt minimum standards that shall be incorporated into all emergency pursuit policies adopted by public agencies authorized to operate emergency pursuit vehicles.~~

~~(5) Except for Sections 119 and 242, this chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway. However, the entire chapter applies to those persons and vehicles when traveling to or from the work.~~

~~(Traffic Code, § 92)~~

### **Sec. 93. Right of real property owner to regulate traffic. 41-6-18**

~~This chapter does not prevent the owner of real property used by the public for the purpose of vehicular travel by permission of the owner and not as matter of right, from prohibiting the use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating the use as preferred by the owner.~~

~~(Traffic Code, § 93)~~

### **Sec. 14-3-3. Removal of Brush, Foliage or Other Obstruction Impairing View.**

~~(1) The owner of real property shall remove from his/her property any tree, plant, shrub, or other obstruction, or part of it, which, by obstructing the view of any operator, constitutes a traffic hazard.~~

~~(2) When the city transportation engineer or his agent determines upon the basis of an engineering and traffic investigation that a traffic hazard exists, he/she shall notify the owner and order that the hazard be removed within ten days. This section is not intended to raise civil or criminal liability against the City, its officers or employees for the failure to notify or order removal.~~

~~(3) The failure of the owner to remove the traffic hazard within ten days is an infraction.~~

~~(4) ——— The City Transportation Engineer, in his/her discretion, may, after contacting the owner of such property in violation of U.C.A. 1953, § 41-6a-216, remove or have removed by someone contracted by the City or by the City any traffic hazard and bill the property owner for the removal of the hazard.~~

~~(Traffic Code, § 94)~~

## **Article CHAPTER 14-4. TRAFFIC-CONTROL DEVICES\***

~~\*State law reference—Traffic-control devices, U.C.A. 1953, § 41-6a-301 et seq.~~

### **Sec. 95. Obeying devices/Obedience to. 41-6-23**

~~(1) The operator of a vehicle shall obey the instructions or signal of any official traffic control device placed or held in accordance with this chapter unless at the time he is otherwise directed by a peace officer and subject to the exceptions granted the operator of an authorized emergency vehicle.~~

~~(2) (a) Any provision of this chapter, for which official traffic control devices are required, may not be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.~~

~~(b) When a particular section does not state that official traffic control devices are required, the section is effective even though no devices are erected or in place.~~

~~(3) When official traffic control devices are placed or held in a position approximately conforming to the requirements of this chapter, the devices are presumed to have been placed or held by the official act or direction of lawful authority, unless the contrary is established by competent evidence.~~

~~(4) An official traffic control device placed or held under this chapter and purporting to conform to the lawful requirements pertaining to that device is presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.~~

(Traffic Code, § 95)

**Sec. 96. Traffic control signals. Meaning of colored lights and signals. Right and duties of operators and pedestrians. 41-6-24**

(1) ~~When traffic is controlled by a traffic control signal exhibiting different colored lights, or color lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow may be used, except for special pedestrian signals carrying a word legend. The lights shall indicate and apply to operators of vehicles and pedestrians as provided in this section.~~

(2) ~~"Green" indicates:~~

(a) ~~(i) Except as provided in subsection (2)(a)(ii) in this section, vehicular traffic facing a circular green signal may:~~

~~(A) proceed straight through the intersection;~~

~~(B) turn right;~~

~~(C) turn left.~~

~~(ii) Vehicular traffic facing a circular green signal, including vehicles turning right or left:~~

~~(A) shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and~~

~~(B) may not turn right or left if a sign at the intersection prohibits the turn.~~

~~(b) Vehicular traffic facing a green arrow signal shown alone or in combination with another signal or instruction;~~

~~(i) may cautiously enter the intersection only to make the movement indicated by the arrow or other signal or instruction as shown at the same time; and~~

~~(ii) shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.~~

~~(c) Unless otherwise directed by a pedestrian control signal under section 97, pedestrians facing any green signal except when the sole green signal is a turn arrow may proceed across the roadway within any marked or unmarked crosswalk.~~

(3) ~~(a) Vehicular traffic facing a steady circular yellow or yellow arrow signal is warned that the allowable movement permitted by a green signal is being terminated.~~

~~(b) Unless otherwise directed by a pedestrian control signal under Section 97, pedestrians facing a steady circular yellow or yellow arrow signal are advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway.~~

(4) ~~(a) Except as provided in subsection (4)(c), vehicular traffic facing a steady circular red or red arrow signal:~~

~~(i) may not enter the intersection unless entering the intersection to make a movement permitted by another indication; and~~

~~(ii) shall stop at a clearly marked stop line, but if none, before entering the marked or unmarked crosswalk on the near side of the intersection and shall remain stopped until a signal to proceed is shown.~~

~~(b) Unless otherwise directed by a pedestrian control signal, under section 97, pedestrians facing a steady red signal alone may not enter the roadway.~~

~~(i) except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or may turn left from a one-way street into a one-way street which allows traffic in that direction, after stopping as required by subsection (4) (a) after yielding the right of way to any traffic lawfully within or approaching the intersection.~~

~~(ii) The vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.~~

~~(5) (a) This section applies where an official traffic control signal is erected and maintained at a place other than an intersection.~~

~~(b) Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made prior to the near curb line of the intersecting roadway, but, if none, at the signal.~~

~~(6) The operator of a vehicle approaching an intersection that has an official traffic control signal that is inoperative shall stop before entering the intersection and shall yield the right of way to any vehicle as required under section 229.~~

~~(Traffic Code, § 96)~~

### **Sec. 97. Pedestrian signals. 41-6-25**

When special pedestrian control signals exhibiting the words "Walk", "Don't Walk", or other such pedestrian indications as allowed in the MUTCD, are in place the signals indicate:

(1) Flashing or steady "Walk, or other symbol acceptable to the MUTCD", means a pedestrian facing the signal may proceed across the roadway in the direction of the signal and the operators of all vehicles shall yield the right of way to him.

(2) Flashing or steady "Don't Walk, or any other red symbol acceptable to the MUTCD", means a pedestrian may not start to cross the roadway in the direction of the signal, but a pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety island while the "Don't Walk" or approved other acceptable symbol is showing.

~~(Traffic Code, § 97)~~

### **Sec. 98. Flashing red or yellow signals. Rights and duties of operators and pedestrians. 41-6-26**

~~(1) When an illuminated flashing red or yellow signal is used in a traffic signal or with a traffic sign, vehicular traffic shall obey it as follows:~~

~~(a) Flashing red stop signal: When a red signal is illuminated by rapid intermittent flashes, operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the nearest side of the intersection or if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersection roadway before entering. The right to proceed is subject to the rules applicable after making a stop at a stop sign.~~

~~(b) Flashing yellow caution signal: When a yellow signal is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past the signal only with caution.~~

~~(2) Pedestrians facing a flashing red or yellow signal may proceed to cross the roadway in a crosswalk only after ascertaining that it is safe to do so and then only with due caution. Operators of vehicles shall yield the right of way to pedestrians lawfully crossing a roadway at such intersections.~~

~~(3) This section does not apply at railroad grade crossings. Provisions regarding vehicles approaching railroad grade crossings are under Section 288.~~

~~(Traffic Code, § 98)~~

### **Sec. 99. Prohibition of unauthorized traffic control devices. Commercial advertising. Public nuisance. 41-6-27**

~~(1) A person may not place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or authorized emergency vehicle flashing light, or which:~~

~~(a) attempts to direct the movement of traffic;~~

~~(b) hides from view or interferes with the effectiveness of any official traffic control device or any railroad~~

~~sign or signal; or~~

~~(c) which is of such brilliant illumination and so positioned as to blind or dazzle an operator on any adjacent highway.~~

~~(2) A person may not place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing on it any commercial advertising except for business signs included as part of official motorist service panels approved by the Utah Department of Transportation. This provision does not prohibit the erection upon private property adjacent to highways of signs, which comply with all applicable zoning and building code provisions, giving useful directional information and of a type that may not be mistaken for official signs.~~

~~(3) Every prohibited sign, signal, or light or marking is declared to be a public nuisance and the city transportation engineer or any peace officer may remove it or cause it to be removed by the owner of such sign, signal light, or marking, or by someone contracted by the city, or the city, after 3 days written notice to such owner.~~

~~(Traffic Code, § 99)~~

**Sec. 100. Interference with traffic control devices prohibited. 41-6-28**

~~A person may not without lawful authority attempt to, or in fact alter, deface, injure, knock down, drive into, interfere with, or remove any official traffic control device or any railroad sign or signal or any inscription shield, or insignia on it, or any other part of it.~~

~~(Traffic Code, § 100)~~

**Sec. 101. Failure to observe restricted highway control devices. 41-6-76.10**

~~(1) When it is necessary because of construction or maintenance work or because of emergency to suspend all or part of the travel on a public highway or street or any portion of the highway or street the appropriate highway authority of the state, county, or city may restrict the use of, or close such highway, street, or portion thereof. When such highway, street, or portion is restricted or closed to travel, the highway authority shall cause suitable barriers and notices to be posted at the point where the detour road takes off from such closed or restricted highway or street and the detour shall be clearly indicated by signs and shall be adequately maintained. It is unlawful for any person to fail to observe any barricade, warning light, sign, or flagman warning the public that a highway or street or portion of a street is restricted or closed to traffic.~~

~~(2) The operator of a vehicle shall yield the right of way to any:~~

~~(a) authorized vehicle or pedestrian actually engaged in work upon the highway within any highway construction or maintenance area indicated by official traffic control devices, or~~

~~(b) authorized vehicle obviously and actually engaged in work upon a highway when the vehicle displays lights meeting the requirements of section 41-6-140.20 UCA.~~

~~(Traffic Code, § 101)~~

**Sec. 102. Authority to establish play streets.**

~~The city transportation engineer may declare or proclaim any street, alley, or part of it as a play street. The city transportation engineer shall place or require the placement and maintenance of appropriate signs or devices in the roadway indicating and protecting the play area. When such signs or devices are in place and plainly visible, no person may operate a vehicle, park or permit his/her vehicle to remain parked upon the roadway of any street or alley so proclaimed and marked as a play street.~~

~~(Traffic Code, § 102)~~

**Sec. 103. Regulation by traffic devices. 41-6-22**

~~The city transportation engineer is authorized to place and maintain traffic control devices as needed.~~

~~(Traffic Code, § 103)~~

**Sec. 104. Authority to close public streets.**

~~No person shall close or attempt to close any public street by any means without written permission from the city transportation engineer except a member of the police or fire departments when required in the execution of~~

~~their duties. Any street closure shall be done in accordance with the provisions of the MUTCD.  
(Traffic Code, § 104)~~

**Sec. 14-4-1. Compliance with Road Excavation Regulations.**

~~(1) No person may conduct an excavation within any public right of way without obtaining an excavation permit from the city transportation engineer.~~

(2) ——— The City Transportation Engineer shall establish regulations for traffic control in the vicinity of excavations. Any person who refuses to comply with such regulations will be in violation of this section.  
(Traffic Code, § 105)

**Sec. 14-4-2. Driving on New Pavement.**

No person may operate or cause to be operated any animal, or ride, drive or propel, or cause to be ridden, driven or propelled, any vehicle over or across any newly made pavement in any public street, across or around which pavement there is a barrier, or at, over or near which there is a person or a sign warning persons not to drive over or across such pavement, or a sign stating that the street is closed.  
(Traffic Code, § 106)

**Article CHAPTER 5. ACCIDENTS\***

~~\*State law reference~~ — Accident responsibilities, U.C.A. 1953, § 41-6a-401 et seq.

**Sec. 108. Moving vehicles involved in accidents.**

~~(1) The operator of a vehicle involved in an accident resulting in injury to or death of any person shall not move or permit their vehicle to be moved from the position it was placed in by the force of the impact, until a police officer has arrived and allows the operator to move the vehicle. This section does not fulfill the requirements of section 41-6-29 UCA.~~

(2) — Any person guilty of violating this section 108 is guilty of a class B misdemeanor.  
(Traffic Code, § 108)

**Sec. 109. Give name, render assistance. 41-6-31**

~~(1) The operator of a vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is operated or attended by any person shall:~~

- ~~(a) Give to any persons involved his or her name, address, and the registration number of the vehicle he/she is operating;~~
- ~~(b) Upon request, exhibit his or her operator's license to:
 
  - ~~(i) any investigating peace officer present;~~
  - ~~(ii) the person struck;~~
  - ~~(iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident;~~
  - ~~and~~
  - ~~(iv) the owner of property damaged in the accident, if present; and~~~~
- ~~(c) Render to any person injured in the collision reasonable assistance including the transporting, or the making of arrangements for the transporting of the person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that treatment is necessary or if the transporting is requested by the injured person.~~

(2) — The operator of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$400 or more shall immediately and by the quickest means of communication available give notice of the accident to the nearest office of a law enforcement agency.

(3) — (a) If the operator of a vehicle is physically incapable of giving an immediate notice of an accident as required in Subsections (1) and (2) and there is another occupant in the vehicle at the time of the accident capable

~~of giving an immediate notice, the occupant shall give or cause to be given the notice not given by the operator.~~

~~(b) All passengers who were in a vehicle involved in an accident defined in this section are required to remain at the scene until a peace officer arrives and releases each. This section does not apply to passengers who leave the scene to seek immediate medical care either for themselves or for another, or who attempt to comply with subsection (3)(a).~~

~~(4) If the operator is physically incapable of making a written report of an accident when required under Section 113.5 and he is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.~~

~~(5) Any person found guilty of violating this section 109 is guilty of a class C misdemeanor.~~

~~(Traffic Code, § 109)~~

**~~Sec. 110. Accident involving damage to vehicle or other property. 41-6-30~~**

~~The operator of a vehicle involved in an accident resulting in damage to a vehicle or other property which is operated or attended by any person shall immediately stop the vehicle at the scene of the accident or as close to it as possible, and shall immediately return to and remain at the scene of the accident until he has fulfilled the requirements of Section 109. The stop may not obstruct traffic more than is necessary. A person found guilty of violating this section is guilty of a class C misdemeanor.~~

~~(Traffic Code, § 110)~~

**~~Sec. 111. Concealing identity.~~**

~~No person involved in an accident shall conceal his or her identity, falsely identify himself or herself, or give false information to any police officer. Any person guilty of violating this section 111 is guilty of a class B misdemeanor.~~

~~(Traffic Code, § 111)~~

**~~Sec. 112. Collision with unattended vehicle. 41-6-32~~**

~~The operator of a vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended and which results in damage to the other vehicle or property shall immediately stop and either locate and notify the operator or owner of the vehicle or the owner of other property of the operator's name and address and the registration number of the vehicle causing the damage, or shall attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address and the registration number of the vehicle causing the damage. If applicable, the operator shall also give notice under Subsection 109 (2) and (3). Any person failing to comply with these requirements is guilty of a Class C Misdemeanor.~~

~~(Traffic Code, § 112)~~

**~~Sec. 113. Accident reports. Duty of operator, witnesses, and investigating officer to forward or render. Supplemental reports. 41-6-35~~**

~~(1) The Financial Responsibility Division of the Department of Public Safety of the State of Utah may require an operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the apparent extent set by state law or more to forward within ten days after the request:~~

~~(a) a written report of the accident to the department; and~~

~~(b) a supplemental report when the original report is insufficient in the opinion of the department.~~

~~(2) The department may require witnesses of accidents to render reports to the department.~~

~~(3) A written accident report is not required under this section from any person who is physically incapable of making a report, during the period of his incapacity.~~

~~(4) (a) Every peace officer who in the regular course of duty investigates a motor vehicle accident described under subsection (1) shall file the original report of the accident with the department within ten days after completing the investigation. (b) The report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.~~

~~(5) The written reports required to be filed with the department by peace officers and the information in them are not privileged or confidential.~~

~~(6) The Sandy City Police Department shall furnish upon request to any applicant that can show a need or lawful reason to have the information, copies of the officers' initial report of any traffic accident on file in such department. A standard fee, set by the Chief of Police, will be charged for each copy of the report.~~

~~(Traffic Code, § 113)~~

**Sec. 115. Accident report form. Contents. 41-6-37**

~~The police department shall furnish forms for accident reports required by this code. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose, with reference to the traffic accident, the apparent cause, conditions then existing and the persons and vehicles involved.~~

~~(Traffic Code, § 115)~~

**Sec. 116. Garage keeper to report damaged vehicle. 41-6-39**

~~(1) The person in charge of any garage or repair shop located in Sandy City who receives a vehicle which shows evidence of having been involved in an accident for which a written report may be requested under Section 113, or having been struck by any bullet, shall report the vehicle to the police department, within twenty-four hours after the vehicle is received by the garage or repair shop, giving the vehicle identification number, registration number, and the name and address of the owner or operator of the vehicle.~~

~~(2) If a damaged vehicle sticker describing the damage is affixed to the vehicle, a report under this section is not required.~~

~~(3) Any person found guilty of violating this Section 116 is guilty of a class C misdemeanor.~~

~~(Traffic Code, § 116)~~

**Sec. 117. Accident to livestock in highway. Duty of owner or keeper. 41-6-38**

~~(1) The owner or person in immediate possessions of any livestock involved in an accident with any vehicle shall give notice and make report of such accident as required in sections 109 and 113.~~

~~(2) A peace officer investigating an accident resulting in injury or death of any livestock shall make reasonable efforts as soon as possible to locate the owner of the livestock and inform the owner of the injured or dead animal.~~

~~(3) Civil or criminal liability for claims does not arise against any peace officer for failure to locate the owner of the livestock or property. This subsection does not preclude disciplinary action by the department against a peace officer for failure to perform duties required by this section.~~

~~(Traffic Code, § 117)~~

**Article ~~CHAPTER~~ 6-14-5. QUALIFICATIONS OF DRIVERS AND DUI\***

~~\*State law reference—Driver licensing, U.C.A. 1953, § 53-3-101 et seq.; driving under the influences and reckless driving, U.C.A. 1953, § 41-6a-501 et seq.~~

**Sec. 119. ~~Driving under the influence of alcohol, drugs, or with specified or unsafe blood alcohol concentration—measurement of blood or breath alcohol—Criminal punishment—Arrest without warrant—Penalties—Suspension or revocation of license. 41-6-44~~**

~~(1) As used in this section:~~

~~(a) "conviction" means any conviction for a violation of:~~

~~(i) this section;~~

~~(ii) alcohol, any drug, or a combination of both related reckless driving under 41-6-44(9) and (10), U.C.A.;~~

~~(iii) Section 41-6-44.6, driving with any measurable controlled substance that is taken illegally in the~~

- body;
- (iv) ~~local ordinances similar to this section or alcohol, any drug, or a combination of both reckless driving adopted in compliance with Section 41-6-43, U.C.A.;~~
  - (v) ~~automobile homicide under Section 76-5-207, U.C.A.; or~~
  - (vi) ~~a violation described in Subsections (1)(a)(i) through (v), which judgment of conviction is reduced under Section 76-3-402; or~~
  - (vii) ~~statutes or ordinances in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of this section or alcohol, any drug, or a combination of both related reckless driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 185.;~~
- (b) ~~"educational series" means an educational series obtained at a substance abuse program that is approved by the Board of Substance Abuse in accordance with Section 62A-8-107, U.C.A.;~~
  - (c) ~~"screening and assessment" means a substance abuse addiction and dependency screening and assessment obtained at a substance abuse program that is approved by the Board of Substance Abuse in accordance with Section 62A-8-107, U.C.A.;~~
  - (d) ~~"serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death;~~
  - (e) ~~"substance abuse treatment" means treatment obtained at a substance abuse program that is approved by the Board of Substance Abuse in accordance with Section 62A-8-107, U.C.A.;~~
  - (f) ~~"substance abuse treatment program" means a state licensed substance abuse program;~~
  - (g) ~~a violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6-43, U.C.A.; and~~
  - (h) ~~the standard of negligence is that of simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.~~
- (2) (a) ~~A person may not operate or be in actual physical control of a vehicle within this city if the person:~~
- (i) ~~has sufficient alcohol in his body that a chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test; or~~
  - (ii) ~~is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle.~~
  - (iii) ~~Has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.~~
- (b) ~~The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.~~
- (c) ~~Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.~~
- (3) (a) ~~A person convicted the first or second time of a violation of subsection (2) is guilty of a:~~
- (i) ~~class B misdemeanor.~~
  - (ii) ~~class A misdemeanor if the person:~~
    - (A) ~~Has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.~~
    - (B) ~~Had a passenger under 16 years of age in the vehicle at the time of the offense; or~~
    - (C) ~~was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.~~

- ~~(b) A person convicted of a violation of Subsection (2) is guilty of a third degree felony if the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.~~
- ~~(4) (a) As part of any sentence imposed the court shall, upon a first conviction, impose a mandatory jail sentence of not less than 48 consecutive hours.~~
- ~~(b) The court may, as an alternative to all or part of a jail sentence, require the person to:~~
- ~~(i) work in a compensatory service work program for not less than 24 hours; or~~
  - ~~(ii) participate in home confinement through the use of electronic monitoring in accordance with 41-6-44(13) U.C.A.~~
- ~~(c) In addition to the jail sentence, compensatory service work program, or home confinement, the court shall:~~
- ~~(i) order the person to participate in a screening and assessment;~~
  - ~~(ii) order the person to participate in an educational series if the court does not order substance abuse treatment as described under subsection (d) below); and~~
  - ~~(iii) impose a fine of not less than \$700;~~
- ~~(d) The court may order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate.~~
- ~~(e) (i) Except as provided in Subsection 5(e)(ii), the court may order probation for the person in accordance with 41-6-44(14) U.C.A.~~
- ~~(ii) If there is admissible evidence that the person had a blood alcohol level of .16 or higher, the court shall order probation for the person in accordance with Subsection (14).~~
- ~~(5) (a) If a person is convicted under Subsection (3) within ten years of a prior violation under this section the court shall as part of any sentence impose a mandatory jail sentence of not less than 240 consecutive hours.~~
- ~~(b) The court may, as an alternative to jail, require the person to work in a compensatory service work program for not less than 240 hours or participate in home confinement through the use of electronic monitoring in accordance with 41-6-44(13) U.C.A.~~
- ~~(c) In addition to the jail sentence, compensatory service work program, or home confinement, the court shall:~~
- ~~(i) order the person to participate in a screening and assessment;~~
  - ~~(ii) order the person to participate in an educational series if the court does not order substance abuse treatment.~~
  - ~~(iii) impose a fine of not less than \$800.~~
- ~~(d) The court may order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate.~~
- ~~(e) The court shall order probation for the person in accordance with Subsection 14.~~
- ~~(6) (a) A conviction for a violation of Subsection (2) is a third degree felony if it is:~~
- ~~(i) a third or subsequent conviction under this section within ten years of two or more prior convictions; or~~
  - ~~(ii) At any time after a conviction of:~~
    - ~~(A) automobile homicide under Section 76-5-207 that is committed after July 1, 2001; or~~
    - ~~(B) A felony violation under this section that is committed after July 1, 2001.~~
- ~~(b) Any conviction described in this Subsection (6) which judgment of conviction is reduced under Section~~

~~76-3-402 is a conviction for purpose of this section.~~

~~(c) Under Subsection (3)(b) or (6)(a), if the court suspends the execution of a prison sentence and places the defendant on probation the court shall impose:~~

~~(i) A fine of not less than \$1,500; and~~

~~(ii) A mandatory jail sentence of not less than 1,500 hours.~~

~~(d) For Subsection (6)(a) or (c), the court shall impose an order requiring the person to obtain a screening and assessment and substance abuse treatment at a substance abuse treatment program providing intensive care of inpatient treatment and long term closely supervised follow through after treatment for not less than 240 hours.~~

~~(e) In addition to the penalties required under Subsection (6)(c), if the court orders probation, the probation shall be supervised probation which may include requiring the person to participate in home confinement through the use of electronic monitoring in accordance with Subsection (13).~~

~~(7) The mandatory portion of any sentence required under this section may not be suspended and the convicted person is not eligible for parole or probation until any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation under this section may not be terminated.~~

~~(8) (a)(i) The provisions in subsections (4), (5), and (6) that require a sentencing court to order a convicted person to: participate in a screening and assessment; and an educational series; obtain, in the discretion of the court, substance abuse treatment; obtain, mandatory, substance abuse treatment; or do a combination of those things, apply to a conviction for a violation of 119.1 or 242 under subsection (9) below.~~

~~(ii) The court shall render the same order regarding screening and assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under Section 242 under Subsection (9), as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsections (4), (5), and (6).~~

~~(b) The court shall notify the Driver License Division if a person fails to:~~

~~(i) complete all court ordered:~~

~~(A) screening and assessment;~~

~~(B) educational series;~~

~~(C) substance abuse treatment;~~

~~(D) and hours of work in compensatory service work program; or fails to pay all fines and fees, including fees for restitution and treatment costs. Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with 53-3-221(2) and (3), U.C.A.~~

~~(9) (a) (i) When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of Section 242 or of an ordinance enacted under Section 41-6-43, U.C.A., or of 119.1 in satisfaction of, or as a substitute for, an original charge of a violation of this section, the prosecution shall state for the record a factual basis for the plea, including whether or not there had been a combination of both, by the defendant in connection with the violation:~~

~~(ii) The statement is an offer of proof of the facts that shows whether there was consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with the violation.~~

~~(b) The court shall advise the defendant before accepting the plea offered under this subsection of the consequences of a violation of Section 242.~~

~~(c) The court shall notify the department of each conviction of Section 119.1 or of Section 242 entered under this of Subsection (9).~~

~~(10) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in his presence, and if the officer has probable cause to believe that the violation was committed by the person.~~

~~(11) (a) The Driver License Division shall:~~

- ~~(i) suspend for 90 days the operator's license of a person convicted for the first time under subsection (2);~~
- ~~(ii) revoke for one year the license of a person convicted of any subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection (1) if the violation is committed within a period of ten years from the date of the prior violation; and~~
- ~~(iii) suspend or revoke the license of a person as ordered by the court under Subsection (12).~~

~~(b) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.~~

~~(12) (a) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Subsection (2) to be suspended or revoked for an additional period of 90 days, 180 days, one year or two years to remove from the highways those persons who have shown they are safety hazards.~~

~~(b) If the court suspends or revokes the person's license under this Subsection (12)(b), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.~~

~~(13) (a) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.~~

~~(b) The electronic monitoring device shall be used under conditions which require:~~

- ~~(i) the person to wear an electronic monitoring device at all times;~~
- ~~(ii) that a device be placed in the home or other specified location of the person, so the person's compliance with the court's order may be monitored; and~~
- ~~(iii) the person to pay the costs of the electronic monitoring.~~

~~(c) The court shall order the appropriate entity described in Subsection (13)(c) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.~~

~~(d) The court may:~~

- ~~(i) require the person's electronic home monitoring device to include a substance abuse testing instrument;~~
- ~~(ii) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;~~
- ~~(iii) set specific time and location conditions that allow the person to attend school education classes, or employment and to travel directly between those activities and the person's home; and~~
- ~~(iv) waive all or part of the costs associated with home confinement if the person is determined to be indigent by the court.~~

~~(e) the electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provided.~~

~~(f) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (13)(c)(iv).~~

~~(14) (a) If supervised probation is ordered under Section 41-6-44.6 or Subsection (4)(e) or (5)(e):~~

- ~~(i) the court shall specify the period of the probation;~~
- ~~(ii) the person shall pay all of the costs of the probation; and~~

~~(iii) the court may order any other conditions of the probation. (b) The court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.~~

~~(c) The probation provider described in Subsection (14)(b) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this article and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders. (d)(i) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.~~

~~(ii) The probation provider described in Subsection (14)(b) shall cover the cost of waivers by the court under Subsection (14)(d)(i).~~

~~(15) If a person is convicted of a violation of Subsection (2) and there is admissible evidence that the person had a blood alcohol level of .16 or higher, then if the court does not order:~~

~~(a) treatment described under Subsection (4)(d), (5)(d), or (6)(d), then the court shall enter the reasons on the record; and~~

~~(b) the following penalties, the court shall enter the reasons on the record:~~

~~(i) the installation of an ignition interlock system as a condition of probation for the person in accordance within Section 41-6-44.7; or~~

~~(ii) the imposition of home confinement through the use of electronic monitoring in accordance with Subsection (13).~~

(Traffic Code, § 119)

**~~Sec. 119.1. Definitions – Driving with any measurable controlled substance in the body – Penalties – Arrest without warrant. 41-6-44.6~~**

~~(1) — As used in this section:~~

~~(a) "Controlled substance" means any substance scheduled under Section 58-37-4, U.C.A.~~

~~(b) — "Practitioner" has the same meaning as provided in Section 58-37-2.~~

~~(c) "Prescribe" has the same meaning as provided in Section 58-37-2.~~

~~(d) — "Prescription" has the same meaning as provided in Section 58-37-2.~~

~~(2) — In cases not amounting to a violation of Section 119, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.~~

~~(3) — It is an affirmative defense to prosecution under this section that the controlled substance was involuntarily ingested by the accused or prescribed by a practitioner for use by the accused.~~

~~(4) — A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.~~

~~(5) — A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.~~

~~(6) — The Driver License Division shall:~~

~~(a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);~~

~~(b) — revoke, for one year, the driver license of a person convicted of a second or subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection 41-6-44(1), if the violation is committed within a period of ten years after the date of the prior violation; and~~

~~(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.~~

~~(7) — If a person fails to complete all court ordered screening and assessment, educational series, and substance abuse treatment, or fails to pay all fines and fees, including fees for restitution and treatment costs, the court shall notify the Driver License Division of a failure to comply. Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221 (2) and (3).~~

~~(8) — The court shall order supervised probation in accordance with Subsection 41-6-44 (14) for a person convicted under Subsection (2).~~

~~(Traffic Code, § 119.1)~~

**~~Sec. 119.2. Ignition interlock devices – Use – Probationer to pay cost – Impecuniosity – Fee. 41-6-44.7~~**

~~(1) — As used in this section:~~

~~(a) — "Commissioner" means the commissioner of the Department of Public Safety.~~

~~(b) — "Ignition interlock system" or "system" means a constant monitoring device or any similar device certified by the commissioner that prevents a motor vehicle from being started without first determining the driver's breath alcohol concentration.~~

~~(2) (a) — In addition to any other penalties imposed by Section 119, and in addition to any requirements imposed as a condition of probation, the court may require that any person who is convicted or violating Section 119 and who is granted probation may not operate a motor vehicle during the period of probation unless that motor vehicle is equipped with a functioning, certified interlock system installed and calibrated so that the motor vehicle will not start if the operator's blood alcohol concentration exceeds a level ordered by the court.~~

~~(b) — If a person convicted of violating Section 119 was under the age of 21 when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.~~

~~(c) (i) — If a person is convicted of a violation of 119.2 within six years of a prior conviction of that section, the court shall order the installation of the ignition interlock system, at the person's expense, for all motor vehicles registered to that person and all motor vehicles operated by that person for three years from the date of conviction.~~

~~(d) — This section does not apply to a person convicted of a violation of Section 41-6-44 whose violation involves drugs other than alcohol.~~

~~(3) — Except as provided in 119.2(2)(c), if the court imposes the use of an ignition interlock system as a condition of probation, the court shall:~~

~~(a) — Stipulate on the record the requirement for and the period of the use of an ignition interlock system;~~

~~(b) — order that an ignition interlock system be installed on each motor vehicle owned or operated by the probationer, at the probationer's expense.~~

~~(c) — order the probationer to submit his driver license to the Driver License Division in accordance with subsection (5);~~

~~(d) — immediately notify the Driver License Division and the person's probation provider of the order; and~~

~~(e) — require the probationer to provide proof of compliance with the court's order to the probation provider within 30 days of the order.~~

~~(4) (a) — The probationer shall provide timely proof of installation within 30 days of an order imposing the use of a system or show cause why the order was not complied with to the court or to the probationer's probation provider.~~

~~(b) — The probation provider shall notify the court of failure to comply under subsection (4)(a).~~

~~(c) — For failure to comply under subsection (4)(a) or upon receiving the notification under subsection (4)(b), the court shall order the Driver License Division to suspend the probationer's driving privileges for the remaining period during which the compliance was imposed.~~

~~(d) — Cause for failure to comply means any reason the court finds sufficiently justifiable to excuse the probationer's failure to comply with the court's order.~~

- ~~(5) (a) If use of an ignition interlock system is required under this section, the division may not issue, reinstate, or renew the driver license of that person unless that requirement is coded on the person's driver license.~~
- ~~(b) (i) If the division receives a notice that a person with a valid driver license that does not require a driver license withdrawal is required to cause an ignition interlock system, the division shall notify the person that he has ten calendar days to apply to the division for an ignition interlock system requirement coded on the license.~~
- ~~(ii) The division shall suspend the driver license of the person after the ten-day period until the person applies to the division for an ignition interlock system requirement coded on the license.~~
- ~~(6) (a) Any probationer required to install an ignition interlock system shall have the system monitored by the manufacturer or dealer of the system for proper use and accuracy at least semiannually and more frequently as the court may order.~~
- ~~(b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the court of the person's probation provider.~~
- ~~(ii) The report shall be issued within 14 days following each monitoring.~~
- ~~(7) (a) If an ignition interlock system is ordered installed, the probationer shall pay the reasonable costs of leasing or buying and installing and maintaining the system.~~
- ~~(b) A probationer may not be excluded from this section for inability to pay the costs, unless:~~
- ~~(i) the probationer files an affidavit of impecuniosity; and~~
- ~~(ii) the court enters a finding that the probationer is impecunious.~~
- ~~(c) In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate.~~
- ~~(d) The ignition interlock provider shall cover the cost of waivers by the court under this Subsection 7.~~
- ~~(8) (a) If a probationer is required in the course and scope of employment to operate a motor vehicle owned by the probationer's employer, the probationer may operate that motor vehicle in the course and scope of employment without installation of an ignition interlock system only if the employer has been notified that the employee is restricted and the employee has proof of the notification in his possession while operating the employer's motor vehicle.~~
- ~~(b) (i) To the extent that an employer-owned motor vehicle is made available to a probationer subject to this section for personal use, no exemption under this section shall apply.~~
- ~~(ii) A probationer intending to operate an employer-owned motor vehicle for personal use and who is restricted to the operating of a motor vehicle equipped with an ignition interlock system shall notify the employer and obtain consent in writing from the employer to install a system in the employer-owned motor vehicle.~~
- ~~(c) A motor vehicle owned by a business entity that is all or partly owned or controlled by a probationer subject to this section is not a motor vehicle owned by the employer and does not qualify for an exemption under this subsection (9).~~
- ~~(9) Upon conviction for violation of this section, the court shall notify the Driver License Division to immediately suspend the probationer's license to operate a motor vehicle for the remainder of the period of probation.~~
- ~~(10) (a) It is a class B misdemeanor for a person to:~~
- ~~(i) Circumvent or tamper with the operation of an ignition interlock system;~~
- ~~(ii) knowingly furnish a motor vehicle without an ignition interlock system to someone who is not authorized to drive a motor vehicle unless the motor vehicle is equipped with an ignition interlock system that is in working order.~~
- ~~(iii) rent, lease, or borrow a motor vehicle without an ignition interlock system if a driving restriction is~~

~~imposed under this section;~~

- ~~(iv) request another person to blow into an ignition interlock system, if the person is required to have a system, and the person requests or solicits another to blow into the system to start the motor vehicle in order to circumvent the system;~~
- ~~(v) blow into an ignition interlock system or start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to another person required to have a system;~~
- ~~(vi) advertise for sale, offer for sale, or lease an ignition interlock system unless the system has been certified by the commissioner and the manufacturer of the system has affixed a warning label, as approved by the commissioner on the system, stating that the tampering, circumventing, or other misuse of the system is a class B misdemeanor; or~~
- ~~(vii) operate a motor vehicle in violation of any ignition interlock restriction.~~

~~(b) This subsection (10) does not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock system is done for the purpose of safety or mechanical repair of the system or the motor vehicle and the person subject to the court order does not drive the motor vehicle.~~

~~(11) (a) In accordance with Title 63, Chapter 36a, Utah Administrative Rulemaking Act, the commissioner shall make rules setting standards for the certification of ignition interlock system.~~

~~(b) The standard shall require that the system:~~

- ~~(i) not impede the safe operation of the motor vehicle;~~
- ~~(ii) have features that make circumventing difficult and that do not interfere with the normal use of the motor vehicle.~~
- ~~(iii) require a deep lung breath sample as a measure of breath alcohol concentration;~~
- ~~(iv) prevent the motor vehicle from being started if the driver's breath alcohol concentration exceeds an ordered level;~~
- ~~(v) work accurately and reliably in an unsupervised environment;~~
- ~~(vi) resist tampering and give evidence if tampering is attempted;~~
- ~~(vii) operate reliably over the range of motor vehicle environments;~~
- ~~(viii) be manufactured by a party who will provide liability insurance.~~

~~(c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or independent laboratory tests relied upon by certification of ignition interlock systems by other states.~~

~~(d) A list of certified systems shall be published by the commissioner and the cost of certification shall be borne by the manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the systems.~~

~~(e) In accordance with Section 63-38-3.2, the commissioner may establish an annual dollar assessment against the manufacturers of ignition interlock systems, distributed in the state for the costs incurred in certifying. The assessment shall be apportioned among the manufacturers on a fair and reasonable basis.~~

~~(Traffic Code, § 119.2)~~

**~~Sec. 120. Standards for chemical breath analysis – Evidence. 41-6-44.3~~**

~~(1) The commissioner of the Department of Public Safety for the State of Utah, shall establish standards for the administration and interpretation of chemical analysis of a person's breath, including standards of training.~~

~~(2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions or events to~~

~~prove that the analysis was made and the instrument used was accurate, according to standards established in subsection (1), are admissible if:~~

- ~~(a) The judge finds that they were made in the regular course of the investigation at or about the time of the act, condition or event; and~~
- ~~(b) The source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.~~
- ~~(c) If the judge finds that the standards established under subsection (1) and the conditions of subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.~~
- ~~(3) This Section 120 was enacted to be in harmony with and in substance the same as Section 41-6-44.3, U.C.A.~~

~~(Traffic Code, § 120)~~

**~~Sec. 121. Admissibility of chemical test results in actions for driving under the influence—Weight of evidence. 41-6-44.5~~**

~~(1) (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or drugs or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized under Section 123 are admissible as evidence.~~

- ~~(b) In a criminal proceeding, noncompliance with Section 123 does not render the results of a chemical test inadmissible. Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by the Rules of Evidence or the constitution.~~

~~(2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time relevant to the alleged offense.~~

~~(3) This Section 121 was enacted to be in harmony with and in substance the same as Section 41-6-44.5, U.C.A.~~

~~(Traffic Code, § 121)~~

**~~Sec. 123. Implied consent to chemical tests for alcohol or drug—Number of tests—Refusal—Warning, report—Hearing, revocation of license—Appeal—Person incapable of refusal—Results of test available—Who may give test—Evidence. 41-6-44.10~~**

~~(1) (a) A person operating a motor vehicle in this state is considered to have given his consent to a chemical test or tests of his breath, blood, or urine for the purpose of determining whether he was operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under Section 119 or 41-6-44.4, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 119, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 119, if the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under Section 119 or 41-6-44.4, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 119, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 119.1.~~

- ~~(b) (i) The peace officer determines which of the tests are administered and how many of them, are administered.~~
- ~~(ii) If an officer requests more than one test, refusal by a person to take one or more requested tests, even though he does submit to any other requested tests, is a refusal under this section.~~
- ~~(c) (i) A person who has been requested under this section to submit to a chemical test or tests or his breath, blood, or urine, may not select the test or tests to be administered.~~

~~(ii) The failure or inability of a peace officer to arrange for any specific test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.~~

~~(2) (a) If the person has been placed under arrest and then been requested by a peace officer to submit to any one or more of the chemical tests under subsection (1) and refuses to submit to the chemical test or any one or all of the tests requested, the person shall be warned by a police officer requesting the test or tests that a refusal to submit to the test or tests can result in revocation of his license to operate a motor vehicle.~~

~~(b) Following this warning, unless the person immediately requests the chemical test or tests as offered by a peace officer be administered a peace officer shall serve on the person, on behalf of the Driver License Division, immediate notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle. When the officer serves the immediate notice on behalf of the Driver License Division, he shall:~~

~~(i) take the Utah license certificate or permit, if any, of the operator;~~

~~(ii) issue a temporary license effective for only 29 days; and~~

~~(iii) supply to the operator, on a form approved by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.~~

~~(c) A citation issued by a peace officer may, if approved as to form by the Driver License Division, serve also as the temporary license.~~

~~(3) Any person who is dead, unconscious, or in any other condition rendering him incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in subsection (1), and the test or tests may be administered whether the person has been arrested or not.~~

~~(4) Upon the request of the person who was tested, the results of the test or tests shall be made available to him.~~

~~(5) (a) Only a physician, registered nurse, practical nurse or person authorized under subsection 26-1-30, acting at the request of a peace officer, may withdraw blood for the purpose of determining alcohol or drug content. This limitation does not apply to the taking of a urine or breath specimen.~~

~~(b) Any physician, registered nurse, practical nurse or person authorized under subsection 26-1-30(19) who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.~~

~~(6) (a) The person to be tested may, at his own expense, have a physician of his own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.~~

~~(b) The failure or inability to obtain the additional test does not affect the admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.~~

~~(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.~~

~~(7) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician or other person present as a condition for the taking of any test.~~

~~(8) If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of alcohol and any drug, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body.~~

~~(Traffic Code, § 123)~~

**Sec. 124. Drinking in vehicle, open container. 41-6-44.20**

(1) ~~A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped or parked.~~

(2) ~~A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway, any container which contains any alcoholic beverage if the container has been opened, its seal broken or the contents of the container partially consumed.~~

(3) ~~In this section:~~

(a) ~~"Alcoholic beverage" has the meaning given in section 32-1-3, U.C.A.~~

(b) ~~"Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers and includes areas accessible to them while traveling, such as a utility or glove compartment but does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.~~

(4) ~~Subsections (1) and (2) do not apply to passengers in the living quarters of a motor home or camper.~~

(5) ~~Subsection (2) does not apply to passengers traveling in any licensed taxicab or bus.~~

(6) ~~Any person convicted of a violation of this section is guilty of a class C misdemeanor.~~

(7) ~~This Section 124 was enacted to be in harmony with and in substance the same as Section 41-6-44.20, U.C.A.~~

~~(Traffic Code, § 124)~~

**Sec. 125. Impoundment of vehicles. 41-6-44.30**

~~The State legislature finds that it is contrary to the safety of the public to leave vehicles unattended on highways.~~

(1) ~~If a peace officer arrests or cites the operator of a vehicle for violating Sections 119, or 123, the officer shall seize and impound the vehicle, except as provided under subsection (2).~~

(2) ~~If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the officer may release the vehicle to that registered owner, but only if the registered owner:~~

(a) ~~Requests to remove the vehicle from the scene;~~

(b) ~~Presents to the officer a valid operator's license and sufficient identification to prove ownership of the vehicle;~~

(c) ~~Complies with all restrictions of his operator's license; and~~

(d) ~~Would not, in the judgment of the officer, be in violation of Section 41-6-44 or 41-6-44.10, if permitted to operate the vehicle, and if the vehicle itself is legally operable.~~

(3) ~~An officer who impounds a vehicle under this section shall remove, or cause the vehicle to be removed, to a state tax impound yard designated by the state department of motor vehicles. The peace officer or agency by whom the officer is employed shall state the operator's name, a description of the vehicle, its identification number, if any, its license number, the date, time and place of impoundment, the reason for impoundment, and the name of the garage or place where the vehicle is stored.~~

(4) ~~The registered owner of the vehicle upon the payment of all fees and charges incurred in the seizure and impoundment of such owner's vehicle has a cause of action for all fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle whose actions caused the impoundment.~~

(5) ~~No liability may be imposed upon any peace officer, the state, or any of its political subdivisions on account of the enforcement of this section.~~

(6) ~~This Section 125 was enacted to be in harmony with and in substance the same as Section 41-6-44.30,~~

U.C.A.

(Traffic Code, § 125)

**Sec. 126. Intoxicated pedestrian. ~~41-6-82(5)~~**

~~A pedestrian who is under the influence of alcohol or any drug to a degree which renders him a hazard may not walk or be upon a highway except on a sidewalk or sidewalk area.~~

(Traffic Code, § 126)

**Sec. 127. Permitting use by habitual user.**

~~It is unlawful for the owner of any motor vehicle or any person having control of a vehicle to permit it to be operated on any street by any person who is a habitual user of drugs or by any person who is under the influence of alcohol or any drugs.~~

(Traffic Code, § 127)

**Sec. 128. Intoxicated person in or about a vehicle.**

~~It is unlawful for any person under the influence of alcohol or any drugs to be in or about any vehicle with the intention or means of driving or operating such vehicle.~~

(Traffic Code, § 128)

**Sec. 14-5-1. Incapable Operators.**

No operator shall operate a vehicle while his/~~her~~ ability or alertness is so impaired through fatigue, illness or any other cause, other than under the influence of alcohol or drugs, as to make it unsafe for him/~~her~~ to operate a vehicle. Violation of this section will be punishable as a Class B misdemeanor.

(Traffic Code, § 129)

**Sec. 14-5-2. Permitting Incapable Operators to Operate.**

No owner or person in control of a vehicle shall knowingly permit a vehicle to be operated by any person who is physically or mentally disabled to such an extent that the person's judgment or driving ability is impaired.

(Traffic Code, § 130)

**Sec. 131. Incompetent operators. ~~53-3-204~~**

~~No person under the age of sixteen years, and no person physically or mentally disabled or incapacitated in any particular, temporarily or permanently manner, shall operate a motor vehicle upon any street or alley, if the disability or incapacity will interfere with the reasonable and safe operation of the vehicle.~~

(Traffic Code, § 131)

**Sec. 14-5-3. Permitting incompetent operator to operate Allowing violations.**

(1) ~~The owner of a motor vehicle causing or knowingly permitting a minor younger than 18 years of age to operate the vehicle upon a highway, or a person who gives or furnishes a motor vehicle to the minor, are each jointly and severally liable with the minor for any damages caused by the negligence of the minor in operating the vehicle. This liability provision is an exception to any conflicting provisions in the code regarding liability. — 53-3-212~~

(2) ~~It is unlawful for the owner, or any other person, employing or otherwise directing the operator of any vehicle to require or knowingly permit the operation of a vehicle upon a highway in any manner contrary to law.~~

(3) ~~A person may not authorize or knowingly permit a motor vehicle owned by him or under his control to be operated by a person in violation of Section 53-3-203, U.C.A.~~

(4) ~~(a) A person may not rent a motor vehicle to another person unless the latter person is licensed in this state, or in the case of a nonresident, licensed under the laws of the state or country of his residence. — 53-3-203~~

~~(b) A person may not rent a motor vehicle to another person until he has inspected the license certificate of the latter person and verified the signature on the license by comparison with the signature of that person written in his presence. 53-3-203~~

~~(5) A person renting a motor vehicle to another shall keep a record of the registration number of the rented motor vehicle, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person, and the date and place the license was issued. The record shall be open to inspection by any peace officer or officer or employee of the division. 53-3-203~~

~~(Traffic Code, § 132)~~

### **Sec. 133. Operator's license.**

~~(1) (a) No person, except one expressly exempted under Section 41-2-107, 41-2-108 or 53-2-210, or subsection 41-2-121(4), or Chapter 22, Title 41, U.C.A., may operate a motor vehicle on the streets of Sandy City unless the person is licensed to operate by the State of Utah or by his/her home state or country. 53-3-202~~

~~(b) No person, except those exempted under Section 41-2-107 U.C.A., may operate or, while within the passenger compartment of a vehicle, exercise any degree or form of physical control of a vehicle being towed by a motor vehicle upon a highway unless the person holds a valid license issued under the laws of the State of Utah for the type or class of vehicle being towed. 53-3-202~~

~~(2) (a) The licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display it upon demand of a justice of the peace, a peace officer, or a field deputy or inspector of the Operators License Department of the State of Utah. 53-3-217(1)(a)~~

~~(b) It is a defense to charge under this section that the person charged produces in court a license issued to him/her and valid at the time of his citation or arrest. 53-3-217(a)~~

~~(3) It is a class B misdemeanor for a person to operate a motor vehicle in violation of the restrictions imposed in a restricted operator's license granted to him/her by the State of Utah or by his/her home, state or country. 53-3-208~~

~~(4) A person whose operator's license has been suspended or revoked and who operates any motor vehicle upon the streets or highways of this city while that license is suspended or revoked, is guilty of a crime, and upon conviction shall be punished as provided for in Section 53-3-227.~~

~~(5) Violation of license provisions. 53-3-229 It is a class C misdemeanor for a person to:~~

~~(a) display or cause or permit to be displayed or to have in possession any license knowing it is fictitious or has been canceled, revoked, suspended, or altered;~~

~~(b) lend, or knowingly permit the use of a license issued to him/her, by a person not entitled to it;~~

~~(c) display or to represent as his/her own a license not issued to him/her;~~

~~(d) permit any other prohibited use of a license issued to him/her.~~

~~(6) An operator may operate while having an instruction permit in his immediate possession upon the highways in conformance with the restrictions indicated on the permit. 53-3-210~~

~~(7) Any peace officer acting in his official capacity may take possession of any certificate of title, registration card, decal, permit, license, or registration plate or any other article issued by the state:~~

~~(a) upon expiration, suspension, revocation, alteration, or cancellation of it;~~

~~(b) which is fictitious;~~

~~(c) which has been unlawfully or erroneously issued; or~~

~~(d) which is unlawfully or erroneously displayed. 53-3-226~~

~~(Traffic Code, § 133)~~

### **Sec. 134.1. No Fault Insurance. 31-47-13**

~~(1) It is unlawful for any owner of a motor vehicle with respect to which a security is required under Utah~~

~~no-fault insurance laws to operate or allow to be operated a vehicle within the corporate limits of Sandy City without security being in effect as required by the Utah Automobile No-Fault Insurance Act.~~

~~(2) It is unlawful for a person to operate or allow to be operated a motor vehicle which is subject to the requirements of insurance contained in the Utah Automobile No-Fault Insurance Act, Section 31-41-1, et seq., anywhere within the corporate limits of Sandy City knowing that the owner of said motor vehicle does not have security in effect as required by the Utah No-Fault Insurance Act.~~

~~(3) No person charged with a violation of subsections (1) or (2) shall be convicted of a violation if he/she produces reasonable evidence in court that a security was in effect at the time of his/her arrest or at the time he/she was issued a citation for failure to have such evidence in his/her possession. Evidence of security being in effect may be in the form of an identification card approved by the Utah Department of Public Safety for issuance by an insurer to its insured with respect to the motor vehicle.~~

~~(4) Any person guilty of violating this Section 134 is guilty of a class B misdemeanor.~~

~~(Traffic Code, § 134.1)~~

**~~Sec. 134.2. Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties. 41-12a-303.2~~**

~~(1) As used in this section:~~

~~(a) "Division" means the Motor Vehicle Division of the State Tax Commission; and~~

~~(b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.~~

~~(2) (a) (i) Except as provided in Subsection (ii), a person operating a motor vehicle shall:~~

~~(A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and~~

~~(B) display it upon demand of a peace officer.~~

~~(ii) A person operating a government-owned or leased motor vehicle is exempt from the requirements of Subsection (i).~~

~~(b) Evidence of owner's or operator's security includes any one of the following:~~

~~(i) a copy of the operator's valid:~~

~~(A) insurance policy;~~

~~(B) binder notice;~~

~~(C) renewal notice; or~~

~~(D) card issued by an insurance company as evidence of insurance;~~

~~(E) insurance policy declaration page;~~

~~(ii) a certificate of insurance issued under Section 41-12a-402;~~

~~(iii) a certified copy of a surety bond issued under Section 41-12a-405;~~

~~(iv) a certificate of the state treasurer issued under Section 41-12a-406; or~~

~~(v) a certificate of self-funded coverage issued under Section 41-12a-407.~~

~~(vi) information that the vehicle or driver is insured from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, U.C.A.~~

~~(c) Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under subsection (2)(b)(vi) supersedes any evidence of owner's or operator's security described under subsection (2)(b)(i)(C) or (E).~~

~~(3) It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.~~

~~(4) (a) Evidence of owner's or operator's security as defined in subsection (2)(b) except subsections (2)(b)(i)(C) or (E) or a written statement from an insurance agent or company verifying that the person had the required motor vehicle insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of subsection (3) and Section 41-12a-804, U.C.A.~~

~~(5) A violation of this section is a class B misdemeanor, and the fine shall not be less than:~~

~~(a) \$400 for a first offense; and~~

~~(b) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.~~

~~(Traffic Code, § 134.2)~~

**~~Sec. 134.5. Vehicle accident. Investigation and report of operator security. Agency action if no security. Surrender of plates. Penalties. 41-6-35.5~~**

~~(1) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.~~

~~(2) The peace officer shall record on a form approved by the department:~~

~~(a) the information provided by the operator;~~

~~(b) whether the operator provided insufficient or no information; and~~

~~(c) if he finds reasonable cause to believe that any information given is not correct.~~

~~(3) The peace officer shall deposit all completed forms with his agency, which shall forward the forms to the Department of Public Safety no later than ten days after receipt.~~

~~(4) In this section, "evidence of owner's or operator's security" means:~~

~~(a) a copy of the operator's valid:~~

~~(i) insurance policy;~~

~~(ii) binder notice;~~

~~(iii) renewal notice; or~~

~~(iv) card issued by an insurance company as evidence of insurance;~~

~~(b) a certificate of insurance issued under Section 41-12-402.~~

~~(c) a certified copy of a surety bond issued under Section 41-12a-405;~~

~~(d) a certificate of the state treasurer issued under Section 41-12a-406; or~~

~~(e) a certificate of self-funded coverage issued under Section 41-12a-407.~~

~~(8) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:~~

~~(a) when requested to provide security information under Subsection (1), or Section 41-12a-302, provides false information;~~

~~(b) falsely represents to the department that security required under this chapter is in effect; or~~

~~(c) sells a vehicle to avoid the penalties of this section as applicable to either himself or a third party.~~

~~(Traffic Code, § 134.5)~~

**Article CHAPTER 7-14-6. SPEED\***

\*State law reference—Speed restrictions, U.C.A. 1953, § 41-6a-601 et seq.

**Sec. 14-6-1. Alteration of Speed Limits.**

~~(1) It is unlawful for a person to operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.~~

~~(2) Any speed in excess of the limits specified in Section 137 of this code is prima facie evidence that the~~

~~speed is not reasonable or prudent and that it is unlawful under subsection (1) of this section.~~

~~(3) ——— The City Transportation Engineer may determine, on the basis of an engineering and traffic investigation, a reasonable and safe prima facie speed limit different than that specified in Section 137 of this code by law. Such speed limit is effective when appropriate signs giving notice are erected at an intersection or other place or part of a street. When such signs are in place, any speed in excess of the posted limits is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful under subsection (1) of this section.~~

~~(Traffic Code, § 135)~~

**~~Sec. 136. Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits. 41-6-46(1)~~**

~~(1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:~~

- ~~(a) Approaching and crossing an intersection or railroad grade crossing;~~
- ~~(b) Approaching and going around a curve;~~
- ~~(c) Approaching a hill crest;~~
- ~~(d) Traveling upon any narrow or winding roadway; and~~
- ~~(e) Special hazards exist due to pedestrians or other traffic or by reason of weather or highway conditions~~

~~(2) If no special hazard exists, and subject to Section 135, the following speeds are lawful:~~

- ~~(a) 20 miles per hour in a reduced speed school zone as defined in Section 137;~~
- ~~(b) 25 miles per hour in any urban district;~~
- ~~(c) 65 miles per hour on highways where the speed limit does not impair the ability of the state to qualify for federal highway funds;~~
- ~~(d) 55 miles per hour in other locations.~~

~~(3) Except as provided in Sections 135 and 137, any speed in excess of the limits provided in subsection (2) is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.~~

~~(Traffic Code, § 136)~~

**~~Sec. 137. Definition of reduced speed school zone -- Maximum speed in school zone -- Operation of warning lights -- School crossing guard requirements -- Responsibility provisions -- Rulemaking authority -- Penalty, Minimum fines, Community service -- waiver, recordkeeping. 41-6-20.1, 4-16-48.5~~**

~~(1) ——— As used in this section "reduced speed school zone" means a designated length of a highway extending from a school speed limit sign while the warning lights are operating to an end school zone sign.~~

~~(2) ——— While children are going to or leaving school during opening and closing hours all reduced speed school zones shall have:~~

- ~~(a) the warning lights operating on each school speed limit sign; and~~
- ~~(b) ——— a school crossing guard present if the reduced speed school zone is for an elementary school.~~

~~(3) ——— A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined above.~~

- ~~(4) ——— (a) A violation of this section is an infraction and the minimum fine:~~
  - ~~(i) for a first offense shall be calculated according to the following schedule:~~

<i>Vehicle Speed</i>	<i>Minimum Fine</i>
21-29 MPH	\$ 50
30-39 MPH	\$125

40 MPH and greater	\$275
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(ii) ~~\_\_\_\_\_ for a second and subsequent offense within three years or a previous conviction or bail forfeiture shall be calculated according to the following schedule:~~

<i>Vehicle Speed</i>	<i>Minimum Fine</i>
21-29 MPH	\$ 50
30-39 MPH	\$225
40 MPH or greater	\$525

(b) ~~\_\_\_\_\_ (i) \_\_\_\_\_ Except as provided under Subsection (ii), the court may order the person to perform community service in lieu of the fine or any portion of the fine.~~

(ii) ~~\_\_\_\_\_ The court shall order the person to perform community service observing a crossing guard if the conviction is for a:~~

(a) ~~first offense with a vehicle speed of 30 miles per hour or more; or~~

(b) ~~\_\_\_\_\_ second and subsequent offense within three years of a previous conviction or bail forfeiture.~~

(iii) ~~\_\_\_\_\_ The court may waive the community service required under Subsection (ii) if the court makes the reasons for the waiver part of the record.~~

(Traffic Code, § 137)

**Sec. 138. Driving too slow. 41-6-49**

~~A person may not operate a motor vehicle at a speed as to impede or block the normal and reasonable movement of traffic except when:~~

(a) ~~reduced speed is necessary for safe operation;~~

(b) ~~upon a grade; or~~

(c) ~~in compliance with official traffic control devices.~~

(Traffic Code, § 138)

**Sec. 139. Speed or acceleration contests. 41-6-51**

(1) ~~A person may not engage in any vehicle exhibition of speed or engage in any speed contest on any street or alley or aid or abet in any motor vehicle speed contest or exhibition on any street or alley.~~

(2) ~~A person may not, for the purpose of facilitating, aiding or inducing any vehicle speed contest or exhibition or vehicle acceleration contest or exhibition in any manner obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any street or alley.~~

(Traffic Code, § 139)

**Sec. 14-6-2. Violation, speed to be stated; Photo-Radar Enforcement.**

(1) ~~In every charge of violation of any speed provision of this article, the complaint and summons or notice to appear shall specify the speed at which the defendant is alleged to have operated a vehicle, and the prima facie speed applicable within the district or at the location.~~

(a) ~~Photo-Radar Enforcement. General.~~

(1) This section shall apply to all informations and summons issued pursuant to the use of photo-radar in Sandy City.

(2) The use of photo-radar traffic enforcement is authorized in school zones and in all other areas of the City; provided, however, that prior to issuing citations, summons, or informations for violations in areas other

than school zones, the Police Department shall determine that there exists a demonstrable public safety need for such enforcement. Such determinations shall be made at the sole discretion of the Police Chief.

(b) Definition. The term "photo-radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power Doppler radar unit and a camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day and location of the violation printed on the photograph.

(c) If, through the use of photo-radar, there exists probable cause to believe that a Traffic Code violation has occurred, the City may:

- (1) Mail, or cause to be mailed, a summons to the registered owner of the alleged violating vehicle;
- (2) Personally serve, or cause to be personally served, a summons to the registered owner of the vehicle.
- (d) The owner of a vehicle who is served with a summons, either by mail or personally, shall:

(1) Complete the summons form, including, but not limited to, the following:

- a. Identify and provide to Sandy City the name of the owner of the vehicle, if known; ~~and/or~~
- b. Identify and provide to Sandy City the name of the driver of the vehicle, if known; ~~and~~
- c. Identify the driver's driver license number, if known; and
- d. Identify the driver's date of birth, if known.

(2) Return the completed summons, as the summons directs and within the time specified on the summons. The specified time for return of the summons may not be less than 14 days from the date of mailing or service of the summons.

(e) Failure to return the completed summons form within the specified time is a violation of this section.

(f) Intentionally or knowingly withholding the information required in Subsection (d)(1) of this section is a violation of this section.

(g) Any violation of Subsection (d), (e) or (f) of this section is an infraction.

(Traffic Code, § 140)

**State law reference**—Photo radar enforcement, U.C.A. 1953, § 41-6a-608.

#### **Article CHAPTER 8-14-7. PARKING\***

**\*State law reference**—Stopping, standing and parking, U.C.A. 1953, § 41-6a-1401 et seq.

#### **Sec. 141. Parallel to curb. ~~41-6-104(1)~~**

~~No person shall stand or park a vehicle on a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within twelve inches of the curb or edge of the roadway except as otherwise provided in this article.~~

(Traffic Code, § 141)

#### **Sec. 141A. Definition.**

~~For purposes of this Article 8, "person" means any driver, registered owner or titled owner of a motor vehicle. The registered owner and titled owner are both responsible for the parking of a motor vehicle whether or not the owner was the operator at the time of parking.~~

(Traffic Code, § 141A)

#### **Sec. 14-7-1. Angle Parking, Restriction on, and Obedience to Signs or Markings.**

(a) Angle parking shall not be permitted upon the streets or parts of streets except as otherwise provided in this section. If parking other than parallel parking is to be required, the City Traffic Engineer shall mark or sign such streets or parts of streets and also indicate the angle of such parking.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be

caused or required to drive upon the left side of the street or upon any railroad tracks.

(c) In no case shall any angle parked vehicle extend from the curb or edge of the roadway a greater distance than one-third of the width of the roadway.

(d) Where signs or traffic markings have been placed by the City Transportation Engineer after a comprehensive study, no person shall park or stand a vehicle other than between such traffic markings or at any angle to the curb or edge of the roadway other than indicated by such sign or traffic marking.

(Traffic Code, § 142)

**State law reference**—Angle parking, U.C.A. 1953, § 41-6a-1402.

**~~Sec. 143. Hazards and congested places.~~**

~~When official signs or markings are erected at hazardous or congested places, no person or persons shall stop, stand, or park a vehicle in such designated place.~~

~~(Traffic Code, § 143)~~

**~~Sec. 144. Cutbacks.~~**

~~No cutbacks shall be constructed between a curb line and a sidewalk of any street unless in accordance with a permit issued therefor by the City or recommendation of the City Transportation Engineer. Every such cutback must be so constructed that vehicles must park at an angle not to exceed forty five degrees, and the front of said cutback must not be less than fifteen feet beyond the said curb line and at least three feet from the outer edge of the sidewalks.~~

~~(Traffic Code, § 144)~~

**~~Sec. 145. Motor vehicles left unattended. Brakes to be set and engines stopped. 41-6-105~~**

~~No driver or person in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key nor when such motor vehicle is standing upon any perceptible grade without effectively setting the brakes thereon and turning the front wheels to the curb or side of the street.~~

~~(Traffic Code, § 145)~~

**~~Sec. 146. Police officer to move vehicle illegally parked. 41-6-102~~**

~~Whenever any police officer finds a vehicle parked or standing upon a street in violation of any of the provisions of this article, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main traveled part of such street.~~

~~(Traffic Code, § 146)~~

**~~Sec. 147. Stopping or parking on roadways without curb. 41-6-104~~**

~~(1) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any roadway, constructed without a curb, when it is practical to stop, park or so leave such vehicle off said roadway. In every event such parked vehicle shall be parked in the direction of lawful traffic movement with an unobstructed width of the roadway opposite the standing vehicle left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available.~~

~~(2) This section shall not apply to the driver of any vehicle which is disabled while on the main traveled portion of a street in such manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.~~

~~(Traffic Code, § 147)~~

**Sec. 14-7-2. Stopping, Standing or Parking Across Lines.**

(1) ——— No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device in any of the following places, with its wheel or wheels on, or the vehicle straddling, a line marking individual parking stalls.:

(a) — On a sidewalk area;

- ~~(b) In front of, within five feet of, or directly across from a public or private driveway;~~
  - ~~(c) Within an intersection or within thirty feet of any intersection;~~
  - ~~(d) Within fifteen feet of a fire hydrant as measured in both directions along the street or highway curb line from a line extending from center of the hydrant;~~
  - ~~(e) On a crosswalk;~~
  - ~~(f) Within twenty feet of a crosswalk at an intersection or ten feet if crosswalk not at an intersection;~~
  - ~~(g) Within thirty feet upon the approach to any flashing beacon or stop or yield signs or traffic control device located at the side of a roadway;~~
  - ~~(h) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone unless authorized signs or markings indicate a different length;~~
  - ~~(i) Upon or within fifty feet of the nearest rail of a railroad crossing;~~
  - ~~(j) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance when properly sign posted;~~
  - ~~(k) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic;~~
  - ~~(l) Upon any bridge or other elevated structure upon a street or within a street tunnel or underpass;~~
  - ~~(m) At any place where official signs or traffic markings prohibit stopping, standing or parking;~~
  - ~~(n) With the left hand side of the vehicle to the curb except as otherwise permitted on one-way street;~~
  - ~~(o) At any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any officially installed signs; said signs to be installed by the City Transportation Engineer pursuant to the authority granted in this code.~~
  - ~~(p) On any footpath in any park or playground;~~
  - ~~(q) On any median or island or on any dividing section as defined in Section 22 of this code.~~
  - ~~(r) With its wheel or wheels on, or the vehicle straddling, a line marking individual parking stalls.~~
- ~~(2) No person shall move a vehicle under his/her control into any such prohibited area or upon any area not designated for vehicular travel or parking.~~

(Traffic Code, § 148)

**State law reference**—Standing or parking vehicles in specific places, U.C.A. 1953, § 41-6a-1401.

**Sec. 149. Double parking, standing or stopping. 41-6-103(1a)**

~~No person shall park, stand or stop a vehicle upon the roadway side of another vehicle which is parked, standing or stopped except while actually loading or unloading passengers or in compliance with direction of a police officer or traffic control device or when necessary to avoid other traffic.~~

(Traffic Code, § 149)

**Sec. 150. Approach to parking space.**

~~(1) No person shall move his/her vehicle in any manner or leave a parking space and then re-enter it to avoid the intent of this code.~~

~~(2) Every driver about to enter a parking space being vacated shall stop his/her vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space and having so waited shall have prior right to the parking space over all other drivers.~~

~~(3) No driver shall stop his/her vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.~~

~~(4) No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion in the process of vacating.~~

~~(Traffic Code, § 150)~~

**Sec. 151. Parking not to obstruct traffic.**

~~(1) No person shall park any vehicle upon a street within an unmarked traffic travel lane in such a manner or under such conditions as to leave available less than ten feet of the width of the traffic lane for free movement of vehicular traffic.~~

~~(2) No person shall park any vehicle in such a manner or under such conditions as to obstruct any sidewalk, crossing, or private driveway.~~

~~(3) In no case shall any person park any vehicle within a marked traffic travel lane. Where parking is permitted, no vehicle may be parked with any portion of that vehicle projecting over or upon a solid white edge line.~~

~~(Traffic Code, § 151)~~

**Sec. 152. Parking in alleys.**

~~No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property or interfere with the free movement of traffic through the alley.~~

~~(Traffic Code, § 152)~~

**Sec. 14-7-3. Snow Removal, Parking Prohibited.**

(a) No person shall park a vehicle on any street from November 1 to April 30 for a period of time longer than one hour between the hours of 12:00 midnight and 7:00 a.m. of any day, except during emergency calls. Overnight parking on any street, during the period herein specified, is hereby prohibited.

(b) No person shall park or leave a vehicle on any street during any snow storm, nor shall such vehicle be parked on said street within 24 hours after the end of such storm.

(c) Whenever any police officer finds a vehicle upon a street in violation of the provisions of this section, such officer is hereby authorized to cause such vehicle to be removed.

(d) No person who owns or has possession, custody or control of any vehicle shall park said vehicle upon any street or alley for more than a consecutive period of 24 hours.

(Traffic Code, § 153)

**Sec. 14-7-4. Parking for Certain Purposes Prohibited.**

(a) No person shall park or operate a vehicle upon any highway or street for the principal purpose of:

- (1) Greasing or repairing such vehicle, except repairs necessitated by an emergency; or
- (2) The sale of foodstuffs or other merchandise in any business district.

(b) It shall be unlawful for any person to use any public right-of-way for any business purpose or for any private gain without first having received permission in writing for such use from the City Transportation Engineer and the Chief of Police.

(c) It shall be unlawful for the owner of a vehicle, boat, or trailer to park it or allow it to be parked on a vacant lot or parking lot owned by another person for the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has a City business license to engage in the business of selling vehicles, boats or trailers at that location. The term "vacant lot" or "parking lot" shall not apply to those portions of lots which are in use as part of an adjacent residence, provided that:

- (1) None of the residential property is being leased for commercial purposes; and
- (2) No more than two vehicles are displayed for sale on the property at any one time.

(d) Nothing in this section shall exempt any person from the licensing requirements of U.C.A. § 41-3-201, or of any successor section thereto. Each day a vehicle, boat, or trailer is parked contrary to the provisions of this section represents a separate violation.

(Traffic Code, § 154)

**Sec. 14-7-5. Parking or Leaving Campers or Boats on the Street.**

It shall be unlawful to park, place, store, abandon, or otherwise leave any non-motorized vehicle or any unmounted or unattached camper, boat, boat trailer, utility trailer, camp trailer, or any other type of trailer, or any automobile hulk (as defined in Article 19 of this code), on any public street, alley, sidewalk, or right-of-way at any time.

(Traffic Code, § 155)

**Sec. 156. Parking contiguous to schools.**

(1) ~~No person shall park a vehicle upon that side of any street contiguous to any school property during school hours.~~

(2) ~~It shall be unlawful to park a vehicle within a marked school crossing zone, during school hours on school days, as limited between the "School Speed Limit 20" sign and the "End School Zone" sign.~~

(Traffic Code, § 156)

**Sec. 14-7-6. Parking Prohibited on Narrow Roadways.**

No person shall park a vehicle:

(1) On any public street or alley where the width of the roadway is less than 20 feet.

(2) On the south or east side of any public street or alley where the width of the roadway is over 20 feet, but less than 30, feet unless otherwise directed by traffic control devices.

(Traffic Code, § 157)

**Sec. 158. Standing and parking on one-way roadways. 41-6-104(2)**

~~In the event a street includes two separate roadways and traffic is restricted to one direction upon each of said roadways, no person shall stand or park a vehicle upon the left side of either of such roadways.~~

(Traffic Code, § 158)

**Sec. 159. Markings to indicate no stopping and parking regulation.**

(1) ~~The City Transportation Engineer is hereby authorized subject to provisions and limitations of this code and after a comprehensive study to place and when required herein shall place and maintain appropriate signs or traffic markings to place and maintain appropriate signs or traffic markings to indicate standing or parking regulations and said traffic markings shall designate the zones and shall have the meanings herein set forth:~~

(a) ~~RED shall mean no stopping, standing or parking at any time.~~

(b) ~~YELLOW shall mean no stopping, standing or parking except as stated on the signs or markings having notice thereof. Such supplementary signing shall be required in this zone.~~

(c) ~~YELLOW with signs indicating curb loading zones shall mean no stopping, standing or parking except as stated on such sign and in accordance with Sections 179, 180.~~

(2) ~~When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop, stand or park a vehicle in any zone in violation of any provisions of this section.~~

(Traffic Code, § 159)

**Sec. 160. Parking prohibited at all times on certain streets.**

~~When signs or traffic markings are erected or in place giving notice thereof, no person shall park a vehicle or permit such vehicle to remain standing at any time upon any of the streets so marked or parts of streets.~~

(Traffic Code, § 160)

**Sec. 161. Evidence Required on Parking Violations.** 

~~The presence of any vehicle in or upon any public street in Sandy City, parked in violation of a city ordinance regulating the parking of vehicles shall be prima facie evidence that the person in whose name such vehicle is registered as owner, committed or authorized the commission of such violation.~~

~~(Traffic Code, § 161)~~

**Sec. 162. Parking time limited, regulations not exclusive.**

~~(1) When signs or traffic markings are erected or placed by the direction of the City Transportation Engineer, no person shall park a vehicle or permit said vehicle to remain parked for longer than the time specified between the hours shown.~~

~~(2) The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.~~

~~(3) The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.~~

~~(Traffic Code, § 162)~~

**Sec. 163. Parking signs or markings required.**

~~When by this code or any other ordinance of this city and except for parking meter zones, any parking time limit is imposed or parking is prohibited on designated streets or parts of streets, the City Transportation Engineer shall erect or place and maintain appropriate signs or traffic markings giving notice thereof and no such regulations shall be effective unless said signs or traffic markings are erected and in place at the time of any alleged violation.~~

~~(Traffic Code, § 163)~~

**Sec. 14-7-7. Idling Vehicles.**

(a) No driver shall allow a vehicle's engine to idle on public property or on private property open to the general public within the corporate limits of Sandy City for more than one minute subject to the following exceptions:

- (1) The vehicle is forced to idle on a roadway because of traffic conditions or traffic control devices.
- (2) Vehicle idling is necessary for auxiliary power for law enforcement or fire equipment; emergency and/or water equipment; refrigeration units; loading and unloading lifts; well drilling; farming; battery charging; or the idling is required for the proper functioning of other equipment that is part of the vehicle.
- (3) Vehicle idling is necessary for efficient operations of a turbo charged heavy duty vehicle (e.g., buses) or to operate a vehicle within the manufacturer's operating requirements; to include, but not be limited to, building air pressure in air brake systems.
- (4) Vehicle idling is necessary for the health and/or safety of a driver or passenger, including Police K-9 or other service animals; this includes, but is not limited to, idling in order to operate window defrosters.
- (5) Vehicle idling is necessary for the proper repair, maintenance or inspection of the vehicle.
- (6) The vehicle is an authorized emergency or law enforcement vehicle and is either:
  - a. Being used in an emergency or by an on-duty law enforcement officer.
  - b. Needing to idle for the safety of the emergency workers.

(b) Because this section is primarily to educate, an individual must be issued three warning citations before a citation may be issued for a violation of this section.

(c) Violation of this section is punishable as an infraction.

(Ord. No. 18-10, § 1, 4-6-2018)

**Sec. 176. Handicapped parking. 41-1-49.9**

(1) ~~Except in parking areas designated for emergency use, a person with a disability, qualifying under rules made in accordance with Section 41-1a-408, may park an appropriately marked vehicle for reasonable periods without charge in metered parking zones and restricted parking areas, in a manner that allows proper access to the vehicle by the person with a disability.~~

(2) ~~Only those vehicles carrying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard and transporting a qualifying person with a disability may park in an accessible parking place that is clearly identified as reserved for use by the person with a disability.~~

(3) ~~This section applies to and may be enforced on public property and on private property that is used or intended for use by the public.~~

(4) ~~The parking privileges granted by this section also apply to vehicles displaying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard issued by another jurisdiction if displayed on a vehicle being used by a person with a disability.~~

(Traffic Code, § 176)

**Sec. 177. Parking in a fire lane.**

(1) ~~It shall be unlawful for any person to park, stop, or stand a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police or fire officer or a traffic control device, in any designated fire lane in Sandy City.~~

(2) ~~A fire lane shall be designated by a red painted curb and/or posted sign.~~

(Traffic Code, § 177)

**Sec. 178. Authority to designate curb loading zones.**

~~The City Transportation Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this section are applicable.~~

(Traffic Code, § 178)

**Sec. 179. Stopping or standing in passenger curb loading zone. 41-6-103**

~~No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective and then only for a period not to exceed three minutes.~~

(Traffic Code, § 179)

**Sec. 180. Stopping or standing in freight curb loading zone.**

(1) ~~No person shall stop a vehicle or permit the same to remain stopped for any purpose or length of time other than for the expeditious loading and/or unloading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. Vehicles so using freight curb loading zones must have a city vehicle license plate fastened to the front of the vehicle as prescribed by Section 207. In no case shall the stop for loading and/or unloading of materials exceed thirty minutes.~~

(2) ~~The driver of a passenger vehicle may stop at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any city licensed vehicle used for the transportation of material which is waiting to enter or about to enter such zone; provided however, that said driver must remain with his/her vehicle.~~

(Traffic Code, § 180)

**Sec. 181. Stopping or standing in restricted parking zones. 41-6-103**

~~No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of~~

~~passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which parking is restricted and the driver must remain in the car.~~

~~(Traffic Code, § 181)~~

**~~Sec. 182. Taxicab stands to be designated.~~**

~~The City Transportation Engineer is hereby authorized to establish taxicab stands on such public streets and in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public and every such taxicab stand shall be designated by appropriate sign or markings installed by the City Transportation Engineer.~~

~~(Traffic Code, § 182)~~

**Sec. 14-7-8. Public Carrier Stands to be Designated.**

The City Transportation Engineer is hereby authorized and required to establish bus and coach stops and stands for passenger common carrier vehicles other than taxicabs on such public streets in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus and coach stop and stand for common carrier vehicles shall be designated by appropriate signs or markings installed by the City Transportation Engineer, or installed by the public carrier with the permission of the City Transportation Engineer.

(Traffic Code, § 183)

**Sec. 14-7-9. Parking of Buses and Taxicabs Regulated.**

(a) The driver of a bus or taxicab shall not park upon any street upon which parking is prohibited, restricted, limited as to time or registered by parking meters at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

(b) The driver of any bus used for transportation by the general public, upon stopping in Sandy City for any purpose, including the loading or unloading of passengers, for longer than five minutes, shall be required to turn off the engine of such bus if the outside temperature is above 32 degrees Fahrenheit and below 85 degrees Fahrenheit; such engine shall not be turned on again until the driver begins to proceed to the next regularly marked bus stop.

(Traffic Code, § 184)

**Sec. 14-7-10. Restricted Use of Bus and Taxicab Stands.**

(a) No person shall stand, stop or park a bus or coach except for the express purpose of and while actually engaged in the loading or unloading of passengers in a bus or coach stop, nor shall any person stop, stand or park any vehicle other than a taxicab in a taxi stand when such stand or stop has been officially designated and appropriately signed or marked.

(b) It shall be unlawful for any vehicle other than a bus or taxicab to park in such designated area.

(Traffic Code, § 185)

**Sec. 186. Parking on sidewalk area prohibited. 41-6-103**

~~It shall be unlawful for any person to leave or cause to be left or parked any vehicle upon any portion of a street or highway between the edge lines or the lateral lines of a roadway and the adjacent lines. This shall include vehicles upon, over, or across any public parking or sidewalk, or that area between the sidewalk and curb.~~

~~(Traffic Code, § 186)~~

**Article CHAPTER 9-14-8. QUALIFICATIONS OF VEHICLES, REGISTRATION, EQUIPMENT RESTRICTIONS\***



\*State law reference Vehicle registration, U.C.A. 1953, § 41-1a-101 et seq.; vehicle equipment, U.C.A. 1953, § 41-6a-1601 et seq.

**Sec. 187. Obstructions to Vision. 41-6-149**

~~No person shall drive any motor vehicle with any sign, poster or other non-transparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law, nor shall any person drive any vehicle when the windshield or any window is broken, shattered or in such a defective condition as to impair the driver's vision or when the driver's vision is obstructed by any article or articles suspended or otherwise attached to such motor vehicle.~~

~~(Traffic Code, § 187)~~

**Sec. 188. Muffler. 41-6-147**

~~Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation so that the sound emitted therefrom shall not cause such vehicle to exceed the sound levels set forth in Article 21 of this title. Notwithstanding the foregoing, no person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle, above that emitted by the muffler originally installed on the vehicle and the original muffler shall comply with all of the requirements of Article 21. No person shall operate a motor vehicle with an exhaust system so modified.~~

~~(Traffic Code, § 188)~~

**Sec. 189. Unusual noises and excessive fumes and smoke. 41-6-147**

~~(1) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.~~

~~(2) No driver of any vehicle shall permit said vehicle to emit any excessive or unusual noises or any annoying smoke. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted so as to prevent the escape of excessive fumes. No motor vehicle operator shall run his/her motor with the cut-out open or make any other unnecessary sound disturbance or operate a vehicle emitting from any source an unreasonable quantity of smoke, obnoxious gases, vapor, or oils.~~

~~(3) Increasing noise, devices forbidden. No person shall sell, furnish, provide or purchase, nor shall any person attach to any vehicle any device which will or is intended to increase the sound of the original muffling equipment on any motor vehicle.~~

~~(Traffic Code, § 189)~~

**Sec. 190. Lights, Brakes and Other Equipment. 41-6-117/115**

~~(1) No person shall drive, move, stop or park, nor shall the owner or person in possession cause or knowingly permit to be driven, moved or stopped or parked on any street or alley, any vehicle:~~

- ~~(a) Which is in such unsafe condition as to endanger any person or property;~~
- ~~(b) Which is not equipped with those serviceable lamps, reflectors, brakes, horn and other warning and signaling devices, windows, windshields, windshield parts and equipment in the position, condition and adjustment meeting the requirements of the laws of the State of Utah as to such parts and equipment;~~
- ~~(c) Which is of such size, weight or condition or is loaded or equipped in such manner as is in violation of the laws of the State of Utah with respect to such vehicle;~~
- ~~(d) Except as required in Section 92, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red or blue light visible from directly in front of said vehicle. 41-6-140(b)~~

~~(2) No person shall do any act forbidden or fail to perform any act required by the laws of the State of Utah relating to tires, lamps, brakes, fenders, horns, sirens, whistles, bells and other parts and equipment, size, weight and load of any vehicle; provided, however, an authorized emergency vehicle may be equipped with and may display flashing lights which do not indicate a right or left turn.~~

~~(3) Any motorcycle or motor driven vehicle carrying a passenger on a public highway other than in a side car or enclosed cab shall be equipped with footrests for such passenger. 41-6-107.6~~

~~(4) No person shall operate any motorcycle or motor driven cycle with handlebars above shoulder height. 41-6-107.6~~

~~(5) No person under 18 years of age shall operate or ride upon a motorcycle or motor driven cycle upon a public highway unless: 41-6-107.8~~

~~(a) He/she is wearing protective headgear which complies with standards established by the State Commissioners of Public Safety;~~

~~(b) This section shall not apply to persons riding within a closed cab.~~

~~(Traffic Code, § 190)~~

**~~Sec. 191. Inspection of Vehicles. 41-6-158~~**

~~(1) No person shall drive, stop or park, nor shall any owner or person in possession cause or knowingly permit to be driven, stopped or parked on any street or alley within this city any vehicle which is required under the laws of the State of Utah to be inspected unless such vehicle has been inspected and has attached thereto in proper position a valid and unexpired certificate of inspection as required by the laws of the State of Utah.~~

~~(2) No person shall make, issue, or knowingly use any limitation or counterfeit of an official certificate of inspection. 41-6-163~~

~~(3) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made 41-6-163~~

~~(4) Any person found guilty of violating subsection (2) or (3) of this Section 191 shall be deemed guilty of a class B misdemeanor. 41-6-164~~

~~(Traffic Code, § 191)~~

**~~Sec. 192. Registration of Vehicles.~~**

~~Every vehicle at all times while being operated, stopped or parked on the streets or alleys of this city:~~

~~(1) Shall be registered in the name of the owner in accordance with the laws of the state in which the owner is a resident unless such vehicle is not required to be registered. 41-1A-1303~~

~~(2) Shall have valid and current registration plates of indicia of registration meeting the requirements of the state the vehicle is registered in. 41-1A-1303~~

~~(3) Vehicles registered in the State of Utah shall have one registration plate attached to the front and the other in the rear. The registration plate for a motorcycle, trailer, or semitrailer, shall be attached to the rear. 41-1A-404~~

~~(4) Registration plates will be securely fastened, in a clearly visible, horizontal position to prevent the plate from swinging, and at a height of not less than twelve inches from the ground, measuring from the bottom of the plate. 41-1A-404~~

~~(5) Registration plates shall be clear, distinct and free from defacement, mutilation, grease, and any colored covering which changes the appearance or color of the plate, or any other obscuring matter which would make the plate not plainly visible and legible at all times. 41-1A-404~~

~~(6) Upon transferring title the new owner of a vehicle, before operating or permitting the operation of a vehicle, shall register and obtain title to the vehicle. 41-1A-703~~

~~(7) Any person whose motor vehicle registration has been suspended or revoked under this chapter and who, during the suspension or revocation drives that motor vehicle upon any highway or knowingly permits that motor vehicle to be operated by another upon any highway, except as permitted under this chapter, is guilty of a class C misdemeanor.~~

~~(Traffic Code, § 192)~~

**~~Sec. 193. Camper Defined.~~**

As used in this section, "camper" shall mean any structure that contains a floor that is designed to be mounted on a motor vehicle and is designed to provide facilities for human habitation or camping and is six feet or more in over all length and five and one half feet or more in height from floor to ceiling at any point and has no more than one axle designed to support a portion of the weight.

(Traffic Code, § 193)

**Sec. 194. Registration of Campers. 41-1-18.5**

It shall be unlawful for any person to operate a motor vehicle with a camper mounted on it upon the streets or roads located within the corporate limits of Sandy City unless said camper is currently registered and the appropriate decal is attached in plain sight to the rear of said camper as required by the laws of the State of Utah; provided however, that a non-resident owner of a motor vehicle currently registered and licensed in another state with an out-of-state camper mounted on it is excluded from the provisions of this subsection.

(Traffic Code, § 194)

**Sec. 195. Registration plates on wrong vehicle.**

(1) No person selling a motor vehicle shall deliver possession thereof to a buyer until said seller shall first remove the registration plates from the vehicle. 41-1A-701(a)

(2) No person shall place or display any registration plate or card upon any vehicle other than that vehicle the same was issued to by the State of Utah. 41-1A-1305(3)

(3) No person shall use or permit the use or display of any registration plate, registration card, or permit upon or in the operation of any vehicle other than that for which it was issued. 41-1A-1305(4)

(Traffic Code, § 195)

**Sec. 196. Registration, mutilation and/or plate alteration.**

The following acts are prohibited and the commission thereof is hereby declared to be a misdemeanor.

(1) To break, injure, interfere with or remove from any vehicle any seal, lock or device thereon for holding or displaying thereon any registration plate or registration card attached thereto for denoting registration and identity of such vehicle. 41-1A-1305

(2) To remove from any registered vehicle the registration plate or registration card issued or attached thereto in respect to its registration. 41-1A-1305

(Traffic Code, § 196)

**Sec. 197. Registration certificate to be carried and exhibited. 41-1-40**

The current valid registration certificate of every motor vehicle shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer.

(Traffic Code, § 197)

**Sec. 198. Restricted Vehicles. Restrictions.**

(1) All vehicles, combinations of vehicles or combinations of vehicle and load having a length of more than forty five feet, or a width of more than eight feet without load or a height of more than fourteen feet with or without load, and all vehicles registered for 24,000 pounds gross weight or more are restricted vehicles.

(2) All restricted vehicles shall be driven only upon the State Highways, including the Interstate System, within the City limits of Sandy, deviating therefrom only when necessary to traverse another street or streets when necessary for loading, unloading or servicing, and then only departing from the said State Highway route at the nearest reasonable and practical point; provided, however, that no such vehicle shall be loaded, unloaded or serviced upon any street or part of street, if there is usable off-street loading, unloading, or servicing space available.

(3) Vehicles carrying explosives, corrosive, flammable, or hazardous materials in excess of 5 gallons, other than fuels carried in permanently attached tanks and used exclusively for propulsion of the vehicle to which attached, shall be driven upon those streets or parts of streets designated as highways and none other unless by

~~permit issued therefor by the City Transportation Engineer and the Chief of the Fire Department of this City.  
(Traffic Code, § 198)~~

**Sec. 199. Special Permits. 27-12-154**

~~Special Permits of duration of more than one month may be issued by the City Transportation Engineer upon application in writing and good cause being shown therefor, or temporary permits for a duration of less than one month may be issued by the Chief of Police, upon application and good cause being shown therefor, authorizing the applicant to operate or move any vehicle upon any street at any time upon such condition as may be set forth in the permit.~~

~~(Traffic Code, § 199)~~

**Sec. 200. Use of Dynamic Braking Devices.**

~~No motor vehicle shall be operating with a dynamic braking device, commonly known as Jacobs Brake, engaged except for the aversion of imminent danger.~~

~~(Traffic Code, § 200)~~

**Sec. 201. Loads Projecting to Rear, Flag and Lights. 41-6-128**

~~No person shall drive any vehicle with a load or object upon such vehicle extending four feet or more beyond the bed or body of said vehicle without having during the daytime a red flag at least six inches square attached at the extreme rear end of the load or object so projecting, and so hung that the entire area is visible to the driver of a vehicle approaching from the rear or a red light or lantern at the extreme rear of the load or object so projecting, during the period of from a half hour after sunset to one half hour before sunrise, which shall be plainly visible under normal atmospheric conditions at least five hundred feet to the sides and rear of such vehicle.~~

~~(Traffic Code, § 201)~~

**Sec. 202. Loads on vehicles must be secured. 27-12-146**

~~(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other abrasives may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.~~

~~(2) No person shall operate on any public highway any vehicle with any load unless said load and any covering thereon is suitably fastened, secured and confined according to the nature of such load so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.~~

~~(Traffic Code, § 202)~~

**Sec. 14-8-1. Commercial Vehicle in a Restricted Zone.**

(a) It shall be unlawful for any person to leave, park or station upon any residential street in Sandy City, unless expressly allowed to do so by written permission of the City Transportation Engineer or Chief of Police, any vehicle which:

- (1) Has more than four wheels; ~~or~~
- (2) Has a total length, including any trailer, mobile home, or any other object attached thereto, exceeding 19 feet; ~~or~~
- (3) Is what is commonly referred to as a semi-tractor or semi-tractor trailer; or
- (4) Is a vehicle, camper or other unit which carries or encloses housekeeping facilities.

(b) Any violation of Subsection (a) of this section shall be deemed a nuisance and may be summarily abated by the impounding of any such violating vehicle and/or by citing the registered owner of said vehicle ~~in accordance with Section 161 of this code.~~

~~(Traffic Code, § 203)~~

**Sec. 204. Weight Restriction. 27-12-151 & 153**

~~(1) It shall be unlawful for any person to drive or move or for the owner of a vehicle to cause the vehicle or permit said vehicle to be driven or moved upon any street in Sandy City if said vehicle's weight exceeds the weight limitation provided in Section 27-12-151, Utah Code Annotated, 1953 as amended.~~

~~(2) Any police officer having reason to believe that the height, width, length, or weight of the vehicle is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same. Weighing may be done either by means of portable or stationary scales and the officer may require that such vehicle be driven to the nearest scales in the event such scales are within two miles.~~

~~(Traffic Code, § 204)~~

**Sec. 205. Limitations on Widths of Vehicles.**

~~(1) No vehicle shall exceed a total outside width of eight feet, including any load thereon except that the limitation as to width of a vehicle shall not apply to vehicles or equipment specified in Section 27-12-148(2) of the U.C.A., 1953, as amended or to vehicles operated under the terms of the special permit issued under Section 27-12-155, U.C.A., 1953, as amended, or any successor sections.~~

~~(2) No passenger vehicle shall carry any load which extends beyond the line of the fenders on the left side of such vehicle nor shall any passenger vehicle carry a load which extends more than six inches beyond the line of the fender on the right side thereof.~~

~~(Traffic Code, § 205)~~

**Sec. 206. Mandatory Reduction of Load. 27-12-153**

~~In addition to issuing any citation for violating the vehicle restrictions contained in Section 198, or the weight restrictions contained in Section 204, the officer who determines that the height, width, length or weight is unlawful may require the driver to stop the vehicle in a suitable place and require that the vehicle remain standing until such portion of the load is removed, as is necessary to reduce said load to size limits or width limits as permitted under the ordinance. All materials so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.~~

~~(Traffic Code, § 206)~~

**Sec. 207. Licenses for trucks and other non-passenger vehicles.**

~~(1) Requirement. All trucks, panel wagons, and other vehicles that are not regularly known and recognized as passenger vehicles are required to have a license in the City.~~

~~(2) Fee. The fee for the license required by this section shall be five dollars for each vehicle nine thousand pounds or under and ten dollars for each vehicle exceeding nine thousand pounds.~~

~~(3) Plates or Stickers. A metal license plate or paper sticker shall be provided by the City. Such plates or stickers shall be in full view on vehicles required by this section to be licensed at all times to indicate that the license fee on such vehicle is paid.~~

~~(4) Reciprocity with other communities. The City by reciprocity, will recognize the city plates or other communities that will recognize and will grant reciprocity to the license plates of this City.~~

~~(5) Penalty. Any violation of the provisions of this section is a class B misdemeanor.~~

~~(Traffic Code, § 207)~~

**Article CHAPTER 10-14-9. REGULATIONS FOR DRIVING ON THE RIGHT SIDE, OVERTAKING AND PASSING AND OTHER RULES OF THE ROAD\***

\*State law reference—Driving on right side of highway and passing, U.C.A. 1953, § 41-6a-701 et seq.

**Sec. 14-9-1. Driving to Right of Road Edge Line.**

~~(1) On all roadways of sufficient width, a vehicle shall be operated upon the right half of the roadway except:~~

~~(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement;~~

- ~~(b) When the right half of a roadway is closed to traffic while under construction or repair;~~
- ~~(c) On a roadway designed and sign posted for one way traffic;~~
- ~~(d) On a roadway divided into three marked lanes for traffic under the applicable rules.~~

~~(2) On all roadways a vehicle proceeding at less than the normal speed of traffic under the existing conditions shall be operated in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a lawful left turn at an intersection or into a private road or driveway.~~

~~(3) ——— A motor vehicle may not be operated to the right of an edge line except immediately prior to making a right turn. The right turn must not be in violation of Section 211(2)-law.~~

(Traffic Code, § 208)

**State law reference**—Duty to drive on right side of roadway, U.C.A. 1953, § 41-6a-701.

**Sec. 209. Passing vehicles proceeding in opposite directions. 41-6-54**

~~Operators of vehicles proceeding in opposite directions shall pass each other to the right. On roadways having width of not more than one lane of traffic in each direction, each operator shall give to the other at least one half of the main traveled portion of the roadway as nearly as possible.~~

(Traffic Code, § 209)

**Sec. 210. Overtaking and passing vehicles proceeding in same directions. 41-6a-704**

~~The overtaking and passing of vehicles proceeding in the same direction is subject to these provisions:~~

- ~~(1) On any highway:
 
  - ~~(a) the operator of a vehicle overtaking another vehicle proceeding in the same direction;
 
    - ~~(i) shall, except as provided under Section 41-61-705, promptly pass the overtaken vehicle on the left at a safe distance; and~~~~
  - ~~(b) the operator of an overtaken vehicle:
 
    - ~~(i) shall give way to the right in favor of the overtaking vehicle; and~~
    - ~~(ii) may not increase the speed of the vehicle until completely passed by the vehicle.~~~~~~
- ~~(2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:
 
  - ~~(a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and~~
  - ~~(b) may not impede the movement or free flow of traffic in the left general purpose lane.~~~~
- ~~(3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right hand lane is prima facie evidence that the operator is violating Subsection (2).~~
- ~~(4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:
 
  - ~~(a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a);~~
  - ~~(b) preparing to turn left or taking a different highway or an exit on the left;~~
  - ~~(c) responding to emergency conditions;~~
  - ~~(d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane;~~~~

or

- ~~(e) following the direction of a traffic control device that directs the use of a designated lane.~~
- ~~(5) No person may operate a motorcycle or motor-driven cycle between lanes of traffic or between adjacent lines or rows of vehicles, but this section does not apply to police officers in the performance of their official duties.——41-6-107.2~~
- ~~(6) The operator of a motorcycle or motor cycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.——41-6-107.2~~

(Traffic Code, § 210)

**Sec. 211. Passing upon right. When permissible. 41-6-56**

- ~~(1) The operator of a vehicle may overtake and pass upon the right of another vehicle only:
 
  - ~~(a) When the vehicle overtaken is making or indicates he/she is about to make a left turn;~~
  - ~~(b) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle; or~~
  - ~~(c) upon a one-way highway, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.~~~~
- ~~(2) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement with safety. The movement may not be made by driving off the pavement or main-traveled portion of roadway.~~

(Traffic Code, § 211)

**Sec. 212. Passing on left. Prohibition. 41-6-57**

- ~~(1) A vehicle may not be operated to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken.~~
- ~~(2) Overtaking and passing under this section may not be made where prohibited by Section 213.~~
- ~~(3) The overtaking vehicle shall return to an authorized lane of travel as soon as practical, and if the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.~~

(Traffic Code, § 212)

**Sec. 213. Driving on left side of roadway. 41-6-58**

- ~~(1) A vehicle may not be operated on the left side of the roadway:
 
  - ~~(a) When approaching or on a crest of a grade or a curve on the highway where the operator's view is obstructed within a distance which creates a hazard if another vehicle may approach from the opposite direction;~~
  - ~~(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices or a peace officer; or~~
  - ~~(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel;~~
  - ~~(d) When a solid center line is painted on the roadway in the operator's lane;~~
  - ~~(e) When there is a solid yellow line to the right of a broken yellow line;~~
  - ~~(f) Within any school speed limit crossing zone;~~
  - ~~(g) In any turn lane.~~
  - ~~(h) When a double center line is painted on the roadway.~~~~

~~(2) This section does not apply on a one-way roadway or where pavement markings or signs indicate otherwise.~~

~~(Traffic Code, § 213)~~

**Sec. 214. One-way traffic. Traffic islands. 41-6-60**

~~(1) On a roadway designated and sign posted for one-way traffic a vehicle shall be operated only in the direction designated.~~

~~(2) A vehicle passing around a traffic island shall be operated only to the right of the island.~~

~~(Traffic Code, § 214)~~

**Sec. 215. Laned roadway, weaving. 41-6-61, 107.2**

~~On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply:~~

~~(1) A vehicle shall be operated as nearly as practicable entirely within a single lane and may not be moved from the lane or across a lane line without giving the right of way to vehicles in the lane to be entered, nor until the operator has first ascertained that such movement can be made with safety.~~

~~(2) The City Transportation Engineer may erect signs directing slow-moving traffic to use the lane nearest to the right hand edge of the roadway;~~

~~(3) When any painted traffic marking is indicated as being "wet" no vehicle may be operated on or across the markings;~~

~~(4) Motorcycles or motor-driven cycles shall not be operated more than two abreast in a single lane;~~

~~(5) All motorcycles and motor-driven cycles are entitled to full use of a lane and no motor vehicle may be operated in a manner as to deprive the motorcycle or motor-driven cycle of the full use of a lane. This subsection shall not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.~~

~~(6) The operator of a vehicle traveling in a lane that is about to merge into another lane shall yield the right of way to all vehicles traveling in the lane or lanes into which the lane of the operator is merging and which are so close as to be an immediate hazard. — 41-6-75.5~~

~~(Traffic Code, § 215)~~

**Sec. 216. Following another vehicle. Proximity and distance. Space between vehicles in motor caravan. Exception as to funeral procession. 41-6a-711**

~~(1) The operator of a vehicle:~~

~~(a) may not follow another vehicle more closely than is reasonable and prudent, having regard for the:~~

~~(i) speed of the vehicles;~~

~~(ii) traffic upon the highway; and~~

~~(iii) condition of the highway; and~~

~~(b) shall follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle.~~

~~(2) Subsection (1)(b) does not apply to funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.~~

~~(Traffic Code, § 216)~~

**Sec. 217. Driving in dividing section. 41-6-63.10**

~~(1) A vehicle operated on a divided highway shall use the right hand roadway unless directed or permitted to use another roadway by official traffic control devices or a peace officer.~~

~~(2) A vehicle may not be operated over, across, or within any dividing space, median, or barrier of a divided highway, except where authorized by an official traffic control device or peace officer.~~

(Traffic Code, § 217)

**Sec. 218. Limited access roadways. Driving onto or from. 41-6-64**

A person may not operate a vehicle onto or from any controlled access highway except at entrances and exits established by public authority.

(Traffic Code, § 218)

**Sec. 219. Restrictions on use of limited access roadway. 41-6-65**

(1) No pedestrian, bicycle or other non-motorized traffic may use any limited access roadway except for the sole purpose of crossing in the shortest and most direct route, unless signing clearly visible allowing an exception to the limited access restrictions has been installed by the transportation engineer, or at other designated crossings, and traffic shall yield the right-of-way to any motorized traffic proceeding upon the limited access roadway.

(2) No operator shall stop a vehicle on any limited access roadway for the purpose of taking on or discharging any passenger.

(Traffic Code, § 219)

**Sec. 220. One-way streets and alleys.**

On a roadway designated for one-way traffic, a vehicle shall be operated only in the direction indicated by official traffic control devices. 41-6-60(2)

(Traffic Code, § 220)

**Sec. 221. Authority to sign one-way streets and alleys.**

The City Transportation Engineer shall place and maintain signs giving notice of said one-way streets and alleys. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic is affected.

(Traffic Code, § 221)

**Sec. 222. Turning. Manner of executing right or left turn. Signs or markers and obedience to signs or markers.**

The operator of a vehicle shall make turns as follows:

(1) Right turns — Both a right turn and an approach for a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. 41-6-66

(2) Left turns: The operator of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane for traffic moving in the same direction.

Whenever practicable, the left turn shall be made by turning onto the roadway being entered in the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by an official traffic control device. 41-6-66

(4) When traffic control devices are placed at an intersection indicating the course to be traveled by vehicles turning, the operator of a vehicle may not turn a vehicle other than as directed by those devices.

(5) The City Transportation Engineer is authorized to place traffic control devices at intersections indicating the course to be traveled by vehicles turning at such intersections.

(6) The City Transportation Engineer is authorized to determine which intersections operators of vehicles may not make a right or left turn and shall place proper signs at those intersections. The making of turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on signs which may be removed when such turns are unrestricted.

(Traffic Code, § 222)

**Sec. 223. Limitations on U-turns. 41-6-67**

The operator of any vehicle may not:

- ~~(1) Make a U turn at any intersection or between intersections on any street or highway when such turn is prohibited by sign or other traffic control device.~~
- ~~(2) Make a U turn within 100 feet of an intersection.~~
- ~~(3) Make a U turn on any curve or approach to, or near the crest of a grade if the vehicle cannot be seen within 500 feet by the operator of any other vehicle approaching from either direction.~~
- ~~(4) The operator of any vehicle may not turn the vehicle to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.~~

~~(Traffic Code, § 223)~~

**~~Sec. 224. Turning movements and required signals, sudden stop or decrease. 41-6-69~~**

- ~~(1) (a) A person may not turn a vehicle or move right or left upon a roadway or change lanes until the movement can be made with reasonable safety and an appropriate signal has been given.~~
- ~~(b) A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last two seconds preceding the beginning of the turn or change.~~
- ~~(2) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.~~
- ~~(3) The signals required on vehicles by Section 226 may not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" to operators or other vehicles approaching from the rear, or flashed on one side only of a parked vehicle except as necessary to comply with this section.~~

~~(Traffic Code, § 224)~~

**~~Sec. 225. Two way turn lane. 41-6-66(3)~~**

~~Where a special lane for making left turns by operators proceeding in opposite directions has been indicated by official traffic control devices:~~

- ~~(1) A left turn may not be made from any other lane; and~~
- ~~(2) A vehicle may not be driven in the lane except when preparing for or making a left turn from or onto the roadway or when preparing for or making a U turn when permitted by law.~~
- ~~(3) The operator of a vehicle intending to turn left may not enter a two way left turn lane more than 500 feet prior to making the turn, except:
 
  - ~~(a) if traffic in the two way left turn lane extends beyond 500 feet, the operator of a vehicle intending to turn left may enter the two way left turn lane immediately upon reaching the last vehicle in the two way left turn lane.~~~~
- ~~(4) The operator of a vehicle that has turned left into the two way left turn lane may not travel in the lane more than 500 feet unless the operator intends to turn left and Subsection (3)(a) applies; and~~
- ~~(5) The operator of a vehicle may not travel straight through an intersection in a two way left turn lane.~~
- ~~(6) A two way turn lane may not be used as an acceleration lane for vehicles turning onto a street, nor for passing another vehicle proceeding in the same direction.~~

~~(Traffic Code, § 225)~~

**~~Sec. 226. Turn signals given by hand and arm or approved light device. 41-6-70, 71~~**

- ~~(1) A stop or turn signal when required shall be given either by hand and arm or by a signal lamp.~~
- ~~(2) Signals required to be given by hand and arm shall be given from the left side of the vehicle as follows:
 
  - ~~(a) Left turn: hand and arm extended horizontally;~~
  - ~~(b) Right turn: hand and arm extended upward; and~~
  - ~~(c) Stop or decrease speed: hand and arm extended downward.~~~~

~~(3) The opening of a door of a vehicle shall not constitute a signal as required by this code.~~

~~(Traffic Code, § 226)~~

**Sec. 14-9-2. Must Turn after Signal.**

If the operator of a vehicle gives or causes to be given any signal which would indicate to other traffic an intention to turn, he/she must not fail to make the turn, nor fail to yield the right-of-way to all other traffic that would be affected by his/her failure to complete the indicated turn.

~~(Traffic Code, § 227)~~

~~State law reference—Turning and signaling for turns, U.C.A. 1953, § 41-6a-801 et seq.~~

**Sec. 228. Starting vehicles. 41-6-68**

~~A person may not move a vehicle which is stopped, standing, or parked without giving the signal prescribed in Section 226 nor until the movement can be made with reasonable safety and must give moving vehicles the right-of-way.~~

~~(Traffic Code, § 228)~~

**Sec. 229. Right-of-way between vehicles. 41-6-72, 75.5**

~~(1) Except as specified in Subsection (2), when more than one vehicle enters or approaches an unregulated or an all-way stop intersection from different highways at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right unless otherwise directed by a peace officer.~~

~~(2) When approaching an unregulated intersection, the operator of a vehicle on a highway that does not continue beyond the intersection shall yield the right-of-way to the operator of any vehicle on the intersection highway.~~

~~(Traffic Code, § 229)~~

**Sec. 230. Vehicle turning left. 41-6-73**

~~The operator of a vehicle intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction or from the left or right which is so close to the turning vehicle as to constitute an immediate hazard.~~

~~(Traffic Code, § 230)~~

**Sec. 231. Vehicle entering through street or stop intersection. Effect of collision. 41-6-72.10**

~~(1) Preferential right-of-way may be indicated by stop signs or yield signs under Section 41-6-99, U.C.A.~~

~~(2) In the event an operator, after having passed a yield sign or a stop sign, is involved in a collision with a pedestrian having right-of-way in a crosswalk or a vehicle having right-of-way in the intersection, the collision shall be deemed prima facie evidence of his/her failure to yield the right-of-way as required by this section, and Sections 234 and 237, but shall not be considered negligence per se in determining legal liability for such accident.~~

~~(Traffic Code, § 231)~~

**Sec. 232. Approaching emergency vehicle — Necessary signals — Stationary emergency vehicle — Duties of respective operators. 41-6-76**

~~(1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon the immediate approach of an authorized emergency vehicle using audible or visual signals under Sections 41-6-14, 41-6-14, 41-6-132, or 41-6-146, U.C.A. or of a peace officer vehicle lawfully using an audible or visual sign, shall yield the right-of-way and immediately move to a position parallel to and as close as possible to the right hand edge or curb of the highway, clear any intersection and then stop and remain there until the authorized emergency vehicle has passed; and~~

~~(2) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:~~

~~(a) reduce the speed of the vehicle;~~

- ~~(b) provide as much space as practical to the stationary authorized emergency vehicle; and~~
- ~~(c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.~~

~~(3) The operator of a vehicle, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall:~~

- ~~(a) reduce the speed of the vehicle; and~~
- ~~(b) provide as much space as practical to the stationary tow truck or highway maintenance vehicle.~~

~~(4) This section does not relieve the operator of an authorized emergency vehicle, tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all persons using the highway.~~

~~(Traffic Code, § 232)~~

**Sec. 233. Losing right-of-way.**

~~The operator of a vehicle traveling at a speed of ten miles per hour or more above the posted speed limit or in violation of Section 136 or 137 of this code by ten miles per hour or more shall forfeit any right-of-way which the driver might otherwise have.~~

~~(Traffic Code, § 233)~~

**Sec. 14-9-3. Yield Right-of-Way Signs.**

~~(1) The City Transportation Engineer shall erect and maintain a "yield right-of-way" sign at such intersections where needed. When such a sign is erected, the following provisions apply;~~

~~(2) The operator of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and if required for safety shall stop, as provided in Section 237 and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time when such operator is moving across or within the intersection.~~

~~(Traffic Code, § 234)~~

~~State law reference—Yielding at yield signs, U.C.A. 1953, § 41-6a-902.~~

**Article CHAPTER 13-14-10. STOPS REQUIRED\***

~~\*State law reference—Right-of-way, U.C.A. 1953, § 41-6a-901 et seq.; stopping for school buses, U.C.A. 1953, § 41-6a-1301 et seq.~~

**Sec. 235. Authority to erect stop or yield signs at through streets. 41-6-99**

~~Whenever any ordinance of this City designates and describes a through street, it shall be the duty of the City Transportation Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation of any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of a thorough street and a heavy traffic street not so designated stop signs shall be erected at the approaches of either of said streets as may be determined by the City Transportation Engineer upon the basis of an engineering and traffic study.~~

~~(Traffic Code, § 235)~~

**Sec. 236. Location of stop signs.**

~~The City Transportation Engineer shall erect and maintain a stop sign where determined to be necessary by such engineer. Every stop sign shall be located as near as practicable to the nearest line of the crosswalk on the near side of the intersection to an approaching vehicle or, if there is no crosswalk, then as close as practicable to the nearest line of the intersecting roadway. Vehicles at stop signs shall yield to vehicles on through streets or in an intersection.~~

~~(Traffic Code, § 236)~~

**Sec. 237. Operator to stop at stop sign. ~~4-6-72.10(2)~~**

~~Except when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it. The operator shall yield the right-of-way to pedestrians within an adjacent crosswalk and other vehicles approaching from any direction.~~

~~(Traffic Code, § 237)~~

**Sec. 14-10-1. Cutting Through Corners.**

No driver of a motor vehicle, motorcycle or vehicle of any kind, shall drive through any private driveway or private property, such as an oil station or lot, or similar area, whether vacant or not, with intent to avoid obedience to any traffic regulation or construction zone ~~set forth in this code~~; and no person shall drive a motor vehicle, motorcycle or any other vehicle through any private driveway, lot or similar area where any business establishment, manufacturing, retail store, drug store, cafe, confectionery, drive-in food and drink establishment, or ~~driveway in~~ drive-in market, or any other kind of a business or trade is maintained or carried on, for the purpose or with the intent of avoiding obedience to any traffic regulation or construction zone, or for the purpose and with the intent of harassing and annoying the owner thereof or his/~~her~~ patrons. Driving by any person of a motor vehicle upon or through any such private driveway, lot or similar area without stopping shall constitute prima facie evidence of a violation of this section.

(Traffic Code, § 238)

**Sec. 239. ~~Emerging from or entering alley or private driveway and driving on sidewalk. 41-6-75, 80.5, 87.3, 100,106.10~~**

~~(1) The driver of a vehicle other than a bicycle shall not drive within any sidewalk area except at a permanent or temporary private driveway.~~

~~(2) The driver of a vehicle or rider of a bicycle emerging from an alley, private driveway, building or other place shall stop such vehicle or bicycle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley or private driveway, yielding the right of way to any pedestrian or bicycle within or about to enter such sidewalk or sidewalk area as may be necessary to avoid collision and, upon entering the roadway, shall yield the right of way to all vehicles approaching on said roadway.~~

~~(3) The driver of a vehicle or rider of a bicycle entering an alley or private driveway shall yield the right of way to any pedestrian or bicycle within the sidewalk area extending across such alley, or private driveway.~~

~~(4) The driver of a vehicle or rider of a bicycle emerging from an alley or private driveway onto a roadway shall turn such vehicle only to the right, unless a different movement can be made in safety and without interfering with other traffic.~~

~~(5) The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk.~~

~~(Traffic Code, § 239)~~

**Sec. 240. ~~Stop when traffic obstructed. 41-6-109.10~~**

~~No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle the driver is operating, notwithstanding any traffic control signal indication to proceed.~~

~~(Traffic Code, § 240)~~

**Sec. 241. ~~School bus - Signs and light signals - Flashing amber lights - Flashing red lights - passing school bus - Duty to stop - Travel in opposite direction. 41-6-100.10~~**

~~(1) (a) Every school bus, when operated for the transportation of school children, shall bear upon the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which can be removed or covered when the vehicle is not in use for the transportation of school children.~~

~~(b) Every school bus, when operated for the transportation of school children, shall be equipped with~~

~~alternating flashing amber and red light signals visible from the front and rear, of a type approved and mounted as prescribed by the department.~~

~~(2) The operator of any vehicle upon a highway, upon meeting or overtaking any school bus equipped with signals required under this section which is displaying alternating flashing amber warning light signals, shall slow his vehicle, but may proceed past the school bus using due care and caution at a speed not greater than specified in Subsection 41-6-46(2) for school zones for the safety of the school children in that vicinity. If a school bus is displaying alternating flashing red light signals visible from the front or rear, all approaching or overtaking vehicles on the same roadway shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation. The operator of a vehicle need not stop upon meeting or passing a school bus traveling in the opposite direction when:~~

- ~~(a) traveling upon a divided highway;~~
- ~~(b) the bus is stopped at an intersection or other place controlled by an official traffic control device or peace officer; or~~
- ~~(c) upon a highway of five or more lanes, which may include a left turn lane or two-way left turn lane.~~

~~(3) (a) The operator of a school bus shall operate alternating flashing red light signals at all times when children are unloading from a school bus to cross a highway, or when a school bus is stopped for the purpose of loading children who must cross a highway to board the bus, or at any other time when it would be hazardous for vehicles to proceed past the stopped school bus.~~

- ~~(b) The alternating flashing red light signals may not be operated except when the school bus is stopped for loading or unloading school children or for any emergency purpose.~~

~~(Traffic Code, § 241)~~

#### **Sec. 242. Reckless driving. 41-6-45**

~~(1) A person is guilty of reckless driving who operates a vehicle:~~

- ~~(a) in willful or wanton disregard for the safety of persons or property; or~~
- ~~(b) while committing three or more moving traffic violations under the Sandy City Traffic Code, in a series of acts within a single continuous period of driving.~~

~~(2) A person who violates subsection (1) is guilty of a class B misdemeanor.~~

~~(Traffic Code, § 242)~~

#### **Sec. 14-10-2. Negligently Colliding.**

It shall be unlawful to operate a vehicle ~~and~~ in such negligent manner as to cause the same to collide with any vehicle, person or object.

(Traffic Code, § 244)

**State law reference**—Reckless driving, U.C.A. 1953, § 41-6a-528.

#### **Sec. 14-10-3. Auto Assault.**

It shall be unlawful for any person to drive a motor vehicle in Sandy City with the intent to use ~~the~~ said vehicle to harm, injure, assault or frighten any other person. It shall not be a defense to this section that the intended harm, injury, assault or frightening did not occur. Any person found guilty of violating this section is guilty of a misdemeanor.

(Traffic Code, § 245)

#### **Sec. 246. Careless driving.**

~~(1) A person operating a motor vehicle is guilty of careless driving if the person:~~

- ~~(a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving; or~~
- ~~(b) commits a moving traffic violation under this chapter other than a moving traffic violation under Article~~

~~7. Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:~~

- ~~(i) using a wireless telephone or other electronic device unless the person is using hands-free talking and listening features while operating the motor vehicle;~~
- ~~(ii) searching for an item in the vehicle; or~~
- ~~(iii) attending to personal hygiene or grooming.~~

~~(2) A violation of this section is a class C misdemeanor.~~

(Traffic Code, § 246)

#### **Sec. 14-10-4. Negligent Operation.**

It shall be unlawful for any person to drive a motor vehicle upon the streets of Sandy City in a negligent manner. For the purposes of this section, the term "negligent" shall refer to ordinary negligence or the lack of due care that would be expected of a reasonable and prudent person in similar circumstances.

(Traffic Code, § 247)

**State law reference**—Reckless driving, U.C.A. 1953, § 41-6a-528.

#### **Sec. 248. Backing. When permissible. 41-6-106**

~~(1) No driver shall back a vehicle unless such movement can be made with safety and without interfering with other traffic.~~

~~(2) No vehicle shall be backed into or around a corner in any intersection.~~

~~(3) The driver of any vehicle while backing such vehicle from a driveway onto a street with a marked center line thereon shall not back across said center line, but shall back only into the nearest traffic lane and shall then proceed forward only in the direction of proper traffic travel for such lane of traffic.~~

(Traffic Code, § 248)

#### **Sec. 14-10-5. Duty to Keep Proper Lookout.**

No person shall drive a vehicle on the streets of this City without keeping a reasonable and proper lookout for other traffic, objects, fixtures or property thereon or adjacent thereto.

(Traffic Code, § 249)

**State law reference**—Reckless driving, U.C.A. 1953, § 41-6a-528.

#### **Sec. 14-10-6. Prohibition as to Passenger Riding in improper portion of motor vehicle. Exceptions. House Trailer.**

~~(1) No person shall ride, and no driver of a motor vehicle shall knowingly permit any person to ride upon any portion of any vehicle not designed or intended for the use of passengers. This provision shall not apply to any vehicle driven elsewhere than upon a street or to an employee engaged in the necessary discharge of his/her duty.~~

~~(2) A person operating a motorcycle or motor driven cycle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a motorcycle or any motor driven cycle unless such vehicle is designated to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designated for two riders, upon the permanent seat firmly attached to the motorcycle or motor driven cycle at the rear or side of the operator. 41-6-107~~

~~(2) No person shall occupy a house trailer, or other type of trailer, while it is being moved upon a public highway.~~

(Traffic Code, § 250)

#### **Sec. 251. Tampering, destroying, or injuring vehicle. 41-6-113 and 114**

~~(1) It shall be unlawful for any person in any way to willfully injure, mar, deface, mutilate, molest or destroy, any other vehicle not his/her own.~~

~~(2) No person shall climb upon or swing upon or hold onto the outside of any motor vehicle when the same is in motion.~~

~~(3) No person shall either individually or in association with one or more other persons willfully injure or tamper within any vehicle or break or remove any part or parts of, or from, a vehicle.~~

~~(4) Any person who with intent to commit any malicious mischief, injury, or other crime, climbs into or upon a vehicle, whether it is in motion or at rest, or with like intent attempts to manipulate the steering wheel, any of the levers, starting mechanism, brakes, or other mechanisms or device of a vehicle while the same is at rest or unattended, or with like intent sets in motion any vehicle while the same is at rest and unattended, is guilty of a misdemeanor.~~

~~(5) This section shall not apply to persons with authority, or consent, of the owner or the person lawfully in charge of a motor vehicle while such motor vehicle is at rest.~~

~~(6) The provisions of this section shall apply on any public or private street, alley, avenue, or place within Sandy City. A person found guilty of violating this section is guilty of an infraction.~~

~~(Traffic Code, § 251)~~

**Sec. 252. Opening door. 41-6-108.10**

~~(1) No person shall open the door of or enter or emerge from any vehicle in the path of any approaching vehicle or bicycle.~~

~~(2) No person shall open any vehicle door at any time when such vehicle is in motion.~~

~~(Traffic Code, § 252)~~

**Sec. 253. Interfering with control or vision. 41-6-109**

~~(1) No driver shall engage in any activity that interferes with the safe control over the driving mechanism of the vehicle.~~

~~(2) No person shall engage in any activity or do any act which interferes with the safe operation of any vehicle.~~

~~(3) No driver shall have in his/her lap any other person, adult or minor, nor animal, nor shall he/she be seated in the lap of any person, while the vehicle is in motion.~~

~~(4) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or side of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.~~

~~(5) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his/her control over the driving mechanism of the vehicle.~~

~~(6) No driver shall have either arm around another person nor shall another person have either arm around the driver while the vehicle is in motion.~~

~~(7) A person shall ride upon a motorcycle or motor driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor driven cycle.~~

~~(8) No person shall operate a motorcycle or motor driven cycle while carrying any package, bundle, or other article which prevents him/her from keeping both hands on the handlebars.~~

~~(9) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or motor driven cycle or the view of the operator.~~

~~(10) Any operator of a motor vehicle, motorcycle or bicycle must maintain at least one hand on the steering mechanism at all times when the vehicle is in motion unless that vehicle is specially equipped for hands free operation by handicapped persons.~~

~~(Traffic Code, § 253)~~

**Sec. 14-10-7. Standing on Seat.**

No driver shall operate any vehicle while any person or child is standing on a seat within such vehicle.

(Traffic Code, § 254)

**Sec. 256. Television sets in vehicles. 41-6-154.20**

~~(1) No person shall operate or have upon any street any motor vehicle which is equipped or provided with a television so placed that it can be operated, used or observed by the driver of such motor vehicle.~~

~~(2) This section does not prohibit the use of television type receiving equipment used exclusively for:~~

~~(a) safety or law enforcement purposes, if the use is approved by the police department; or~~

~~(b) motor vehicle navigation.~~

(Traffic Code, § 256)

**Sec. 257. Following Emergency Vehicles. 41-6-112**

~~(1) The driver of a vehicle, other than one on official business, shall not follow any emergency vehicle traveling in response to an emergency alarm closer than five hundred feet or stop or park such vehicle within five hundred feet of any emergency vehicle which has stopped in answer to an emergency alarm.~~

~~(2) All vehicles will reduce travel speeds to 20 m.p.h. within 200 feet of any traffic cones, flares, red and/or blue emergency lights, and/or persons directing traffic and will remain at 20 m.p.h. or slower safe speed until same vehicles are 200 feet beyond the last traffic control device or person.~~

~~(3) If any travel lane is blocked off by any traffic cones, flares, emergency vehicles, and/or persons, that lane is considered closed. This closed lane will reopen beyond 200 feet of any control devices and/or persons, and posted speed can be resumed safely and reasonably.~~

~~(4) If the right hand lane is blocked, a person may not drive to the right of that travel lane.~~

(Traffic Code, § 257)

**Sec. 258. Fire hose, driving on. 41-6-113**

No railroad train or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, alley, private driveway, or railroad track, without the consent of the fire department official there in command.

(Traffic Code, § 258)

**Sec. 259. Headlights. 41-6-118 & 135**

~~(1) Every vehicle upon a roadway or highway in this city shall display headlights at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient lights, persons and vehicles on the roadway are not clearly discernible at a distance of 1,000 feet.~~

~~(2) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified above, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:~~

~~(a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam, shall be deemed to avoid glare at all times, regardless of road contour and loading.~~

~~(b) Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, such driver shall dim his/her headlights.~~

~~(3) No person shall use upon any motor vehicle, trailer, semitrailer or pole trailer any lamps unless said lamps are mounted, adjusted and aimed in accordance with instructions of the Commissioner.~~

~~(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.~~

(Traffic Code, § 259)

**Sec. 261. Destructive or injurious materials and dumping. 41-6-114**

(1) ~~It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of such land in the State of Utah whether under private, state, county, municipal, or federal ownership without the permission of the owner, or person having control or custody of the land.~~

(2) ~~No person may place or maintain upon any public street any material or object of any type which by its presence constitutes a hazard to the public. Any such material or object so placed or maintained is hereby declared a public nuisance and the City Transportation Engineer is empowered to remove it immediately and to bill the violator for restitution.~~

(3) ~~Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited or discarded, upon any public road, highway, park, recreation area or other public or private land or waterway any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed, at his/her expense, and deposit the material in a receptacle designed to receive such materials.~~

(4) ~~Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area or other public or private land shall remove any glass or other injurious substance dropped upon the road or highway or in the park, recreation area or other public or private land from such vehicle.~~

(5) ~~Any person transporting loose cargo by truck, trailer or other motor vehicle shall secure such cargo in such a reasonable manner as will prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, on both public and private property or public roadways, except as provided in Section 27-12-146 Utah Code Annotated, 1953, as amended. This subsection shall apply except that sand or other abrasives may be dropped for the purpose of securing traction or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.~~

(6) ~~No person shall operate on any street any vehicle with any load unless said load and any covering thereon is suitably fastened, secured and confined according to the nature of such load so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the street.~~

(7) ~~The provisions of this section shall not apply to street maintenance crews nor to other persons who have received proper authorization from the Street Department of this City.~~

(Traffic Code, § 261)

**Sec. 262. Littering. 41-6-114**

(1) ~~It shall be unlawful to litter any area, public or private, by dropping, throwing, or otherwise discarding, any paper, trash, garbage, or paper product.~~

(2) ~~It shall be unlawful to throw any lighted material from a moving vehicle.~~

(3) ~~Any person distributing commercial handbills, leaflets or other advertising shall take whatever measures are reasonably necessary to keep such material from littering public or private property or public roadways.~~

(Traffic Code, § 262)

**Sec. 263. Penalty – littering – dumping. 41-6-114.1**

~~Any person violating any of the provisions of Sections 261 and 262 is guilty of a class B misdemeanor and shall be fined not less than \$25 for each violation, provided that the sentencing judge may also impose as additional penalties the requirements that the offender shall devote at least one hour in cleaning up any litter caused by such person and cleaning up any existing litter from a safe area designated by the sentencing judge.~~

(Traffic Code, § 263)

**Sec. 264. Funeral procession. Driving through.**

~~No driver of a vehicle shall drive between the vehicles comprising a funeral procession when such procession is accompanied by an adequate police escort or escort service while they are in motion and when such vehicles are~~

~~conspicuously designated as required in this code, except when otherwise directed by a police officer. This provision shall not apply to drivers of authorized emergency vehicles.~~

~~(Traffic Code, § 264)~~

**Sec. 265. Funeral identification, right-of-way.**

~~(1) Each motor vehicle participating in a funeral procession, when accompanied by an adequate police escort or escort service, shall display illuminated headlights thereon and shall follow not more than thirty feet behind the next preceding motor vehicle in such funeral procession, and such vehicles so identified shall have the right of way at any street intersection over all other vehicles except authorized emergency vehicles. For the purposes of this section and the next preceding section of this code the term "adequate police escort or escort service" shall mean a police escort or other escort service consisting of two escort vehicles or one escort vehicle for each twenty five vehicles, included in the funeral procession, whichever is greater.~~

~~(2) All motor vehicles in a funeral procession, when accompanied by an adequate police escort or escort service, operated in compliance with this and the preceding section, may proceed past a red or stop signal, provided such movement is made with due caution and circumspection, and other vehicles shall yield the right of way to such vehicles. If no police escort or escort service is provided, the funeral procession must obey all traffic regulations and traffic control devices.~~

~~(Traffic Code, § 265)~~

**Sec. 266. Id. Funerals keep to right.**

~~Each driver in a funeral procession shall drive as near to the right hand edge of the roadway as possible unless a left turn is contemplated.~~

~~(Traffic Code, § 266)~~

**Sec. 14-10-8. Parades and Processions, Permits Required.**

No procession or parade, except a funeral procession, shall occupy, march or proceed along any street, and no person, group, or firm may close or similarly affect any public street except in accordance with a permit issued by the City Transportation Engineer and the Chief of Police of this City. All requests for such permits shall state the time, place of formation, proposed line of march, destination and such other information as may be required. All requests for parade permits must be in the hands of the City Transportation Engineer and the Chief of Police at least five days prior to the actual time of the procession. Such a permit will issued unless it is found that public safety would be endangered thereby. The time and the route shall be designated, but may be changed should they deem it in the public interest. Any procession or parade proceeding in accordance with the permit issued as hereinabove provided may be authorized to disregard traffic control devices. The ~~person or~~ persons obtaining such permits, together with the sponsoring organization whom they represent, shall provide, at their own expense, police supervision for such parades or processions which are not of a communitywide nature when, in the opinion of the City Transportation Engineer and the Chief of Police of Sandy City, such supervision is necessary in the interest of preserving peace and promoting the health and welfare of the residents of Sandy City.

~~(Traffic Code, § 267)~~ 

**Sec. 268. Driving through safety zone. 41-6-94**

~~No vehicle shall at any time be driven through or within a safety zone, dividing section, roadway traffic island or an area within or along a roadway from which vehicular traffic is intended to be excluded.~~

~~(Traffic Code, § 268)~~

**Sec. 14-10-9. Forbidding Vehicles to Travel Within or Through Marked Bicycle Lanes.**

No motor vehicle shall at any time be driven within or through or parked or stopped within a marked bicycle lane except to briefly cross said lane to turn into an intersection, street, alley, driveway or other parking area. Any vehicle so turning must yield the right-of-way to all bicycles within the lane that are close enough to constitute an immediate hazard. No motor vehicle may use a bicycle lane as a turning lane. On all roads with no bicycle lane, operators of bicycles have the same rights, duties and responsibilities as operators of motor vehicles.

(Traffic Code, § 269)

**State law reference**—Bicycles, U.C.A. 1953, § 41-6a-1101 et seq.

**Sec. 270. Use of horn.**

~~The driver of a motor vehicle shall, when reasonable and necessary to insure safe operation, give audible warning with his/her horn but shall not otherwise use horn.~~

(Traffic Code, § 270)

**Sec. 271. Quiet zones.**

~~In the streets or parts of streets declared to be "quiet zones", every motor vehicle shall be operated in a quiet manner so as to prevent all excessive or unusual noises, and the occupants therein shall maintain reasonable quiet.~~

(Traffic Code, § 271)

**Sec. 272. Persons lending, renting, etc., vehicles.**

~~(1) No registered owner, and no person in possession of any vehicle shall permit another person to drive the same without first ascertaining the name and address of such other person and that he/she is legally licensed to operate such vehicle.~~

~~(2) Every person renting, leasing or hiring a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person, the number of his/her operator's license, and the date and place when and where such vehicle operator's license was issued. Such record shall be open to inspection by any peace officer.~~

~~(3) The information and records required by this section shall be furnished to any peace officer for police purposes on demand.~~

(Traffic Code, § 272)

**Sec. 273. Record of business.**

~~Every person engaged in the business, including the operating of a taxicab or auto livery business, of renting or hiring out motor vehicles as well as the driver so employed or engaged in the driving of any motor vehicle used in any such business, shall keep a true and correct record of every trip made by such driver so employed, or the said business is operated. Said record shall show the exact time when his/her employment ended and the place where his/her passenger, or if more than one, where each passenger was discharged, which record shall at all times be open to inspection and copying by any police officer of this city upon demand.~~

(Traffic Code, § 273)

**Sec. 274. Attaching to vehicle unlawful.**

~~(1) It is unlawful for the operator, or any person in charge of a vehicle to knowingly operate a vehicle while any sled, toboggan, skate board, sleigh or other similar conveyance is attached to or connected to the vehicle, or to permit any sled, toboggan, skate board, sleigh or other similar conveyance to be attached to or connected with a vehicle.~~

~~(2) A person riding a bicycle, moped, coaster, skate board, roller skates, sled, or toy vehicle may not attach it or himself to any moving vehicle upon a highway. 41-6-86(1)~~

~~(3) No person riding upon a motorcycle or motor driven cycle shall attach himself to any other vehicle on a roadway.~~

~~(4) This section does not prohibit attaching a trailer or semitrailer to a motorcycle, bicycle or moped if that trailer or semitrailer has been designed for attachment. 41-6-86(2)~~

(Traffic Code, § 274)

**Sec. 275. Driving or riding on sidewalks. 41-6-106.10**

~~It shall be unlawful for any person to drive, back, ride, or cause to be driven, backed or ridden any vehicle upon, over or across any public curbing or public sidewalk in said city; provided, however, that a vehicle may be~~

~~driven, backed or ridden over and across a public sidewalk at any duly constructed or prepared driveway.  
(Traffic Code, § 275)~~

**~~Sec. 276. Records to be kept by dealers in used cars.~~**

~~It shall be unlawful for any person engaged in the business of wrecking, buying, selling, exchanging or dealing in used or secondhand motor vehicles, tires, radiators, magnetos, speedometers, equipment, storage batteries, parts of such vehicles, or accessories of all kinds and descriptions, to fail to keep a record of the purchase, sale, wrecking, exchange or storage of such articles, which shall at all times be open to the inspection of the Chief of Police or any officer detailed by him/her, to fail within twenty four hours after the purchase, sale, exchange or acceptance for storage or wrecking of such articles, to make out and deliver to the Chief of Police a full and complete record of the purchase, sale, exchange or acceptance for storage or wrecking of such used or secondhand motor vehicles, equipment or accessories, and deliver to the Chief of Police or any officer detailed by him/her, when any motor vehicle or motorcycle is wrecked, junked or demolished, the certificates of ownership and/or registration and the license plates last issued upon registration of such vehicle or motorcycle by the licensing state. Said report shall contain the name and address of the person from whom purchased or taken in exchange, for storage, or to whom sold, the make, state, license number, motor number, body number, generator number, carburetor number, magneto number, storage battery number, or any other mark of identification, make, size, and serial number of each tire, including extra tires, style and seating capacity of all second hand motor vehicles purchased, sold, exchanged or placed in storage; make, size and number of second hand motor vehicle tires, make and number of second hand radiators, magnetos, and speedometers, equipment, storage batteries, parts of vehicles and all other accessories having a serial number, and such other information concerning said articles as may be necessary to prove ownership and identity of said used or secondhand motor vehicles, equipment or accessories. Said report shall be written in the English language in a clear and legible manner, on blanks furnished by the Chief of Police.~~

~~(Traffic Code, § 276)~~

**~~Sec. 278. Islands, markers, etc.~~**

~~When authorized islands, markers, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.~~

~~(Traffic Code, § 278)~~

**~~Sec. 279. Falsifying parking permits.~~**

~~It shall be unlawful for any person to alter or falsify a parking permit referred to in Section 317 of the Revised Ordinances of Sandy City or to display a facsimile or copy of such a permit which has not been issued by the Sandy City Council.~~

~~(Traffic Code, § 279)~~

**Sec. 14-10-10. Test-Driving of Vehicles on Residential Streets.**

(a) Any person employed full- or part-time in the business of repairing motorized vehicles shall not test-drive any motorized vehicle upon any residential street in Sandy City.

(b) Every person, including employers, owners, managers, agents, corporations or corporate officers, who, with or without a culpable mental state, authorizes, solicits, commands, encourages, allows or intentionally aids another person to engage in conduct prohibited by this section, shall be guilty of violating this section, along with the person who directly violates this section, and shall be subject to all applicable penalties.

(c) Two convictions under this section within a 12-month period by the same repair establishment shall constitute grounds for revocation of that repair establishment's business license.

(d) The term "test-driving," as used herein, is defined as means driving the vehicle for the purpose of testing whether the vehicle is functioning properly after repairs have been made.

(e) The term "residential street," as used herein, is defined as means any street not shown as an arterial or interstate on the Sandy City Street Map maintained by the office of the City Transportation Engineer.

(Traffic Code, § 280)

**Sec. 281. Drivers and Passengers.**

- ~~(1) (a) As used in this article:~~
- ~~(i) "Child restraint device" means a child restraint device approved by the commissioner of the Department of Public Safety.~~
  - ~~(ii) "Motor vehicle" means a vehicle defined in 41-1a-102, U.C.A., except vehicles that are not equipped with safety belts by the manufacturer.~~
  - ~~(iii) "Safety" means a safety or system that meets standards set by the commissioner of the Department of Public Safety.~~
  - ~~(iv) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed a safety.~~
- ~~(b) The driver of a motor vehicle operated on a highway shall:~~
- ~~(i) wear a properly adjusted and fastened safety belt;~~
  - ~~(ii) provide for the protection of each person younger than five years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and~~
  - ~~(iii) provide for the protection of each person five years of age up to 16 years of age by using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device or by securing or causing to be secured, a properly adjusted and fastened safety belt on each person.~~
- ~~(c) A passenger who is 16 years of age and older of a motor vehicle operated on a highway shall wear a properly adjusted and fastened seat belt.~~
- ~~(d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall set standards for approved safety belts and child restraint devices.~~
- ~~(e) If more than one person is not using a child restraint device or wearing a safety belt in violation of subsection (1), it is only one offense and the driver may receive only one citation.~~
- ~~(f) For a person 19 years of age or older who violates subsection (1)(b) or (c), enforcement by a state or local law enforcement officer shall be only as a secondary action when the person has been detained for a suspected violation of the Sandy City Traffic Code, other than subsection (1)(b) or (c), or for another offense.~~
- ~~(2) This article does not apply to a driver or passenger of: 41-6-183~~
- ~~(a) A motor vehicle manufactured before July 1, 1966;~~
  - ~~(b) A motor vehicle in which the driver or passengers possess written verification from a licensed physician that the driver or physician is unable to wear a safety seat belt system for physical or medical reasons;~~
  - ~~(c) A motor vehicle which is not required to be equipped with a safety seat belt system under federal law;~~
- ~~(3) This article does not apply to a passenger if all seating positions are occupied by other passengers.~~
- ~~(4) (a) A person who violates Section 281 is guilty of an infraction and shall be fined a maximum of \$45.~~
- ~~(b) The court shall waive all but \$15 of the fine for a violation of Section 281 if a person shows evidence of completion of a two-hour course approved by the commissioner of Public Safety that includes education on the benefits of using a safety belt and child restraint device.~~
  - ~~(c) Points for a motor vehicle reportable violation, as defined under 53-3-102, U.C.A., may not be assessed against any person for a violation of Section 281.~~
  - ~~(d) The court in which a charge is pending for a first violation of Section 281(1)(b)(ii) shall dismiss the action against a driver who, during or before any court appearance on the matter, submits proof of acquisition, rental or purchase of a child restraint device as required by Sec. 281(1)(b)(ii).~~

(Traffic Code, § 281)

**Sec. 14-10-11. Leaving Children in Vehicles.**

(a) No person within the limits of Sandy City shall leave, or allow to be left, any minor child under seven years of age, unattended in any vehicle, upon a public street, alley or other public property where parking or drive-in facilities are offered to the public. A child is unattended within the meaning of this section if the oldest person with the child is a person under 12 years of age.

(b) Violation of this section shall be an infraction.

(Traffic Code, § 282)

**State law reference**—Leaving a child unattended in a motor vehicle, U.C.A. 1953, § 76-10-2202.

**Sec. 14-10-12. Animals in Open Vehicles.**

(a) No operator of a motor vehicle shall transport or keep an animal in a public place in or on any motor vehicle unless the animal is safely enclosed within the vehicle or protected by a container, cage, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.

(b) As used in this section, the term "public place" means any place open to and used generally by the public, whether publicly- or privately-owned, including streets, highways, alleys, parking lots, schools, and commercial establishments.

(c) Violation of this section shall be an infraction.

(Traffic Code, § 283)

**Sec. 284. Leaving Animals Unattended in Enclosed Vehicles.**

~~(a) No operator of a motor vehicle shall leave an animal in a public place in an unattended vehicle which is inadequately ventilated or in such a manner as to subject the animal to temperatures which are likely to adversely affect the animal's health.~~

~~(b) As used in this section, "public place" means any place open to and used generally by the public, whether publicly or privately owned, including streets, highways, alleys, parking lots, schools, and commercial establishments.~~

~~(c) Violation of this section shall be an infraction.~~

(Traffic Code, § 284)

**Sec. 14-10-13. Noises Prohibited.**

It shall be unlawful to operate a radio, tape player, CD player, television, musical instrument, or similar device in, on, or from a motor vehicle on public property or public rights-of-way so as to be plainly audible 100 feet from the vehicle. The term "plainly audible" means bass, voice, etc., any portion of which is readily discernible by normal sensibilities.

(Traffic Code, § 285)

**Sec. 286 through Sec. 287 left blank for future use if needed.****Article CHAPTER 15. RAILROAD TRAINS\***

**\*State law reference**—Stopping at railroad crossings, U.C.A. 1953, § 41-6a-1205 et seq.

**Sec. 288. Railroad grade crossing. Duty of pedestrian and vehicle to stop. Driving through, around or under gate or barrier prohibited. 41-6-79.20, 95**

~~(1) Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop at a clearly marked stop line or if none within fifty feet but not less than ten feet from the nearest track of such railroad if:~~

~~(a) A clearly visible electric or mechanical signal device gives warning of the approach of a train;~~

~~(b) A crossing gate is lowered, or when a human figure gives or continues to give a signal of the approach or passage of a train;~~

~~(c) A railroad train approaching within approximately fifteen hundred feet of the highway crossing emits a signal audible from such distance and such distance and such train by reason of its speed or nearness to such crossing is an immediate hazard;~~

~~(d) An approaching train is plainly visible and is in hazardous proximity to such crossing.~~

~~The driver shall remain stopped until such time as the above conditions (a) through (d) are no longer present.~~

~~(2) (a) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.~~

~~(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad crossing or bridge while such gate or barrier is closed or is being opened or closed.~~

~~(Traffic Code, § 288)~~

**Sec. 289. Stop signs at dangerous railroad crossing.**

~~It shall be the duty of the City Transportation Engineer to determine which railroad crossings are particularly hazardous and it shall be his/her duty to erect and maintain stop signs thereat. When such stop signs are erected, drivers of vehicles shall stop at a clearly marked stop line or if none within fifty feet but not less than ten feet from the nearest track of such grade crossing and shall proceed only when exercising due care and observing that no train or trains are approaching.~~

~~(Traffic Code, § 289)~~

**Sec. 290. Railroad grade crossing. Duty of buses and certain trucks to stop, look and listen. 41-6-97**

~~(1) (a) Except as provided in Subsection (2), the driver of any vehicle described in rules issued under Subsection (3) shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad track before crossing, at grade, any track of a railroad. While stopped, the driver shall look in both directions along the track for any sign of an approaching train and look and listen for signals indicating the approach of any train. The driver may proceed across the railroad track only when the movement may be made with reasonable safety.~~

~~(b) After stopping as required and upon safely proceeding, the driver shall only cross the railroad track in a gear that ensures no necessity for manually changing gears while traversing the crossing. The driver may not manually shift gears while crossing the railroad track.~~

~~(2) This section does not apply at a:~~

~~(a) railroad grade crossing where traffic is controlled by a peace officer or flag person;~~

~~(b) railroad grade crossing where traffic is regulated by a traffic control signal; or~~

~~(c) railroad grade control device gives notice that the stopping requirements of this section are not applicable.~~

~~(3) (a) The Department of Transportation shall adopt necessary rules describing the vehicles that must comply with the stopping requirements of this section.~~

~~(b) In making the rules, the Department of Transportation shall give consideration to the number of passengers carried by the vehicle and hazardous nature of any substance carried by the vehicle.~~

~~(c) The rules shall correlate with and where possible conform to the most recent regulations of the United States Department of Transportation.~~

~~(Traffic Code, § 290)~~

**Sec. 291. Duties respecting crawler tractor, power shovel, derrick or other equipment or structure. 41-6-98**

~~(1) No person shall operate or move any crawler tractor, power shovel, derrick, roller, or any equipment or structure having normal speed of six or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches measured above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.~~

~~(2) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable~~

time shall be given to such railroad to provide proper protection at such crossing.

(3) ~~Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than ten feet nor more than fifty feet from the nearest rail line of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a railroad train and shall not proceed until the crossing can be made safely.~~

(4) ~~No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train.~~

(Traffic Code, § 291)

**Sec. 292. Driving on tracks. 41-6-93**

(1) ~~No driver of any vehicle proceeding upon any track in front of a railroad train upon a street shall fail to remove such vehicle from the track as soon as practicable after signal from the operator of such train.~~

(2) ~~When a railroad train has started to cross an intersection, no driver of a vehicle shall drive upon or across the tracks or in the path of such train within the intersection in front of such train.~~

(Traffic Code, § 292)

**Sec. 293. Obstructing intersection for five minutes. 41-6-95.5**

~~No railroad company, railroad engineer, railroad conductor, or any other person operating or in control of the movement of any railroad train or locomotive shall cause or permit any locomotive, railroad car, train, or railroad cars or any locomotive, railroad car, train, or railroad cars or any portion thereof to obstruct any intersection between a railroad and public street so as to prevent any person or vehicle from crossing the railroad tracks at such intersection for a period longer than five minutes except in cases of unavoidable emergencies or impossibility due to the length of such train when moving at a reasonable speed in which case notice shall be given at each such crossing by the engineer, conductor or other employee of said railroad company of such delay by means of a hand-held sign clearly visible to the waiting motorists or pedestrians that said locomotive, railroad car, train or portion thereof will be delayed for more than five minutes at such crossings.~~

(Traffic Code, § 293)

**Article CHAPTER 16. PEDESTRIANS\***

\***State law reference**—Pedestrians' rights and duties, U.C.A. 1953, § 41-5a-1001 et seq.

**Sec. 294. Pedestrians subject to traffic control signals.**

(1) ~~A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him/her unless otherwise directed by a peace officer.~~

(2) ~~Pedestrians are subject to traffic and pedestrian control signals under Sections 96 and 97. — 41-6-77~~

(Traffic Code, § 294)

**Sec. 295. Pedestrians' right-of-way. 41-6a-1002**

(1) ~~(a) Except as provided under Subsection (2), the operator of a vehicle shall yield the right-of-way, slowing down or stopping if necessary to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be a danger. (b) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.~~

(2) ~~The operator of a vehicle approaching a school crosswalk shall come to a complete stop at the school crosswalk if: (a) a school speed limit sign has the warning lights operating; and~~

~~(b) the crosswalk is occupied by any person.~~

(3) ~~If a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and~~

~~pass the stopped vehicle.~~

~~(Traffic Code, § 295)~~

**Sec. 296. No passing vehicle stopped at crosswalk. 41-6-78(2)**

~~When a vehicle is stopped at a marked or unmarked crosswalk to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.~~

~~(Traffic Code, § 296)~~

**Sec. 297. Crossing roadways. 41-6-79**

~~No pedestrian may cross a roadway:~~

- ~~(1) At any place other than in a crosswalk. If no crosswalk exists within a distance of seven hundred feet of the desired point of crossing, a pedestrian may cross by the shortest route to the opposite curb after exercising due care and caution and yielding to all vehicular traffic;~~
- ~~(2) Between adjacent intersections, at which traffic control signals are in operation, at any place except in a marked crosswalk;~~
- ~~(3) At any place other than in a crosswalk upon any through street; or~~
- ~~(4) Where a pedestrian tunnel or overhead pedestrian crossing is available.~~

~~(Traffic Code, § 297)~~

**Sec. 297.1. Unlawful to transfer on a highway.**

~~(1) It is the intent of this section to enhance the safety of pedestrians and motor vehicle occupants on public highways and public parking lots within Sandy City; to assure the free, orderly, and free flowing movement of motor vehicles on public highways within Sandy City municipal limits; and to ensure that transactions between pedestrians and motorists within Sandy City limits are undertaken in a manner which is safe and which does not create motorist frustration, annoyance or hostility. This ordinance is intended to apply evenhandedly to all persons who engage in the activity proscribed.~~

~~(2) Definitions for this Section:~~

- ~~(a) "Highway" means the entire width between property lines of every right of way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel. 41-6a-102(21).~~
- ~~(b) "Pedestrian" means a person on foot, in a wheelchair, on a bicycle, or on any other mode of non-motorized transportation, except that, for purposes of this section, "pedestrian" shall not include a peace officer acting within his or her official capacity.~~

~~(3) It shall be unlawful for a person:~~

- ~~(a) While a pedestrian, whether on public or private property, to accept, take or otherwise obtain possession of any physical object from a person within a motor vehicle while that motor vehicle is on a highway or on publicly owned property used as an entrance or exit to a highway;~~
- ~~(b) While an occupant in a motor vehicle on a highway or on publicly owned property used as an entrance or exit to a highway, to give, hand over, or relinquish any physical object to a pedestrian, whether the pedestrian is on public or private property.~~

~~(Traffic Code, § 297.1)~~

**Sec. 298. Pedestrians and incapacitated persons.**

~~(1) The operator of a vehicle shall exercise care to avoid colliding with any pedestrian and shall give an audible signal when necessary and exercise appropriate precaution upon observing any child or any obviously confused, or intoxicated, incapacitated person or any person carrying a cane as described in paragraph (2) below or any person being accompanied by a guide dog. 41-6-80~~

~~(2) (a) The operator of a vehicle shall yield the right of way to any blind or visually impaired pedestrian carrying a clearly visible white cane or accompanied by a guide dog specially trained for that purpose and equipped~~

~~with a harness.~~

~~(b) A person who fails to yield the right of way is liable for any loss or damage which results as a proximate cause of failure to yield the right of way to blind or visually impaired persons, except that blind or visually impaired persons shall exercise due care in approaching and crossing roadways and shall yield right of way to emergency vehicles giving an audible warning signal. 41-80.1~~

~~(3) A pedestrian other than a blind or visually impaired person may not carry a cane as described in Subsection 2. 41-6-80.1~~

~~(Traffic Code, § 298)~~

**Sec. 299. Use of roadway by pedestrians. 41-6-82**

~~(1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along and upon an adjacent roadway.~~

~~(2) Where a sidewalk is not provided, a pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the roadway.~~

~~(3) Where neither a sidewalk or a shoulder is available, a pedestrian walking along or upon a highway shall walk as near as practicable to an outside edge of the roadway, and if on a two-way roadway, shall walk only on the left side of the roadway.~~

~~(4) A person may not sit, stand, or loiter in or near a roadway for the purpose of soliciting from the occupant of any vehicle a ride, contributions, employment, the parking, watching, or guarding of a vehicle, or other business.~~

~~(5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders him a hazard may not walk or be upon a highway except on a sidewalk or sidewalk area.~~

~~(6) Except as otherwise provided in this chapter, a pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.~~

~~(Traffic Code, § 299)~~

**Sec. 299.1. Medians.**

~~It shall be illegal for any individual to sit or stand, in or on any unpaved median, or any median of less than 36 inches for any period of time.~~

~~(Traffic Code, § 299.1; Ord. No. 16-20, Amended 05-23-2016)~~

**Sec. 300. Soliciting rides. 41-6-82(4)**

~~A person may not sit, stand, or loiter in or near a street, roadway, or highway for the purpose of soliciting from the occupant of any vehicle a ride, contributions, employment, the parking, watching or guarding of a vehicle or other business.~~

~~(Traffic Code, § 300)~~

**Sec. 301. Obstructing sidewalks by pedestrians.**

~~Pedestrians shall not obstruct or prevent the free use of sidewalks or crosswalks by other pedestrians.~~

~~(Traffic Code, § 301)~~

**Sec. 302. Parents and guardians shall not permit violation.**

~~The parent or custodian of any child and the guardian of any ward or person having charge of a blind, confused or incapacitated person shall not authorize or knowingly permit any such person to violate any of the provisions of this article.~~

~~(Traffic Code, § 302)~~

**Article CHAPTER 17. REGULATIONS FOR BICYCLES\***

~~State law reference—Bicycles, U.C.A. 1953, § 41-6a-1101 et seq.~~

**Sec. 303. Parents responsible. 41-6-83**

~~The parent or guardian of any child may not authorize or knowingly permit the child to violate any of the provisions of this article.~~

~~(Traffic Code, § 303)~~

**Sec. 304. Equipment. 41-6-89 & 90**

~~(1) A bicycle may not be equipped with, and a person may not use upon a bicycle, any siren or whistle. 41-6-89(1)~~

~~(2) Every bicycle shall be equipped with a brake or brakes which enable its operator to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement. 41-6-89(2)~~

~~(3) Every bicycle in use at the times described in Section 264 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front and with a red reflector of a type approved by the department which is visible for 500 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. 41-6-90(1)~~

~~(4) Every bicycle when in use at the times described in Section 264 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful low lower beams of head lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet. 41-6-90(2)~~

~~(5) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by Subsections (3) and (4).~~

~~(6) A bicycle used for authorized police department patrols is exempt from this section.~~

~~(Traffic Code, § 304)~~

**Sec. 305. Bicycle riders subject to motor vehicle code. 41-6-84**

~~Every person operating a bicycle by human power or a moped has all the rights, and all the duties and other provisions of this chapter applicable to the operator of any other vehicle, except as otherwise specified under this article, and except that non-motorized bicycle operators are not subject to the penalties related to operator licenses under alcohol and drug related traffic offenses.~~

~~(Traffic Code, § 305)~~

**Sec. 306. Regular seat required—Carrying more persons than design permits prohibited.**

~~A bicycle or moped may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling. 41-6-85~~

~~(Traffic Code, § 306)~~

**Sec. 306.1 Operation of bicycle or moped on and use of roadway—Duties, Prohibitions.**

~~(1) A person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right hand edge of the roadway except when:~~

- ~~(a) overtaking and passing another bicycle or vehicle proceeding in the same direction;~~
- ~~(b) preparing to make a left turn at an intersection or into a private road or driveway;~~
- ~~(c) traveling straight through an intersection that has a right turn only lane that is in conflict with the straight through movement; or~~
- ~~(d) reasonably necessary to avoid conditions that make it unsafe to continue along the right hand edge of the roadway including fixed or moving object, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.~~

~~(2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic.~~

~~(3) Persons riding bicycles or mopeds upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede the normal and reasonable movement of traffic and shall ride within a single lane.~~

~~(4) If a usable path for bicycles has been provided adjacent to the roadway, bicycle riders may be directed by official traffic control devices to use the path and not the roadway.~~

~~(Traffic Code, § 306.1)~~

**~~Sec. 306.2 Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails – Uses prohibited – Negligent collision prohibited – Speed restrictions – Rights and duties same as pedestrians.~~**

~~(1) A person operating a bicycle or any vehicle or device propelled by human power shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian.~~

~~(2) A person may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by official traffic control devices or ordinance.~~

~~(3) A person may not operate a bicycle or any vehicle or device propelled by human power in a negligent manner so as to collide with any pedestrian or other person operating a bicycle or any vehicle or device propelled by human power.~~

~~(4) A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.~~

~~(5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.~~

~~(Traffic Code, § 306.2)~~

**~~Sec. 306.3 Bicycles – Parking on sidewalk – Prohibitions – Parking on roadway.~~**

~~(1) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device. 41-6-87.4(1)~~

~~(2) A bicycle parked on a sidewalk may not impede the normal and reasonable movement of pedestrian or other traffic. 41-6-87.4(2)~~

~~(3) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed. 41-6-87.4(3)~~

~~(4) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed. 41-6-87.4(4)~~

~~(5) A bicycle may not be parked on a roadway in a manner as to obstruct the movement of a legally parked motor vehicle. 41-6-87.4(5)~~

~~(6) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of Article 8 or this chapter, regarding the parking of vehicles. 41-6-87.4(6)~~

~~(Traffic Code, § 306.3)~~

**~~Sec. 306.4 Bicycles – Turns – Designated bicycle lanes.~~**

~~(1) A person riding a bicycle or moped and intending to turn left shall comply with Subsection (2) or Section 222. 41-6-87.5(1)~~

~~(2) A person riding an bicycle or moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersection roadway, to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped operator shall stop, as far out of the way of traffic as practical. After stopping he shall yield to any traffic proceeding in either direction along the roadway he had been~~

using. After yielding and complying with any official traffic control device or peace officer regulating traffic, he may proceed in the new direction. ~~41-6-87.5(2)~~

(Traffic Code, § 306.4)

**Sec. 306.5. Bicycles – Turn Signals – Exceptions.**

~~(1) Except as provided in this section, a person riding a bicycle or moped shall comply with Section 41-6-69.~~

~~(2) A person is not required to signal by hand and arm continuously if the hand is needed in the control or operation of the bicycle or moped.~~

~~(3) A person operating a bicycle or moped and who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.~~

(Traffic Code, § 306.5)

**Sec. 306.6. Bicycle inspections – At request of officer.**

A uniformed peace officer may at any time upon reasonable cause to believe that a bicycle or moped is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle or moped to stop and submit the bicycle or moped to an inspection and a test as appropriate. ~~41-6-87.8~~

(Traffic Code, § 306.6)

**Sec. 306.7. Bicycle racing – Prohibitions – Exemptions – Exemptions from Traffic Laws.**

~~(1) Bicycle racing on highways is prohibited under Section 139, except as authorized in this section. 41-6-87.9(1)~~

~~(2) Bicycle racing on a highway is permitted when a racing event is approved by the City Transportation Engineer or the City Council. Approval of bicycle highway racing events may be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users. 41-6-87.9(2)~~

~~(3) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable, if traffic control is adequate to assure the safety of all highway users. 41-6-87.9(3)~~

(Traffic Code, § 306.7)

**Sec. 306.8. One hand on handle bars.**

A person operating a bicycle or moped may not carry any package, bundle, or article which prevents the use of both hands in the control and operating of the bicycle or moped. A person operating a bicycle or moped shall keep at least one hand on the handlebars at all times. ~~41-6-88~~

(Traffic Code, § 306.8)

**Sec. 306.9. Bicycles – Lamps and reflective material required.**

~~(1) Every bicycle in use at the time described in Section 41-6-118 shall be equipped with a:~~

~~(a) lamp of a type approved by the department which is on the front emitting a white visible from a distance of at least 500 feet to the front; and~~

~~(b) (i) red reflector of a type approved by the department which is visible for 500 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; or~~

~~(ii) red taillight designed for use on a bicycle and emitting flashing or no flashing light visible from a distance of 500 feet to the rear.~~

~~(2) Every bicycle when in use at the times described in Section 41-6-118 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful~~

~~lower beams of head lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.~~

~~(3) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by Subsections (1) and (2).~~

~~(Traffic Code, § 306.9)~~

## **Article CHAPTER 18. PENALTIES, PARTIES AND PROCEDURES ON ARRESTS**

### **Sec. 307. Parties.**

~~Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as principle, agent or accessory shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this code is likewise guilty of such offense; and every person who knowingly and willfully gives false information concerning the identity of any person who has committed any act to a police officer investigating such act known by such officer to have committed and believed by such officer to have been unlawful or who refuses to reveal to such officer upon his/her demand any information in his/her possession regarding the identity of the person who committed such act, shall be guilty of a class B misdemeanor.~~

~~(Traffic Code, § 307)~~

### **Sec. 308. Condition for immediate appearance before magistrate. 41-6-166**

~~Whenever a person is arrested for any violation of this code, the arrested person shall be immediately taken before a magistrate within this city, who is nearest or most accessible with reference to the place where said arrest is made if the person arrested demands an immediate appearance before a magistrate.~~

~~(Traffic Code, § 308)~~

### **Sec. 309. Procedure for requiring appearance when immediate appearance is not made. 41-6-167**

~~(1) Upon any violation of this code, whenever a person is not immediately taken before a magistrate as provided in the preceding section, the police officer shall prepare in triplicate or more copies, a misdemeanor citation; shall issue one copy to the person subject to arrest or prosecution; and shall, within five days file duplicate copies with the court specified in the citation. Each copy of the citation issued under authority of this code shall contain:~~

- ~~(a) The name of the court before which the person is to appear;~~
- ~~(b) The name of the person cited;~~
- ~~(c) A brief description of the offense charged;~~
- ~~(d) The date, time and place at which the offense is alleged to have occurred;~~
- ~~(e) The date on which the citation was issued;~~
- ~~(f) The name of the peace officer or public official who issued the citation, and the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested person before a magistrate;~~
- ~~(g) The time and date on or before or after which the person is to appear;~~
- ~~(h) The address and/or telephone number of the court in which the person is to appear; and~~
- ~~(i) A notice containing substantially the following language: READ CAREFULLY. This citation is not a complaint and will not be used as a complaint without your consent. If a complaint is filed you will be provided a copy by the court. You MUST appear on or before the time set in this citation. IF YOU FAIL TO APPEAR, A COMPLAINT WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.~~

~~(2) Any person who willfully fails to appear before a court pursuant to a citation issued under the section is~~

~~guilty of a class B misdemeanor regardless of the disposition of the charge upon which he/she was originally cited.  
(Traffic Code, § 309)~~

**~~Sec. 310. Violation of notice to appear. 41-6-168~~**

~~(1) Any person willfully violating a notice, duly served upon him/her by a law enforcement officer, to appear, given as provided in this code, is guilty of a class C misdemeanor regardless of the disposition of the charge upon which he/she was originally arrested.~~

~~(2) A notice to appear in court may be complied with by an appearance by counsel.~~

~~(Traffic Code, § 310)~~

**~~Sec. 311. Improper disposition or cancellation of summons or traffic citation. 41-6-172~~**

~~Any person who cancels or solicits the cancellation of any summons or traffic citation, in any manner other than as provided by this code shall be guilty of a class B misdemeanor.~~

~~(Traffic Code, § 311)~~

**Article CHAPTER 19. IMPOUNDING OF VEHICLES**

**~~Sec. 312. Definition of terms used in this article.~~**

~~(1) Due notice. Due notice or sufficient notice shall be a written notice affixed to the vehicle and conspicuously displayed twenty four (24) hours prior to impounding a vehicle. Such notice shall be of a design, shape and color as approved by the chief of police.~~

~~(2) Abandoned junk vehicle. Any motor vehicle extensively damaged, such damage including, but not limited to, the following:~~

~~(a) Broken window or windshield.~~

~~(b) Missing wheels and/or tires.~~

~~(c) Missing motor and/or transmission.~~

~~(3) Abandoned vehicle. Any vehicle left on any street, roadway, or alley for a period of twenty four (24) consecutive hours without being moved or on private property for a period of seven (7) consecutive days without being moved.~~

~~(4) Automobile hulk. Automobile hulk is synonymous with wrecked, dismantled or inoperative vehicle and means the remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts and the application of a substantial amount of labor to effect repairs.~~

~~(Traffic Code, § 312)~~

**~~Sec. 313. Towing and impounding vehicles parked in violation of the law. 61-6-116.10~~**

~~(1) The vehicles described in the following subsections are hereby declared a public nuisance which may be summarily abated by removal at the direction of a peace officer who may require that such vehicles be towed to a reasonably secure storage lot or such other location as the officer deems appropriate.~~

~~(a) Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this code;~~

~~(b) A vehicle found upon the streets or alleys of this city with faulty or defective equipment;~~

~~(c) Any vehicle left unattended upon any bridge, viaduct or at any subway where such vehicle constitutes an obstruction to traffic.~~

~~(d) Any vehicle upon a street so disabled as to constitute an obstruction to traffic where the owner or operator of the vehicle is unable to safely and immediately remove the vehicle from obstructing traffic.~~

~~(e) Any vehicle left unattended upon a street or alley and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;~~

~~(f) Any abandoned vehicle, abandoned junk vehicle, or automobile hulk parked in the same place on any~~

~~street or alley continuously for twenty four hours;~~

~~(g) Any vehicle the driver of which has been taken into custody by the police department under such circumstances as would leave such vehicle unattended in a street, alley, or restricted parking area;~~

~~(h) Any vehicle parked or being driven on the streets not in a proper condition to be driven in accordance with Section 90 of this code; or~~

~~(i) Any vehicle found so parked as to constitute a fire hazard or any obstruction to fire fighting apparatus;~~

~~(2) Unless a vehicle is impounded under Section 125 in connection with driving under the influence, after performing a tow truck service without the vehicle owner's knowledge, the person operating the tow truck shall:~~

~~(a) within one hour of arriving at the place of storage or impound of the vehicle, contact the law enforcement agency having jurisdiction over the area where the vehicle was picked up and notify the agency of the:~~

~~(i) location of the vehicle;~~

~~(ii) date, time, and location from which the vehicle was removed;~~

~~(iii) reasons for the removal of the vehicle;~~

~~(iv) person who requested the removal of the vehicle; and~~

~~(v) vehicle's description, including its identification number and license number; and~~

~~(b) within five days of performing the tow truck service, send a certified letter to the last known address of the registered owner of the vehicle obtained from the Motor Vehicle Division or if the person has actual knowledge of the owner's address to the current address, notifying him of the:~~

~~(i) location of the vehicle;~~

~~(ii) date, time, location from which the vehicle was removed;~~

~~(iii) reasons for the removal of the vehicle;~~

~~(iv) person who requested the removal of the vehicle;~~

~~(v) vehicle's description, including its identification number and license number; and~~

~~(vi) costs and procedures to retrieve the vehicle.~~

~~(3) The registered owner of a vehicle lawfully removed is responsible for paying the towing, impound, and storage fees.~~

~~(4) Towing, impound, and storage fees are a possessory lien on the vehicle until paid.~~

~~(5) A person may not request a transfer of title to an abandoned vehicle until at least 30 days after notice has been sent under Subsection (2)(b).~~

~~(a) Sections 2 through 5 above do not apply to a person who is towing a vehicle owned by that person in a non-commercial operation.~~

~~(6) The impounding of a vehicle shall not prevent or preclude the institution and prosecution of criminal proceedings in the city court or elsewhere against the owner or operator of such impounded vehicle.~~

~~(7) Before the owner or his/her agent shall be permitted to remove a vehicle which has been impounded he/she shall:~~

~~(a) Furnish satisfactory evidence to the police department of his/her identity and his/her ownership of said vehicle.~~

~~(b) Request and obtain from the police department a written order directed to the place of storage in which said vehicle is impounded, authorizing the release of said vehicle to said owner or his/her agent upon the payment to said place of storage of towing and storage charges reasonably incurred in the towing and storage of said vehicle from the date of said impounding to the time of presenting the order of release from the police department therefor.~~

~~(c) Sign a written receipt of said vehicle and deliver the same to the place of storage upon receiving said~~

~~impounded vehicle.~~

~~(8) If, at the expiration of fifteen days after mailing the notice provided for in paragraph (a) hereof, such vehicle is not redeemed by the owner or his/her proper representative,~~

~~(a) The chief of police or his/her authorized agent shall proceed to sell the same at public auction after first giving at least ten days' notice of said sale by publishing said notice at least once in a newspaper stating the time and place of such sale.~~

~~(b) Such notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicle Division of the State Tax Commission show the same to belong, and if the name of the owner be unknown said fact shall be stated.~~

~~(c) If the name of the owner or recorded lien holder, if any, be known, the police department shall send such owner or recorded lien holder a copy of such notice as published immediately after the publication of same, which notice shall be mailed to their last known address or their address as shown on the records of the Motor Vehicle Division of the Utah State Tax Commission.~~

~~(d) A copy of this notice as published shall immediately, after publication, be mailed to the owner of the place of storage. The chief of police or his/her authorized agent may accept or reject all bids for such vehicle, but upon acceptance the vehicle must be sold to the highest bidder.~~

~~(e) The money received by the chief of police, or his/her authorized agent, from the sale of any such vehicle shall be applied first to the actual cost of towing and storage of such impounded vehicle, then to pay the cost of advertising the notice of sale in the amount of ten dollars for each vehicle so impounded and the balance, if any, shall then be converted into the city treasury of Sandy City to be used as hereinafter provided.~~

~~(9) At any time within one year from and after such sale, the former owner of the vehicle sold, upon application to the City Council of Sandy City and upon presentation of satisfactory proof that he/she was the owner of the vehicle sold, shall be paid the proceeds of such sale less the necessary expenses thereof and less the towing, impounding and storage charges provided for in paragraph (d) of this section.~~

~~(10) The police department shall keep a record of all vehicles impounded by manufacturer's name or make, body type, motor and/or license number, and names and addresses of all persons claiming the same, and such other descriptive matter as may identify such vehicles, the nature and circumstances of the impounding thereof, and the violation on account of which such vehicles were impounded, the date of such impounding, and the name and address of any person to whom such vehicle is released.~~

~~(11) The police department of Sandy City shall immediately impound, in a proper place of storage, all vehicles found within said city that are improperly registered, stolen or bear defaced motor numbers and shall within ninety-six hours thereafter notify in writing the Motor Vehicle Division of the Utah State Tax Commission of such impounding, setting forth in such notice the date found, the address where found, the name, registration number, and date and place where stored. 41-1-115~~

~~(12) A vehicle which has been determined to be an abandoned junk vehicle or automobile hulk as provided by the provision of Section 312 when found unattended upon any public street, avenue or alley, is hereby declared to be a nuisance and may be summarily abated by removing the same by or under the directions or at the request of a police officer of Sandy City to a scheduled place of disposal by means of towing or otherwise. Any such vehicle may be converted into scrap or otherwise disposed of without complying with the requirements of subsections (a) and (d) of this section.~~

~~(13) Any vehicle illegally parked or abandoned on public property in places other than streets or alleys. For the purpose of this section a vehicle shall be considered abandoned if it is left for a period exceeding seven (7) days without permission of the public agency upon whose property the vehicle is parked.~~

~~(14) The Mayor may adopt rules consistent with the laws of the State of Utah and Sandy City to implement this section or other sections of Sandy City Ordinances which permit or require the towing of vehicles.~~

~~(Traffic Code, § 313)~~

**Article ~~CHAPTER 20~~ 14-11. REGULATIONS GOVERNING TRAFFIC AND PARKING ON CITY,  
COUNTY, STATE, AND SCHOOL GROUNDS**

**Sec. 314. Traffic ordinances to apply on City, County, and State properties.**

All traffic ordinances of Sandy City shall apply to the movement and parking of vehicles on city, county and state properties within the corporate limits of Sandy City.

(Traffic Code, § 314)

**Sec. 14-11-1. Regulation of Traffic and Parking on School Grounds.**

(a) The applicable State, County, and City traffic and parking regulations shall be enforced upon school and school district property.

(2) ~~Maximum speed on school and district premises is ten (10) miles per hour.~~

(3) ~~Vehicular traffic is limited to entering, exiting, and parking. No cruising or loitering will be permitted.~~

(4) ~~All vehicles are restricted to designated roadways. Motorized vehicles will not be driven on lawns, paths, or other prohibited areas.~~

(5) ~~No parking will be allowed in the areas where the curb is painted red, designated "NO PARKING", or where such parking would obstruct regular vehicular traffic.~~

(b) Students, staff and faculty shall not park in areas designated "FOR VISITORS," or "RESERVED" or "HANDICAPPED" or "DISABLED," unless specifically authorized to do so by legitimately qualifying for said parking area.

(7) ~~The following rules and regulations relate to the registration, parking and control of vehicles by students:~~

(a) ~~All district traffic and parking regulations and individual school regulations (if any) will be distributed to every student and faculty member at or before the beginning of each school year.~~

(b) ~~Students must register with the school all motor vehicles which will be driven or parked on school property. A registration decal must be displayed on the vehicle as follows:~~

(1) ~~Cars — left side of rear window.~~

(2) ~~Trucks, rough terrain vehicles (jeeps, etc.) — lower right side of front window.~~

(3) ~~Motor bikes and cycles — rear frame or rear fender.~~

(c) ~~Prior to vehicle registration at the local high school or issuance of the decal, the student must possess the following:~~

(1) ~~A valid Utah Driver's License.~~

(2) ~~A parent or guardian's written permission for the student to bring a motor vehicle to school.~~

(3) ~~A signed statement by the parent and student that they understand when any car is on school property the car may be searched, if the school authorities have reasonable cause to suspect that materials that are in violation of the state, city or school code are stored therein and they further understand that any materials found may be seized and used as evidence in school disciplinary hearings and/or legal proceedings.~~

(d) ~~Students are to park in the designated student parking areas and within parking spaces as directed by painted lines and signs.~~

(e) ~~Faculty and staff parking shall be designated, and students are not to park in these areas.~~

(8) ~~All regulatory signs utilized on district or school property grounds shall be placed in conspicuous and appropriate areas of the grounds. All regulatory signs must be approved by the district prior to posting.~~

(9) ~~These rules and regulations shall be enforced by the Sandy City police department. Enforcement may include, but shall not be limited to, the following:~~

(a) ~~Citations.~~

- ~~(b) Towing away at owner's expense, and/or~~
- ~~(c) Revocation of the privileges to park and drive on school property. The Board of Education assumes NO responsibility for damage to cars, lost articles, damage to property or injury to persons by the automobile or its driver while on school district property.~~

~~(Traffic Code, § 315)~~

**~~Sec. 316. Parking in areas designated for parking by employees and officials of Sandy City Corporation, Salt Lake County, and Utah State.~~**

~~These parking areas shall be designated by appropriate signs setting forth the nature of the restriction and the times thereof.~~

~~(Traffic Code, § 316)~~

**~~Sec. 317. Parking permit required.~~**

~~Only vehicles displaying a valid and authorized parking permit issued by the City Transportation Engineer, or a person designated by the City Transportation Engineer, shall be allowed to park in the areas designated in Section 316 of this article. Any parking space specifically designated for a particular vehicle by number or other denotation shall be occupied only by a vehicle displaying a parking permit bearing that particular number or denotation.~~

~~(Traffic Code, § 317)~~

**~~Sec. 318. Unlawful to park.~~**

~~It shall be unlawful for any vehicle to park in a numbered or otherwise denoted parking stall except a vehicle displaying a parking permit as referred to in Section 317 bearing the corresponding number or denotation.~~

~~(Traffic Code, § 318)~~

**Article 21. NOISE STANDARDS**

**~~Sec. 319. Definitions.~~**

~~For the purposes of this article, the following definitions shall apply:~~

~~(1) dB(A) Level. Shall mean the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the decibel.~~

~~(2) Decibel. (Db) shall mean a logarithmic unit of amplitude which denotes the ratio of two (2) quantities.~~

~~(3) Sound Pressure Level. Shall mean (SPL, Lp) is expressed in decibels and shall be twenty (20) times the logarithm to the base ten (10) of the ratio of the effective sound pressure to the reference sound pressure. The effective sound pressure shall be the root mean square of the instantaneous pressure. The reference pressure shall be 20 micro-Neutons per meter squared.~~

~~(4) A Scale. The "A Scale" level [Db(A)], (dBA), is expressed in decibels and shall be the sound pressure level which is frequency weighted in accordance with an A weighting network.~~

~~(5) Sound level meter. Shall mean an instrument including a microphone, an amplifier, and output meter, and frequency weighting networks for the measure of noise and sound pressure levels in a specified manner.~~

~~(Traffic Code, § 319)~~

**~~Sec. 320. Motor Vehicle Noise.~~**

~~It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved either a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown in subparagraph (1)(a) and (1)(b). Noise shall be measured at a distance of twenty five feet (7.5m) from the near side of the nearest lane being monitored and at a height of at least four feet (1.2m).~~

- ~~(1) (a) Any motor vehicle with a manufacturer's GVW ration of 10,000 lbs. or more or any combination~~

~~of vehicles towed by such motor vehicles shall not emit a sound pressure level to exceed 88 Db(A).~~

~~(b) Any motor vehicle with a manufacturer's GVW rating of 10,000 or less or any combination of motor vehicles towed by such motor vehicles shall not emit a sound pressure level to exceed 80 Db(A).~~

~~(c) Subparagraphs (a) and (b) of this section shall apply only to vehicles traveling on streets with a posted speed of forty (40) miles per hour or less.~~

~~(2) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this title relating to motor vehicle mufflers for noise control.~~

~~(3) No person shall sell or lease, or offer for sale or lease any motor vehicle of a type described above which exceeds the maximum decibel levels set forth above.~~

~~(4) Any vehicle which is found not to be in conformity with this and which is manufactured prior to January 1, 1974, may be exempted from the noise levels specified herein provided a good and sufficient showing can be made:~~

~~(a) That to comply would cause irreparable harm or injury to the engine of said vehicle.~~

~~(5) An exemption may be granted if the City Council or its authorized representative shall be satisfied that a condition as provided above exists rendering compliance impossible, that the vehicle is equipped in all other respects so as to minimize to the maximum degree possible the objectionable noise, and that the noise thus emitted shall not be of such a nature as to necessitate its total prohibition.~~

~~(6) This provision shall not apply to a new equipment which, as manufactured, could have complied with the noise levels specified above, but which has been modified so as to no longer be in compliance.~~

(Traffic Code, § 320)

#### **Sec. 321. Sound Level Measurement.**

~~Sound level measurement shall be made with a sound level meter using the "A" weighting scale in accordance with those standards promulgated by The Society of Automotive Engineers, The American National Standards Institute, or any other procedure adopted and tested by the city departments charged with enforcing this article.~~

(Traffic Code, § 321)

#### **Sec. 322. Enforcement.**

~~(1) The Sandy City Police Department, with cooperation from the Salt Lake City County Health Department, shall enforce the provisions of this article. Said departments shall be equipped with the appropriate equipment for measuring sound levels as provided in Section 321 for purposes of enforcing this article.~~

~~(2) Where a motor vehicle is deemed to be in violation of this article, the owner may transport it to a central testing location for further evaluation. If said vehicle is reevaluated and found not to be in violation of the decibel standards outlined above, no further proceedings shall be instituted and any citation issued shall be dismissed.~~

(Traffic Code, § 322)

### **Article CHAPTER 22. ALL TERRAIN VEHICLES\***

\*State law reference—Off road vehicles, U.C.A. 1953, § 41-22-1 et seq.

#### **Sec. 323. Policy declaration. 41-22-1**

~~It is the policy of this state and the city of Sandy to promote safety and protection for persons, property, and the environment connected with the use, operation and equipment of snowmobiles, all-terrain and other recreation vehicles.~~

(Traffic Code, § 323)

#### **Sec. 324. Definitions. 41-22-2**

~~(1) All-terrain vehicle: means any motorized vehicle designed for or capable of travel over unimproved terrain.~~

~~(2) Dealer: means a person, partnership, or corporation engaged in the business of selling recreation vehicles at wholesale or retail.~~

~~(3) Manufacturer: means a person, partnership, or corporation engaged in the business of manufacturing recreation vehicles.~~

~~(4) Operate: means to ride in or on and control the operation of any recreation vehicle.~~

~~(5) Operator: means the person in actual physical control of the operation of a recreation vehicle.~~

~~(6) Owner: means a person, other than a lien holder, having the property or title to the use or possession of a recreation vehicle.~~

~~(7) Public land:~~

~~(a) Land owned or administered by any federal or state agency or any political subdivision of the state;~~

~~(b) Any private land which is open to public recreation vehicle use; and~~

~~(c) Any road or highway closed to motor vehicle traffic.~~

~~This definition does not include any portion of the right-of-way or surface of any public street, road or highway open to motor vehicles which are required to be registered with the division of motor vehicles.~~

~~(8) Recreation vehicle: means any snowmobile or all terrain vehicle engaged in off-highway, recreational use.~~

~~(9) Register: means the act of assigning a registration number to a recreation vehicle.~~

~~(10) Regulations: means all rules, regulations, and standards adopted by the council of Sandy City pursuant to and in accordance with the provisions of this act.~~

~~(11) Snowmobile: means any motorized vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.~~

~~(Traffic Code, § 324)~~

**Sec. 325. Registration of vehicles. 41-22-3**

~~(1) (a) Unless exempted under Section 41-22-9, U.C.A., no person may operate or transport and no owner may give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state or city of Sandy unless the off-highway vehicle has been registered under this chapter for the current year.~~

~~(b) Unless exempted under Section 41-22-9, no dealer may sell an off-highway vehicle which can be used or transported on any public land, trail, street, highway in this state or city of Sandy, unless it has been registered or is in the process of being registered under this chapter for the current year.~~

~~(2) The owner of any off-highway vehicle requiring registration under this chapter shall file an application for registration with the Motor Vehicle Division on forms approved by it.~~

~~(3) Each application for registration of an off-highway vehicle shall be accompanied by:~~

~~(a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number.~~

~~(b) the past certificate of registration; or~~

~~(c) the fee for a duplicate.~~

~~(4) With every initial registration, the Motor Vehicle Division shall assign a number which shall remain with the vehicle and be valid until ownership of the vehicle is transferred. The number shall be displayed on the vehicle in a manner prescribed by the board. With every initial and subsequent annual registration, the Motor Vehicle Division shall issue numbered stickers to be affixed to the vehicles as prescribed by the board and a registration card which shall be available for inspection on the vehicle at all times.~~

~~(5) The Motor Vehicle Division, before issuing a registration card and registration stickers, shall require from each applicant a certificate from the county assessor of the county in which the off-highway vehicle has sites~~

for taxation. The certificate shall state one of the following:

- ~~(a) the property tax on the off highway vehicle for the current year has been paid;~~
- ~~(b) in the county assessor's opinion, the tax is a lien on real property sufficient to security the payment of the tax; or~~
- ~~(c) the off highway vehicle is exempt by law from payment of property tax for the current year.~~
- ~~(6) (a) All records of the division made or kept pursuant to this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.~~
- ~~(b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.~~

~~(Traffic Code, § 325)~~

**~~Sec. 326. Falsification of documents unlawful—Alteration or removal of serial number unlawful. 41-22-4~~**

~~No person shall alter, deface, or remove any manufacturer's serial number on any recreation vehicle.~~

~~(Traffic Code, § 326)~~

**~~Sec. 327. Registration on change of ownership of vehicle. 41-22-6~~**

~~(1) In the event of change of ownership of a registered recreational vehicle, the past owner's certificate of registration shall expire.~~

~~(2) The new owner shall, before operation of said vehicle, apply for and receive a new certificate of registration.~~

~~(Traffic Code, § 327)~~

**~~Sec. 328. Restrictions on use on public lands. 41-22-12~~**

~~No person shall operate and no owner of a recreation vehicle shall give another permission to operate a recreation vehicle on any public land which has been closed to recreation vehicles.~~

~~(Traffic Code, § 328)~~

**~~Sec. 329. Prohibited uses. 41-22-13~~**

~~No person shall operate a recreation vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes pollution of air, water or land, abuse of the watershed, impairment of plant or animal life or excessive mechanical noise.~~

~~(Traffic Code, § 329)~~

**~~Sec. 331. Permission required for race or organized event on public land. 41-22-15~~**

~~No person shall organize, promote or otherwise hold a recreation vehicle race or other organized event on any public land without obtaining written permission from the Sandy City Council or the City Transportation Engineer. The request for permission shall be submitted as may be set by the City Transportation Engineer in cooperation with the City Council but in no case less than fifteen days prior to the proposed event.~~

~~(Traffic Code, § 331)~~

**~~Sec. 332. Failure to obey officer's signal unlawful. REPEALED.~~**

**~~Sec. 333. Operation of all-terrain vehicles and snowmobiles on roadway. 41-22-23~~**

~~No person shall operate an all-terrain vehicle or snowmobile upon any public roadway except in the following instances:~~

- ~~(1) When crossing a public roadway and the driver comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at right angles.~~
- ~~(2) When loading or unloading from a vehicle or trailer, which must be done with due regard for safety, and at the nearest practical point of operation.~~

- ~~(3) When a roadway has been officially closed to motor vehicle traffic by the City Council or the City Transportation Engineer.~~
- ~~(4) A snowmobile may be operated when an emergency exists or during any period of time and at those locations where snow upon the roadway renders travel by motor vehicle impractical, or when the operation is directed by law enforcement officers or other public authorities.~~
- ~~(5) This section does not apply to those all-terrain vehicles that are properly registered for the highway in accordance with state law and have proper equipment for operation on the highway.~~

~~(Traffic Code, § 333)~~

**~~Sec. 334. Unlawful operation of all-terrain vehicle or snowmobile. 41-22-24~~**

~~It shall be unlawful:~~

- ~~(1) For any snowmobile or all-terrain vehicle to operate along, across or within the boundaries of an interstate freeway or limited access highway at any time.~~
- ~~(2) For a snowmobile or all-terrain vehicle to operate during the hours of darkness unless the vehicle is equipped with at least one head lamp having sufficient power to reveal a person or vehicle at a distance of 200 feet, and at least one tail lamp visible at a distance of 500 feet.~~
- ~~(3) For a person to operate such a vehicle without brakes in good mechanical condition.~~
- ~~(4) For any person to operate such a vehicle in a manner endangering any person or damaging any property.~~

~~(Traffic Code, § 334)~~

**~~Sec. 335. Violation of provisions – Misdemeanor. 41-22-17, 27~~**

~~Any person who violates any provision of this article or the regulations, upon conviction, shall be guilty of a class C misdemeanor.~~

~~(Traffic Code, § 335)~~

**~~Article CHAPTER 23-14-12. MOTOR ASSISTED SCOOTERS, MOTORCYCLES, MOTOR-DRIVEN CYCLE, ALL-TERRAIN TYPE I VEHICLES\*~~**

~~\*State law reference—Motor assisted scooters similar vehicles, U.C.A. 1953, § 41-6a-1115 et seq.; motorcycles and special vehicles, U.C.A. 1953, § 41-6a-1501 et seq.~~

**~~Sec. 336. Motor Assisted Scooters – Conflicting Provisions – Restrictions – Penalties. 41-6-90.5~~**

~~(1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle, moped, or a motor driven cycle.~~

~~(b) A person operating a motor assisted scooter is not subject to the provisions related to:~~

- ~~(i) seating positions under 41-6-107, U.C.A.; and~~
- ~~(ii) required lights, horns, and mirrors under 41-6-154.50, U.C.A.~~

~~(2) A person under 16 years of age may not operate a motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.~~

~~(3) A person under 16 years of age may not operate a motor assisted scooter:~~

- ~~(a) in a public parking structure;~~
- ~~(b) on public property posted as an area prohibiting skateboards;~~
- ~~(c) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;~~
- ~~(d) on a highway with a posted speed limit greater than 25 miles per hour; or~~
- ~~(e) that has been structurally altered from the original manufacturer's design.~~

~~(4) Except where posted or prohibited by rule or local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.~~

~~(5) A person who violates this section is guilty of a class C misdemeanor.~~

~~(Traffic Code, § 336)~~

**~~Sec. 337. Motorcycle or Motor-Driven Cycle – Place for Operator to Ride – Passengers. 41-6-107~~**

~~(1) (a) A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a motorcycle or a motor-driven cycle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent regular seat, if designed for two persons, or upon another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.~~

~~(b) A person shall ride upon a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.~~

~~(c) No person shall operate a motorcycle or motor-driven cycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.~~

~~(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or motor-driven cycle or the view of the operator.~~

~~(Traffic Code, § 337)~~

**~~Sec. 338. Motorcycles, Motor-Driven Cycles, or All-Terrain Type I Vehicles Operations on Public Highways. 41-6-107.2~~**

~~(1) All motorcycles and motor-driven cycles are entitled to full use of a lane and no motor vehicle may be driven in a manner so as to deprive any motorcycle or motor-driven cycle of the full use of a lane. This subsection does not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.~~

~~(2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.~~

~~(3) No person may operate a motorcycle or motor-driven cycle between lanes of traffic, or between adjacent lines or rows of vehicles.~~

~~(4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a single lane.~~

~~(5) Subsections (2) and (3) do not apply to police officers in the performance of their official duties.~~

~~(6) The provisions of this section also apply to all-terrain type I vehicles.~~

~~(Traffic Code, § 338)~~

**~~Sec. 339. Motorcycle or Motor-Driven Cycle – Attaching to Another Vehicle Prohibited. 41-6-107.4~~**

~~No person riding upon a motorcycle or motor-driven cycle shall attach himself to any other vehicle on a roadway.~~

~~(Traffic Code, § 339)~~

**~~Sec. 340. Motorcycle or Motor-Driven Cycle – Footrests for Passenger – Height of Handlebars Limited. 41-6-107.6~~**

~~(1) Any motorcycle or motor-driven vehicle carrying a passenger on a public highway, other than in a sidebar or enclosed cab, shall be equipped with footrests for such passenger.~~

~~(2) No person shall operate any motorcycle or motor-driven cycle with handlebars above shoulder height.~~

~~(Traffic Code, § 340)~~

**~~Sec. 341. Motorcycle or Motor-Driven Cycle – Protective Headgear – Closed Cab Excepted – Electric Assisted Bicycles. 41-6-107.8~~**

~~(1) A person under the age of 18 may not operate or ride on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear which complies with rules made under subsection (3). The operator of a motorcycle or motor-driven cycle is responsible for any passenger under the age of 18 failing to wear protective~~

~~headgear.~~

~~(2) This section does not apply to persons riding within an enclosed cab.~~

~~(3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall make rules establishing specifications and standards for the use of protective headgear required under the section.~~

~~(b) The rules shall require that protective headgear for an operator of an electric assisted bicycle and a motor assisted scooter meet the standards of the American National Standards Institute or the Snell Memorial Foundation's Standards for Protective Headgear for use in bicycling.~~

~~(Traffic Code, § 341)~~

#### **Sec. 14-12-1. Low Profile Motorized Vehicles Prohibited on Public Property.**

(a) For purposes of this section, ~~a~~~~the~~ term "low profile motorized vehicle" means any motorized vehicle that is less than 36 inches in height when in its normal operation position, notwithstanding any flag, antenna, or other attachment or modification made thereto, and includes, but is not limited to, pocket bikes, miniature motorcycles and go-carts.

(b) It is unlawful for any person to operate a low profile motorized vehicle upon any public property within the City, including, but not limited to, sidewalks, parks, and parking lots.

(c) It is unlawful for any person to operate a low profile motorized vehicle on the City roadways that is not lawfully registered and insured or otherwise permitted on the roadways by the law of the State of Utah.

(d) It is unlawful for an owner to knowingly permit the operation of a low profile motorized vehicle in violation of Subsections (b) and (c) of this section.

(e) Penalty. A violation of this section is a Class C misdemeanor.

~~(Traffic Code, § 342)~~

### **Article CHAPTER 24. PERMIT PARKING AREAS**

#### **Sec. 343. Purpose and Specification of Permit Parking Areas.**

~~Permits for preferential on street parking are required throughout the following streets and residential subdivisions in order to minimize adverse impacts from adjacent commercial and recreational uses:~~

~~(1) All of Wallace Heights Subdivision;~~

~~(2) All of Mount Jordan Meadows Subdivision;~~

~~(3) All of 170 East between 9400 south and Sege Lily Drive including all of Corrie Circle, Lynn Cireles and Brent Circle, excluding the west side of 170 East from 9548 South to Sege Lily Drive; and~~

~~(4) All area bounded by 8800 South on the north, 9000 South on the south, State Street on the West, and Center Street on the east.~~

~~(5) Windy Peak Ridge Drive from 1100 South to Cedar View Drive, Edenbrook Drive from 11000 South to Starwood Drive, Granite Drive from 11000 South to Bell Canyon Drive, Shady Dell Drive, Mill Canyon Drive, Chapada Way from 11000 South to Avila Drive, Dupler Road, Diana Hills Way, Granite Peak Drive, 11150 South, 960 East, 11190 South, Sanderest Circle and Sanderest Drive.~~

~~(Traffic Code, § 343)~~

#### **Sec. 344. Definitions.**

~~In the construction of this Article the following words and phrases shall be defined as set forth in this section.~~

~~(1) "Authorized vehicle" means a motor vehicle which: (a) displays a valid parking permit issued pursuant to the requirements of this Article, for the specific Permit Parking Area where the vehicle is parked, or (b) is authorized by the regulations of a Permit Parking Area to park within such area without a permit.~~

~~(2) "Dwelling" means a building or portion thereof designed and used for residential occupancy,~~

~~including one family, two family, multi-family, and apartment buildings; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.~~

~~(3) — "Motor vehicle" means an automobile, truck, motorcycle or other motor driven or self-propelled form of transportation intended primarily for use and operation on a public street.~~

~~(4) — "Parking permit" means a permit issued by the City displayed by an authorized vehicle pursuant to the requirements of this Article, for the specific Permit Parking Area where the permit is used.~~

~~(5) — "Permit parking area" means all portions of City streets within one of the residential subdivisions specified in Section 343. Parking restrictions apply to both sides of each street unless otherwise provided.~~

~~(6) — "Unauthorized vehicle" means a motor vehicle which: (i) does not display a valid parking permit issued pursuant to the requirements of this Article, for the specific Permit Parking Area where the vehicle is parked, or (ii) is not authorized by the regulations of a Permit Parking Area to park within such an area without a permit.~~

~~(Traffic Code, § 344)~~

**Sec. 345. On-Street Parking Restrictions.**

~~(1) — Except as set forth in Subsection (2) of this Section, between the hours of 5:30 a.m. and 12:30 a.m. the following day, only authorized vehicles shall be parked on a public street within a Permit Parking Area described in Section 343(1), (2) and (3) and between 8:00 a.m. and 2:00 p.m., when Alta High School is in session, for Areas described in Section 343(5).~~

~~(2) — The following shall be exempt from the provisions of Subsection (1) of this Section:~~

~~(a) — A motor vehicle being used to provide repair, service, or emergency assistance within the Permit Parking Area; and~~

~~(b) — A public agency vehicle with an exempt ("EX") license plate.~~

~~(Traffic Code, § 345)~~

**Sec. 346. Enforcement of Parking Restrictions.**

~~The on-street parking restrictions of this Article shall apply every day except that no enforcement shall occur on Easter, Thanksgiving and three (3) days following, and Christmas Eve through New Year's Day.~~

~~(Traffic Code, § 346)~~

**Sec. 347. Limit till Available Number of Permits.**

~~The number of parking permits issued within the Permit Parking Area shall be determined by the procedures of Section 348 of this Article.~~

~~(Traffic Code, § 347)~~

**Sec. 348. Permit Eligibility—Issuance and Display.**

~~(1) (a) — Annual application for one (1) or more parking permits authorized under this Article shall be made on a form provided by the Police Department which includes at least the following information:~~

~~(i) — applicant's name and address, and~~

~~(ii) — proof of eligibility for the permit.~~

~~(b) — Additional information may be required which will aid the enforcement of the provisions of this Article and the Sandy City Traffic Code.~~

~~(2) — A parking permit may be issued for a motor vehicle used in conjunction with a building permit for authorized construction within the Permit Parking Areas. The parking permit shall expire in six (6) months from the date of issuance.~~

~~(3) — A parking permit shall be issued for a motor vehicle only upon compliance with each of the following requirements:~~

- ~~(a) The permit applicant shall be a person who resides in a dwelling located within the Permit Parking Areas and who is either an owner-occupant, or an occupant of a qualifying rental dwelling unit for which a valid rental dwelling license has been issued.~~
- ~~(b) No permit shall be issued to a person who resides in a rental dwelling which does not comply with the requirements of the City's Land Development Code, when the permit is issued.~~
- ~~(c) Not more than two (2) parking permits shall be issued to all the residents of a qualifying dwelling unit.~~
- ~~(4) A parking permit shall be displayed by hanging the permit on the motor vehicle's interior rear view mirror. Such permit may be displayed only if:~~
  - ~~(a) the vehicle has a valid license and vehicle registration, and~~
  - ~~(b) the owner possesses proof of current vehicle insurance.~~
- ~~(5) A person who is issued a parking permit shall be deemed the permit holder.~~
- ~~(6) The issuance of a parking permit does not guarantee or reserve to the permit holder a particular parking space within a Permit Parking Area, but only authorizes a motor vehicle to be parked on a public street in a legally available parking space.~~
- ~~(7) In the event a permit holder loses a permit issued under this Article, a duplicate may be obtained from the Police Department. No duplicate permit shall be issued unless and until the applicant has furnished to the Police Department an affidavit stating that the applicant has lost the original permit. No person shall apply for a duplicate permit unless the original permit has, in fact, been lost.~~

~~(Traffic Code, § 348)~~

**Sec. 349. Transferability.**

~~The holder of a parking permit for a Permit Parking Area may display the permit on any motor vehicle at any time within such area.~~

~~Any person violating any provision of this Article shall be guilty of an infraction.~~

~~(Traffic Code, § 349)~~

**Sec. 350. Expiration.**

~~Each parking permit issued for the Permit Parking Area shall expire annually after the establishment thereof. Any permit issued after the establishment date shall expire on the same day as all other permits.~~

~~(Traffic Code, § 350)~~

**Sec. 351. Signs.**

~~Signs designating Permit Parking Areas shall be posted as determined by the City Transportation Engineer.~~

~~(Traffic Code, § 351)~~

**Sec. 352. Open**

**Sec. 353. Handicapped Parking.**

~~Nothing in this Article shall abrogate the scope of parking privileges granted to handicapped persons under City Ordinances or other applicable law.~~

~~(Traffic Code, § 353)~~

**Sec. 354. Penalty Provisions.**

~~(1) It shall be unlawful for a person to park a motor vehicle in violation Section 345 of this Article or for a registered owner of a motor vehicle to allow such vehicle to be parked in violation of Section 345.~~

~~(2) It shall be unlawful for a person to falsely claim eligibility for a parking permit or to furnish false information in an application therefor.~~

~~(3) It shall be unlawful for a person holding a valid parking area permit to allow the use or display of such~~

~~permit on a motor vehicle in a manner not permitted by this Article for the specific Permit Parking Area where the permit is used. It shall also be unlawful for a person to so use or display the permit on an unauthorized vehicle.~~

~~(4) It shall be unlawful for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit or permits. It shall further be unlawful for a person to transfer the beneficial ownership of or a continuous right to use a parking permit or to knowingly use or display a facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a Permit Parking Area provided in 86 of this Traffic Code.~~

~~(5) Any motor vehicle found in violation of this Article is subject to towing and impounding as provided in Section 313 of this Traffic Code.~~

~~(Traffic Code, § 354)~~

**Sec. 355. Revocation of Permit.**

~~(1) The Chief of Police is authorized to revoke a parking permit of any person found to be in violation of this Article and, upon written notification thereof, the person shall surrender such permit to the Police Chief or the Chiefs designee. Failure to surrender a parking permit so revoked shall constitute a violation of this Article.~~

~~(2) A permit holder found to violate the terms of this Article may have parking privileges revoked and the permit holder may be prohibited from obtaining a parking permit for one (1) year from the date of the violation.~~

~~(Traffic Code, § 355)~~

**Sec. 356. Other Parking Regulations.**

~~The provisions of this Article shall not relieve any person from the duty to observe other and more restrictive provisions of this Traffic Code which prohibit or limit the stopping, standing, or parking of vehicles at specific times or places.~~

~~(Traffic Code, § 356)~~

Title ~~5~~-15**BUSINESS LICENSING****CHAPTER 15-1. BUSINESS LICENSE\***

\*State law reference—Business licenses authorized, U.C.A. 1953, § 10-1-203.

**Sec. 15-1-1. Definitions.**

~~For the purpose of this chapter, the following terms shall have the meanings herein prescribed: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- (1) *Business* means and includes all activities, trades, callings, professions or occupations engaged in or caused to be engaged in within the corporate limits of Sandy City with the object of gain or economic profit. The term "business" shall also include the owners, managers or officers of the business who bear responsibility for causing the business to comply with this chapter, but shall not include the acts of employees rendering service to those owners, managers or officers. Notwithstanding, for the purposes of this title, the term "business" shall include nonprofit entities and charitable organizations qualified as 501(c)(3) (nonprofit).
- (2) *City* means the incorporated limits of Sandy City as it may be amended from time to time.
- (3) *License* means a business license certificate issued by Sandy City under ~~these ordinances~~ this title.
- (4) *License fee* means the business license fee, renewal fee, or replacement fee (as applicable) and other fees as established by the City Council.
- (5) *License Section* means those assigned to process business licenses within the Sandy City Community Development Department.
- (6) *Mayor* means the Sandy City Mayor or his designee.
- (7) *Person* means any individual, receiver, assigner, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.
- (8) *Place of business* means any location maintained or operated by a licensee within the City from which business activity is conducted or transacted.

(Revised Ords. 1978, § 5-1-1; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-2. Unlawful to Transact Business Without a License.**

(a) It shall be unlawful for any person to be ~~engaged~~ engaged in business without first having obtained a license from the City, unless exempted under ~~these ordinances~~ this title or under other applicable law.

(b) A separate license must be obtained for each branch establishment, or separate place of business, in which the business is carried on, and for each separate kind of business.

(c) Each license shall authorize the party obtaining it to carry on, pursue, or conduct only that business described in such license, and only at the location or place of business which is indicated thereby.

(d) Any person violating any of the provisions of this title shall be guilty of a Class B misdemeanor.

(e) Imposition of criminal penalties for violations of this title shall not be construed to prevent the City from taking other actions consistent with other laws.

(Revised Ords. 1978, § 5-1-2; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-3. Duties of Business License Section.**

(a) It shall be the duty of the License Section to prepare and issue a license after the license fee has been

paid and the license has been approved as provided herein. The license shall state the period of time covered thereby, the name of the person to whom issued, the business licensed, and the location or place of business.

(b) The License Section shall charge a fee established by the City Council for each duplicate license issued to replace any license issued under ~~these ordinances~~ this title.

(c) In no case shall any mistake made by the License Section in under-stating the fee for a license prevent or prejudice the collection by the City of what shall be actually due from any person carrying on a business subject to a license under this title.

(d) The License Section shall keep on file an alphabetical list of the licenses issued with the number, name of applicant, place and kind of business, and such remarks as may be considered necessary.

(Revised Ords. 1978, § 5-1-3; Ord. No. 16-22, 6-6-2016)

#### **Sec. 15-1-4. Application and Licensing Procedure.**

(a) A license application shall be initiated by the applicant filing a written application on a form, and addendums, if any, provided by the License Section, accompanied by payment of the license fee. If for any reason the license is not granted, the license fee shall be refunded to the applicant, with exception of one-fourth the amount, or amounts established by the City Council, being retained by the City to cover processing costs.

(b) No license shall be approved by the Mayor until the City's Police Chief, Fire Chief, Chief Building Inspector, Director of Community Development, or their designees, and the License Section, and other agencies as may be required, have reviewed the application and made their recommendations. The recommendations shall be returned to the License Section.

(c) The License Section shall then submit the application, with the recommendations, to the Mayor. The Mayor shall make his determination within ten working days from the date he receives a completed application, with the recommendations, from the License Section.

(d) The Mayor may deny or revoke the license if the applicant has:

- (1) Been convicted of a felony or charged with any crime involving moral turpitude;
- (2) Obtained a license by fraud or deceit;
- (3) Failed to pay personal property taxes, Utah State sales taxes, or other required fees; or
- (4) Violated the laws of the State of Utah, the United States government, or any ordinance, rule or regulation of the City or any Salt Lake County or Utah State agency governing operation of the business holding the license or permit.

(e) If the application is approved, the Business License Section shall issue a license as provided by this chapter.

(f) In addition to the license fee, any applicant which shall have commenced doing business prior to obtaining a valid business license may be assessed a penalty fee as established by City Council.

(Revised Ords. 1978, § 5-1-4; Ord. No. 16-22, 6-6-2016)

#### **Sec. 15-1-5. Compliance with Building and Zoning Requirements.**

No license shall be valid for any business, and no permit shall be valid for any activity, if the business or activity purposed do not fully comply with all applicable federal, state, Salt Lake County and City laws, regulations and ordinances, including all City building, fire and zoning ordinances.

(Revised Ords. 1978, § 5-1-5; Ord. No. 16-22, 6-6-2016)

#### **Sec. 15-1-6. Temporary Permits.**

(a) Notwithstanding other provisions to the contrary, the License Section may issue a temporary permit to conduct business, which permit shall be valid for not more than 60 days and which cannot be extended or renewed, if any of the following conditions exist:

- (1) A delay in granting a license exists because of delayed inspection requirements and/or research by City

staff;

- (2) A delay in granting a license exists because the developer, lessor, builder, seller, or other person (not the applicant) is causing the delay which precludes the issuance of the license, and there is no significant reason to delay the opening of the business; or
- (3) It appears on the face of the application that there is no basis for the denial of a license other than the applicant has been doing business without a license under innocent mistake of fact, being unaware of his duty to obtain a license.

(b) Temporary permits may also be issued for seasonal sales such as pumpkin sales, Christmas tree sales, flowers sales for Memorial Day, and other such sales, unless otherwise regulated under any applicable Sandy City ordinance.

(c) Fees charged for temporary permits shall be established by the City Council.

(Revised Ords. 1978, § 5-1-6; Ord 16-22, Amended 6/6/2016)

**Sec. 15-1-7. Renewal.**

(a) A license shall be renewed in conformance with the following schedule:

- (1) A building contractor and building subcontractor license shall be renewed for a one-year period on July 1 through June 30 for each year.
- (2) A home occupation license shall be renewed on April 1, effective through March 31.
- (3) Commercial business licenses shall be renewed on the January 1, effective through December 31.
- (4) A temporary business, itinerant business, and door-to-door solicitors having no permanent, fixed location in the City are not subject to license renewals and instead must reapply for a new license should such business wish to continue beyond the expiration date indicated on the license certificate, and in accordance with all provisions of ~~these Sandy City Ordinances~~ this title.

(b) The License Section is responsible for mailing a renewal notice to each business pursuant to a schedule described in the business license and billing collections section of the Sandy City Operations Manual.

(Revised Ords. 1978, § 5-1-7; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-8. License Fees; When Due; Penalties for Late Payment or Nonpayment.**

(a) Except as otherwise provided in this title, any person engaged in business shall pay the license fee to conduct or operate a business in the City.

(b) A license fee not paid when due shall be considered delinquent and the following penalties shall be charged:

- (1) Failure to pay within 30 days of the due date: 25 percent of the normal fee in addition to the normal fee.
- (2) Failure to pay after 45 days of the due date: 75 percent of the normal fee in addition to the normal fee.

(c) Any person engaged in business before having received a license may be charged a penalty, which shall be 100 percent of the normal license fee in addition to the normal license fee.

(d) The applicant may appeal any penalty charged pursuant to this section through the administrative appeal process. Information concerning the appeal process shall be available from the License Section upon request.

(e) License fees for licenses issued for less than a full year shall be charged on a quarterly pro rata basis. Any portion of a quarter shall be considered a full quarter in computing the pro rata license fee.

(Revised Ords. 1978, § 5-1-8; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-9. Transferability.**

No license issued under this title shall be transferable except under the following conditions:

- (1) A license may be transferred to another location if:
  - a. The licensee makes application for such transfer stating the new location and date of transfer;

- b. The new location has been inspected by and passes all requirements of all appropriate City departments, as determined by the License Section, to include, but not be limited to, the City's Fire and Police Departments, Building and Safety Division, and Planning Division;
  - c. The new location complies with all rules, regulations, statutes and ordinances of all appropriate Salt Lake County, State of Utah and Federal agencies; and
  - d. All appropriate fees are paid, including inspection fees and transfer fees.
- (2) No license may be assigned or transferred to any person.
  - (3) No license may authorize any business except as named thereon.
  - (4) If a partnership or association applies to delete the name of an individual or group of individuals from its license, a new license may be reissued in the name of the revised partnership or association provided the appropriate license fee is paid and appropriate applications are supplied.

(Revised Ords. 1978, § 5-1-9; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-10. Display of License.**

(a) Every person having a license, and carrying on a business, at a fixed location of business, shall display the license in a conspicuous place at that fixed location.

(b) Every person having a license, and carrying on a business, and not having a fixed location of business, shall carry the license with him at all times while carrying on that business.

(c) Every person having a license, and carrying on a business, shall produce the license whenever requested to do so by a police officer, or other person authorized to issue licenses, inspect premises, or collect fees for licenses.

(d) Notwithstanding, and in addition to the requirements above, a door-to-door solicitor shall be required to produce the license when requested by persons being solicited.

(Revised Ords. 1978, § 5-1-10; Ord 16-22, Amended 6/6/2016)

**Sec. 15-1-11. Powers of Police and Fire Department.**

All City police officers, firefighters and code compliance officers are authorized to examine all places of business and persons and to see that licenses are current and that the business is carried on in accordance with this title and other applicable laws.

(Revised Ords. 1978, § 5-1-11; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-12. Prima Facie Evidence.**

(a) In any action brought under or arising out of the provisions of this title, if a person represents himself as engaged in a business for which a license is required, or if a person exhibits a sign advertising such a business, that shall be prima facie evidence of the liability of such person to hold a license.

(b) The conviction and punishment of any person for transacting any business, trade, calling, profession or occupation without a license, shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction, and nothing shall prevent a criminal prosecution for any violation of the provisions of this title.

(Revised Ords. 1978, § 5-1-12; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-13. No Rebate Allowed.**

No rebate shall be allowed for any license unless the applicant makes application to the Mayor showing good cause. The Mayor shall have discretionary power as to what, if any, amount shall be rebated.

(Revised Ords. 1978, § 5-1-13; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-14. Exemptions.**

- (a) Persons engaged in the following activities may be exempt from the license provisions under this title:
  - (1) A farmer engaged in the production of crops, livestock and other agricultural products and in the sale

exclusively of agricultural products by him, provided such crops and other agricultural products are sold on the property where grown;

- (2) A nonprofit organization or operation where the receipts, when collected by a public educational facility, military, or governmental organization, are appropriated for the purposes and objects for which such organization is formed, and no person directly or indirectly derives a profit therefrom;
- (3) An employee working in the service of an employer where the employer has been issued a valid license,
- (4) A general contractor or subcontractor engaged in contract work in the City, who do not have offices in the City, but have offices in a jurisdiction which has reciprocal licensing for contractors with the City, and who have a current valid State and local license from that jurisdiction in which their office is located;
- (5) A person under the age of 16 conducting a business as a part-time hobby or occupation, who is not engaged in such business activities that would be considered the principal means of that person's support;
- (6) If the business consists of mere delivery in the City of goods or trade services purchased at a regular and licensed place of business outside of the City, not including, however, mobile food vendor businesses; or
- (7) If the business is an approved vendor at a City-sponsored event.

(b) Persons engaged in the following activities may be exempt from license fees, but shall obtain a license and shall operate the business in accordance with all applicable laws regulating the business:

- (1) A nonprofit charitable organization, or a fraternal association or organization, exempted by state or federal law;
- (2) A private, nonprofit educational facility;
- (3) A person who can demonstrate, by appropriate medical or institutional proof, that the person is disabled and is thereby restricted to the type of work in which he can be engaged and should be allowed an exemption; or
- (4) A business that is explicitly described in state or federal law as having an exemption from local license fees.

(Revised Ords. 1978, § 5-1-14; Ord. No. 16-22, 6-6-2016)

#### **Sec. 15-1-15. Audit, Corrections.**

All license fees and reports shall be subject to audit and correction at the close of any calendar year. The License Section may examine the business records of any person engaged in business within the City.

(Revised Ords. 1978, § 5-1-15; Ord. No. 16-22, 6-6-2016)

#### **Sec. 15-1-16. Public Health.**

A person engaged in a business involving manufacturing, handling or processing food or perishable items shall have written approval from the Salt Lake Valley Health Department and/or the U.S. Department of Agriculture before a license may be issued. A license may be revoked at any time for noncompliance with the City/County/State and/or Federal Health and Sanitary Ordinances or Regulations.

(Revised Ords. 1978, § 5-1-16; Ord. No. 16-22, 6-6-2016)

#### **Sec. 15-1-17. Denial, Suspension or Revocation of Licenses.**

(a) In addition to other provisions in ~~these ordinances~~ this title, the Mayor may deny a license application, or suspend or revoke any license which has heretofore been issued, for the following reasons:

- (1) Obtaining or renewing, or aiding another in obtaining or renewing, a license by fraud, deceit or misrepresentation;
- (2) Filing or encouraging another to file false information with the License Section or any other State or local agency as part of the licensee's license application;
- (3) Failing to pay any fees required by this title or other City ordinance or resolution;

- (4) Refusing to permit authorized officers to make inspection or to take samples of commodities, or interfering with such officers while in the performance of their duties;
- (5) Knowingly allowing illegal activities to occur on any place of business in which the licensee has interest; or
- (6) Violating any law of the State of Utah, the United States government, or any ordinance, rule or regulation of the City or any Salt Lake County or Utah state agency governing operation of the business holding the license or permit.

(b) It shall be unlawful for any person whose application for license is denied, or whose license has been suspended or revoked, to carry on or continue to conduct any business for which the license was denied, suspended or revoked.

(c) No person who has been denied a license or whose license has been revoked under the provisions of this chapter and no person associated or connected with such person in the conduct of such business shall be granted a license to carry on the business, trade, calling, profession or occupation for which ~~the~~ said license was denied or revoked until he again makes application for a new license fee as is required by ordinance.

(Revised Ords. 1978, § 5-1-17; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-18. Denial, Suspension and Revocation of Licenses, Applicant to be Heard.**

- (a) The License Section may recommend the denial, suspension or revocation of a license to the Mayor.
  - (1) Upon recommendation to deny, suspend or revoke, the License Section shall notify the applicant or licensee ("respondent") in writing, by certified mail, to the most current business address or other mailing address on file with the License Section, or by personal delivery, of the recommendation to deny, suspend, or revoke, to include the grounds therefor.
  - (2) Within ten working days of receipt of such notice, the respondent may request a hearing in writing to the Mayor. The hearing request will include a statement of reasons why the license should not be denied, suspended, or revoked.
  - (3) Within ten working days from the receipt of the respondent's hearing request, the Mayor shall notify the respondent of the hearing date, which hearing shall be within 20 working days from receipt of the respondent's request for a hearing.
  - (4) The Mayor may appoint a Hearing Officer to conduct the hearing, hear the evidence to determine if grounds exist for denial, suspension or revocation, and render a decision.
  - (5) At the hearing, the respondent shall have the opportunity to be represented by counsel, present its evidence and witnesses, and cross examine any of the City's witnesses.
  - (6) The Mayor or Hearing Officer shall issue a written opinion within ten working days after the hearing and send the same, by certified mail or personal delivery, to the respondent.
  - (7) If the Mayor or Hearing Officer determines that sufficient grounds exist for denial, suspension or revocation, such shall become final five days after the written opinion is sent, and shall include a statement advising the respondent of its right to appeal the decision to a court of competent jurisdiction.
  - (8) An appeal to such court of competent jurisdiction must be made within 20 days after the decision to deny, suspend or revoke becomes final.

(b) If the Mayor or Hearing Officer finds that insufficient grounds exist for denial, suspension, or revocation, the Mayor shall so notify the respondent within five days after the hearing and direct the License Section to issue the license so long as all other requirements have been met.

(Revised Ords. 1978, § 5-1-18; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-19. Mayor Responsibility.**

Notwithstanding any provision of this chapter to the contrary, all licensing approvals, denials, transfers, suspensions, revocations and similar actions under this title shall be decided by the Mayor.

(Revised Ords. 1978, § 5-1-19; Ord. No. 16-22, 6-6-2016)

**Sec. 15-1-20. Obscene Conduct in Places of Business, Suspension or Revocation of License.**

It shall be unlawful for any owner, operator, manager or lessee, or any agent, partner, associate or employee of such owner, manager or lessee, of any business, to allow or permit an entertainer, employee, patron or any other person to appear in or on said place of business naked, or in indecent attire or lewd dress, except in such business licensed pursuant to ~~the Sexually Oriented Business License Ordinance Chapter 16-2,~~ or to make any obscene exposure of his or her person.

(Revised Ords. 1978, § 5-1-20; Ord. No. 16-22, 6-6-2016)

**CHAPTER 15-2. ALCOHOLIC BEVERAGE REGULATIONS\***

\*State law reference—Alcoholic Beverage Control Act, 32B-1-101 et seq.; sales to underage persons, U.C.A. 1953, §§ 32B-4-403, 32B-4-409.

**Sec. 15-2-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alcohol* and *alcoholic beverage* means beer, wine, liquor, heavy beer and all other drinks that contain more than one-half of one percent of alcohol by volume and are suitable to use for beverage purposes.
- (2) *Alcohol Consumption Area* means a designated area for the sale and consumption of alcoholic beverages.
- (3) *Application* means a formal written request submitted to Sandy City, for the issuance of a Sandy City permit, license or Local Consent.
- (4) *Beer* means and includes beer, ale, porter, stout, lager, malt or malted beverage that contains at least one-half percent of alcohol by volume, but not more than four percent of alcohol by volume or 3.2 percent by weight. The term "beer" may or may not contain hops or other vegetable products. The term "beer" includes a product that contains alcohol in the percentages described in this definition and is referred to as beer, ale, porter, stout, lager, or a malt or malted beverage. The term "beer" does not include a flavored malt beverage.
- (5) *Club, dining*, means a club that has dining, and which operates under a dining club license issued by the Utah Department of Alcoholic Beverage Control.
- (6) *Club, equity*, means a club that is owned by its members and run by a board of directors elected by the members, such as a country club, and which operates under an equity club license issued by the Utah Department of Alcoholic Beverage Control.
- (7) *Club, fraternal*, means a mutual benefit or patriotic association that is organized under a lodge system, and which operates under a fraternal club license issued by the Utah Department of Alcoholic Beverage Control.
- (8) *Club, social*, means a general purpose club, which includes a nightclub, in which a variety of food is available and which operates under a social club license issued by the Utah Department of Alcoholic Beverage Control.
- (9) ~~*Flavored malt beverage*. is classified as a liquor and means a beverage that contains at least 0.5% alcohol by volume and which is manufactured using nontraditional processes employed to produce beer, to which is added a flavor or other ingredient.~~
  - a. The term "flavored malt beverage" means a beverage:
    1. That contains at least one-half percent alcohol by volume;
    2. That is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 CFR 25.55;
    3. To which is added a flavor or other ingredient containing alcohol, except for a hop extract;  
and

4. For which the producer is required to file a formula for approval with the Federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 CFR 25.55; or

5. That is not exempt under 27 CFR 25.55(f).

b. The term "flavored malt beverage" is considered liquor for purposes of this chapter.

(10) *Heavy beer* means a product that contains more than four percent alcohol by volume and greater than 3.2 percent by weight; and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered liquor for the purposes of this chapter.

(11) *Hotel* means a building and its uses as described in the Sandy City Land Development Code.

(12) *Hotel license* consists of a general hotel license, which must include three or more sublicenses. One sublicense must include a restaurant or dining club license and one sublicense must include a banquet sublicense. Multiple locations for the licensed premises operate within the hotel and are established by state statute and defined by the Utah Department of Alcoholic Beverage Control.

(13) *Licensed premises* means any building, room, place, enclosure, or structure occupied by any person licensed to store, sell, serve or allow consumption of beer or liquor on such premises under this chapter, provided that in any multi-roomed establishment, an applicant for a restaurant alcohol license for on-premises storage, sale, service, or consumption of beer or liquor shall designate a portion of the building for these uses, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises.

(14) *Licensee* means any persons holding any license referenced in this title in connection with the operation of a place of business. ~~This~~ The term "licensee" shall also include any employee of the licensee.

(15) *License Official* means the Business License Administrator or a designated agent of the Business License Administrator.

(16) *Liquor*.

~~(1) — Alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid, or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids that contain more than 0.5% of alcohol by volume and are suitable to use for beverage purposes.~~

a. Liquor:

1. Is alcohol; an alcoholic, spirituous, vinous, fermented, malt, or other liquid; a combination of liquids, a part of which is spirituous, vinous, or fermented; or other drink or drinkable liquid; and

2. Contains at least one-half percent alcohol by volume and is suitable to use for beverage purposes.

b. The term "liquor" includes heavy beer, wine, and a flavored malt beverage.

~~(1) — Alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid, or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids that contain more than 0.5% of alcohol by volume and are suitable to use for beverage purposes.~~

c. The term "liquor" does not include beer.

(17) *Local Consent* means a written document provided by the License Official to the Utah Department of Alcoholic Beverage Control indicating the City's consent for the Utah Department of Alcoholic Beverage Control to issue a specific type of beer or liquor license.

(18) *Manufacturing license* means a license issued to a winery, distillery, or brewery to distill, brew, rectify, mix, compound, process, ferment or otherwise make alcohol for personal use or for sale, transport export or distribution to others.

(19) *Mayor* means the Mayor of Sandy City, Utah.

(20) *Minor* means any person under the age of 21 years.

- (21) *Nuisance* means a licensed premise:
- a. Where three or more violations of Federal, State, County or City codes have occurred within the preceding 12-month period.
  - b. Where multiple, valid and verified complaints and violations have been filed regarding excessive noise, violence, violations of hours of operation, debris or garbage, disruption of the business operations of surrounding businesses or the disruptions of the peace and full use of the property of a homeowner.
- (22) *Off-premises beer retailer* means an establishment licensed to sell beer in original containers (not to exceed two liters) for consumption off the premises.
- (23) *On-premises banquet and catering license* allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. ~~An on-premises banquet and catering license~~ also allows for room service in hotels and resorts. Alcoholic beverages may be sold on any day from 10:00 a.m. until 1:00 a.m. as defined by the Utah Department of Alcoholic Beverage Control.
- (24) *On-premises beer retailer/recreational license* means a license that is required for the sale of beer at retail for on-premises consumption. At least 70 percent of the sales at the recreational facility must be food, or may be from gross revenues directly related to the recreational amenity. On-premises beer retailer/recreational licenses are for establishments that are tied to a "recreational amenity," as defined by Utah Department of Alcoholic Beverage Control.
- (25) *On-premises beer retailer/tavern license* means a license issued to an establishment where beer is sold for consumption to the general public on the premises in any size of open container not exceeding two liters or on draft and where the sale of beer exceeds the sale of food.
- (26) *Package agency* means a retail establishment under a contractual agreement with the State of Utah Department of Alcoholic Beverage Control, or by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency.
- (27) *Person* includes an individual, firm, partnership, corporation, association, business, trust or other form of business entity or enterprise, including a receiver, trustee and the plural as well as the singular in number, unless the intent gives a more limited meaning that is disclosed by the context.
- (28) *Place of business* or *establishment* includes cafes, restaurants, public dining rooms, cafeterias, taverns, performance venues and any other place where the general public is invited or admitted for business purposes, and shall be deemed to include dining, equity, fraternal or social clubs, and corporations and associations operating under charter or otherwise wherein only the members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business or establishments that are herein defined.
- (29) *Public place* means and refers to any of the following which are open to and generally used by the public: streets, roads, and alleys of incorporated cities and towns, state or county highways or roads; buildings and grounds used for school purposes; ~~and~~ public dance halls and adjacent grounds; any place of public resort or amusement; lobbies, halls and dining rooms; hotels; restaurants; theaters; stores; garages and service stations; any public conveyance and its depots and waiting rooms which are open to unrestricted use and access by the public; publicly-owned water parks or swimming pools, parks and playgrounds; and all other places which under this chapter have been declared to be a public place.
- (30) *Reception center* means a facility where a license is obtained for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet and event functions on the premises. The reception center must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate to prepare full meals. ~~It's a Reception center's~~ primary purpose must be leasing its facility to a third party for the third party's event.

- (31) *Residence* means and includes any building or part of a building where a person resides, but shall not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel other than a private guest room, nor a club, or any part thereof, nor any place from which there is access to a club or hotel through a street or lane or other open and unobstructed means of access, nor any portion of a building used in part for business purposes unless such portion is separated from the part used for business purposes by a wall ~~or walls~~ having no doors or other means of access opening into such part used for business purposes.
- (32) *Resort license establishment* means a resort building affiliated with a ski area that abuts the building, which building has at least 400,000 square feet, and 150 dwellings or lodging accommodations, of which 50 percent must be owned by a person other than the resort licensee, and which operates under a resort license issued by the Utah Department of Alcoholic Beverage Control.
- (33) ~~Restaurant for the purposes of this chapter, shall mean a place of business where a variety of foods are prepared and served to the general public, primarily in indoor or patio dining accommodations.~~  
Restaurant means a business location:
- a. At which a variety of foods are prepared;
  - b. At which complete meals are served to the general public; and
  - c. That is engaged primarily in serving meals to the general public.
- (34) *Restaurant, beer-only*, means a restaurant wherein beer is stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public. Each restaurant must maintain at least 70 percent of its total restaurant business from the sale of food, as established by the Utah Department of Alcoholic Beverage Control.
- (35) *Restaurant, full service*, means a restaurant wherein alcoholic beverages are stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public. Each restaurant must maintain at least 70 percent of its total restaurant business from the sale of food, as established by the Utah Department of Alcoholic Beverage Control.
- (36) *Restaurant, limited service*, means a restaurant wherein wine, heavy beer and beer is stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public. Each restaurant must maintain at least 70 percent of its total restaurant business from the sale of food, as established by the Utah Department of Alcoholic Beverage Control.
- (37) *Retailer* means any person engaged in the sale or distribution of alcohol to the consumer.
- (38) *Sell, sales and to sell* mean any transaction or exchange whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value or by any means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this chapter adopted by Sandy City or the State Alcoholic Beverage Control Commission.
- ~~mm. State Store means a facility for the sale of alcohol located on premises owned or leased by the State of Utah and operated by State employees. This term shall not apply to restaurants, clubs or package agencies.~~
- (39) State store means a facility for the sale of packaged liquor located on premises owned or leased by the State; and operated by a State employee. The term "State store" does not include: a package agency; a licensee; or a permittee.
- (40) *Temporary alcohol license* means a single event permit or a temporary beer permit as herein described, and as defined by the Utah Department of Alcoholic Beverage Control.
- (41) *Wholesaler* means any person other than a brewer or retailer engaged in the importation and storage of beer for sale, or the sale of beer directly to licensed beer retailers and holders of single event permits and temporary beer permits.

- (42) *Wine* means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, milk, or other like substances, whether or not another ingredient is added.

(Revised Ords. 1978, § 5-2-1; Ord. No. 16-42, 1-26-2017)

**State law reference**—Definitions, U.C.A. 1953, § 32B-1-102.

**Sec. 15-2-2. Office Created, Personnel.**

There is hereby created a license office within the Community Development Department, which office shall be under the charge of the License Official in accordance with the provisions of this chapter.

(Revised Ords. 1978, § 5-2-2; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-3. License Official, Powers and Duties.**

The License Official shall assess a fee for each type or classification of license in accordance with the provisions of this chapter and the applicable statutes of Utah and shall receive all license fees required herein to be paid. The assessment shall be based upon the rates established by resolution of the Sandy City Council. The License Official shall process the applications and receive all bonds as required under this chapter, and determine compliance with all applicable ordinances and statutes before issuing a license or Local Consent, and shall review and notify any applicant of license, bond or Local Consent denial, suspension or revocation. The License Official shall also keep and maintain a suitable index of licensees.

(Revised Ords. 1978, § 5-2-3; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-4. Sales at Wholesale, License Required.**

It is unlawful for any person to engage in the business of selling beer at wholesale within Sandy City without first obtaining a wholesale beer license from the Utah Department of Alcoholic Beverage Control and obtaining a business license from Sandy City.

(Revised Ords. 1978, § 5-2-4; Ord. No. 16-42, 1-26-2017)

**State law reference**—Wholesale beer license, U.C.A. 1953, § 32B-13-101 et seq.

**Sec. 15-2-5. Sales at Retail, License Required.**

(a) It is unlawful for any person to engage in the business of the sale of alcohol at retail within Sandy City without first procuring the appropriate license. A separate license shall be required for each place of sale, or place of business, or separate establishment.

(b) It shall be unlawful for any person to operate any association, establishment, restaurant, club or similar business which allows customers, members, guests, visitors or other persons to sell, possess or consume alcohol in the premises without first procuring the appropriate license therefor as provided in this chapter.

(c) The license shall identify the specific premises covered thereby and shall at all times be conspicuously displayed in the place for which it is issued.

(d) All licensees shall comply with the provisions of the Alcoholic Beverage Control Act (U.C.A. 1953, § 32B-1-101 et seq.) of Utah, and the regulations of the Alcoholic Beverage Control Commission and this chapter and all other applicable local, state and federal regulations.

(Revised Ords. 1978, § 5-2-5; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-6. Licenses and Permits, Classification.**

Licenses, Local Consent and permits issued under the provisions of this chapter shall be classified into the following types. Applicants are required to obtain a separate license and Local Consent (if required) for each license type. Establishments that hold any of the following licenses or permits shall comply with all provisions of the Utah State Code and ~~Sandy City Code~~ this Code applicable to the license or permit type, including, but not limited to, hours of operation and limitations on minors:

<i>License/Permit Name</i>	<i>Sandy City Description</i>	<i>State Code</i>	<i>Local Consent</i>
Off-Premises Beer Retailer License	An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises.	U.C.A. 1953, title 32B, ch. 7 (U.C.A. 1953, § 32B-7-101 et seq.)	No
Beer-Only Restaurant License	A beer-only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size not to exceed two liters capacity, in conjunction with an order of food.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 9 (U.C.A. 1953, § 32B-6-901 et seq.)	Yes
On-Premises Beer Tavern License	An on-premises beer tavern license shall entitle the licensee to sell beer for consumption on the licensed premises in open containers and on draft not exceeding two liters, where the revenue from the sale of beer exceeds the revenue of the sale of food. On-premises beer tavern licenses are limited as accessory establishments or may be located within a shopping center. Minors are not permitted on the premises of a tavern.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 7 (U.C.A. 1953, § 32B-6-701 et seq.)	Yes
Manufacturing License	Manufacturing licenses include brewery, distillery, and winery licenses. A brewery license is required to manufacture, brew, store, transport, or export beer and heavy beer. A distillery license is required to manufacture, store, transport, import or export liquor. A winery license is required to manufacture, store, transport, import or export wines.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 11 (U.C.A. 1953, § 32B-11-101 et seq.)	Yes
On-Premises Recreational Beer Retailer License	An on-premises <u>recreational</u> beer retailer license is required for the sale of beer at retail for on-premises consumption for establishments that are tied to a "recreational amenity," as defined by the Utah Department of Alcoholic Beverage Control. At least 70 percent of the sales at the recreational facility must be food, or may be from gross revenues directly related to the recreational amenity.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 7 U.C.A. 1953, § 32B-6-701 et seq.)	Yes

Resort License	Resort licenses are required for the storage, sale, service and consumption of alcoholic beverages on the premises of a resort building that has at least 150 dwelling or lodging accommodations, and the building must be at least 400,000 square feet. The resort building must be affiliated with a ski area that abuts the resort building premises.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 8 (U.C.A. 1953, § 32B-8-101 et seq.)	Yes
Full Service Restaurant License	Full service restaurant licenses are required for the storage, sale, service, and consumption of beer and liquor on the premises of a restaurant that is engaged primarily in serving meals to the general public.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 2 (U.C.A. 1953, § 32B-6-201 et seq.)	Yes
Limited Service Restaurant License	Limited service restaurant licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 3 (U.C.A. 1953, § 32B-6-401 et seq.)	Yes
Club Liquor License	A club liquor license is required for an equity club, a fraternal club, a dining club, or a social club.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 4 (U.C.A. 1953, § 32B-6-401 et seq.)	Yes
On-Premises Banquet and Catering License	An on-premises banquet and catering license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 6 (U.C.A. 1953, § 32B-6-.01 et seq.)	Yes
Package Agency	A retail establishment under a contractual agreement with the State of Utah Department of Alcoholic Beverage Control, or by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency.	U.C.A. 1953, title 32B, ch. 2 (U.C.A. 1953, § 32B-2-101 et seq.)	Yes

Reception Center License	A reception center license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet or event functions on the premises of a reception center which must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate to prepare full meals. Its primary purpose must be leasing its facility to third parties for the third parties' event.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 8 (U.C.A. 1953, § 32B-6-801 et seq.)	Yes
Single Event Permits	A single event permit allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control.	U.C.A. 1953, title 32B, ch. 9, pt. 1 (U.C.A. 1953, § 32B-9-101 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 2 (U.C.A. 1953, § 32B-9-201 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 3 (U.C.A. 1953, § 32B-9-301 et seq.)	Yes
Temporary Beer Event Permits	Temporary beer event permits are required to sell beer for on-premises consumption at a temporary event. Multiple temporary beer event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control.	U.C.A. 1953, title 32B, ch. 9, pt. 1 (U.C.A. 1953, § 32B-9-101 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 2 (U.C.A. 1953, § 32B-9-201 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 4 (U.C.A. 1953, § 32B-9-401 et seq.)	Yes
Hotel License	Available on a limited basis from the Utah Department of Alcoholic Beverage Control consisting of a general hotel license and three or more sublicenses. One sublicense must be a restaurant license and one must be an on-premises banquet license. Hotels with more than one club must apply for separate sublicenses and may not combine multiple clubs into one sublicense. Sublicenses include all the various restaurant licenses, taverns, club licenses and on-premises beer retailer. Licenses are subject to size and location restrictions as described by the Utah Department of Alcoholic Beverage Control.	U.C.A. 1953, title 32B, ch. 8b (U.C.A. 1953, § 32B-8b-101 et seq.)	Yes

(Revised Ords. 1978, § 5-2-6; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-7. Single Event and Temporary Beer Event Permits.**

(a) A single event permit and corresponding Local Consent allows a qualifying organization to sell and allows the consumption of all alcoholic beverages, for temporary time periods not to exceed those permitted by the Utah Department of Alcoholic Beverage Control.

(b) A temporary beer event permit and corresponding Local Consent allows for the sale and consumption of beer and shall be valid for a period of time not to exceed 30 consecutive calendar days. A series of temporary beer event permits issued to the same person may not exceed 90 days in any one calendar year.

(c) Alcoholic beverages shall be sold and consumed only in a designated Alcohol Consumption Area. At the discretion of the Community Development Director, the designated Alcohol Consumption Area may incorporate the event site or may be required to be separated from the event by a barrier, approved by the Community Development Director. The Community Development Director may prohibit minors from entering the Alcohol Consumption Area if the Community Development Director determines access would be detrimental to minors. The sale and consumption of alcoholic beverages shall be restricted to the immediate proximity of the event and only in designated areas.

(d) Single event or temporary beer event permits and corresponding Local Consent are issued only in conjunction with a community or private event, where a Sandy City business license or permit, and single event or temporary beer event permit has been obtained.

(e) A temporary beer event or single event permit requires alcoholic beverages to be sold in containers, or transferred to containers for consumption on the premises, and in containers that are visibly distinct from containers that contain non-alcoholic beverages.

(f) All holders of a temporary beer event or single event permit must provide controlled access to the Alcohol Consumption Area. Plans for such access must be provided to the License Official at the time of application.

(g) All holders of temporary beer event or single event permits must provide security personnel for the facility or location. The names of security personnel or security agencies must be provided to the Sandy City Police Department at the time of application.

(h) Each person seeking a temporary beer event or single event permit shall submit to the license official a cash deposit, payable to the City, in the amount of \$1,000.00, to assure compliance with the provisions of this section, including, but not limited to, the removal of all materials and the cleaning of the site within seven days after the expiration of the temporary beer or single event permit. In the event the licensee does not comply or remove the materials or clean the site, the City may do so, or cause the same to be done by other persons, and a portion or all of the deposit in the amount of the reasonable cost plus an administrative fee shall be retained by the City. If the cost plus the fee exceeds the deposit, Sandy City shall send an invoice to the applicant, and the applicant shall pay the invoiced amount.

(i) A temporary beer event or single event permit applicant shall abide by all applicable state and local laws, ordinances and regulations.

(j) Applicants for a temporary beer or special event permit shall provide to the License Official at the time of application, the event title, location, licensing jurisdiction and dates of operation for other temporary alcohol permits ~~had been~~ issued for the applicant's preceding three events, whether the event occurred in Utah or in another state.

(Revised Ords. 1978, § 5-2-7; Ord. No. 16-42, 1-26-2017)

**State law reference**—Event Permit Act, U.C.A. 1953, § 32-9-101 et seq.

### **Sec. 15-2-8. License Application, Contents and Applicant Qualifications.**

(a) All applications for licenses, for renewal or re-issuance of licenses, requests for Local Consent and for transfer of licenses to new Sandy City locations authorized by this chapter shall be reviewed by and filed with the License Official and shall include the following items:

- (1) The name, current address and telephone number of the applicant.
- (2) The age and date of birth of the applicant.
- ~~(3) The social security number of the applicant(s).~~

- (3) The State sales and use tax number for the business.
- (4) The citizenship and/or place of legal permanent residency of the applicant.
- (5) All addresses of the applicant for the previous five years.
- (6) All names, addresses of the licensing authorities of all similar businesses previously owned or operated by the applicant for the previous five years.
- (7) The location of the premises to be licensed.
- (8) A drawing or rendering indicating the area for alcohol sales, storage areas and consumption areas.
- (9) A sworn statement signed by the applicant that all the facts included in the application are true.
- (10) All licensed premises shall also comply with the provisions of this title.
- (11) Any other information that the City may require.

(b) If the applicant is a partnership, association, group, corporation, limited liability company, trust or other similar entity, the above information shall be provided with respect to each individual officer, partner, member and director having 20 percent or more ownership in the establishment or entity, and each individual officer, partner, member, owner and director having 20 percent or more ownership must be listed on the application form as an applicant. The application must be subscribed by the applicant, who shall state under oath that the facts therein contained are true.

(c) If the licensed premises is to be operated or managed by a person other than the applicant, said operator and all managers must join in the application and file the same information required of an applicant.

(d) If there are any changes made in the names of the applicants and/or the operator and managers of the licensed premises, an update to the license application must be filed within 30 days of the change.

(e) No license or Local Consent as described in Section 15-2-6 shall be granted unless the applicant is of age 21 or over, not having been convicted of crime of moral turpitude, and, except in the case of a temporary beer event or single event permit, the applicant shall also be a citizen of the United States or a permanent resident of the United States (Alien or Permanent Residency registration card required).

(f) The License Official shall submit copies of the application to the Planning Division, Building and Safety Division, Fire Department, Salt Lake Valley Health Department, Police Department and any other Federal, State, or local agencies as deemed necessary to provide a recommendation as to whether a business license, alcohol beverage license and Local Consent should or should not be issued.

(g) All applicants who are beginning a new business or renewing a business license shall also comply with all applicable general business licensing requirements.

(Revised Ords. 1978, § 5-2-8; Ord. No. 16-42, 1-26-2017)

#### **Sec. 15-2-9. Location Requirements.**

(a) No license allowing on-premises consumption of alcohol shall be approved or issued by the City and no Local Consent shall be issued by the City to any establishment that does not comply with the location and distance requirements set forth in the Utah Alcoholic Beverage Control Act and within prescribed zones as set forth in the Sandy City Land Development Code.

(b) No off-premises beer retailer license shall be issued to any establishment that does not comply with the Sandy City Land Development Code.

(Revised Ords. 1978, § 5-2-9; Ord. No. 16-42, 1-26-2017)

#### **Sec. 15-2-10. Expiration and Renewal.**

(a) All business and alcoholic beverage licenses issued by the City for establishments operating in a Commercial Zone, with the exception of single event permits and temporary beer event permits, shall expire on December 31 each year.

(b) In the event that the renewal fees and all renewal documentation are not received at the office of the

License Official or the Sandy City Treasurer's Office by 5:00 p.m. on December 31 (or the last business day of the year, whichever occurs first), the licensee must cease and desist all operations related to alcohol sales, and may not permit the consumption of alcohol on the premises until all outstanding fees, any applicable penalties and appropriate documentation is filed at the office of the License Official or the Sandy City Treasurer's Office and a new license is issued.

(c) Renewal fees and all renewal documentation must be delivered to and received at the office of the License Official or the Sandy City Treasurer's Office within 30 days after the expiration date (or as described in the Operations Policy Manual for Business License Receivables Manual). If the renewal fees and documentation are not received within 30 days of the due date, the licensee shall pay a penalty of 25 percent of the original fees due in addition to the original fee and renewal documentation.

(d) If the renewal fees and all renewal documentation are not received at the office of the License Official or the Sandy City Treasurer's Office, within 45 days of the date that the fees are due (or as described in the Operations Policy Manual for Business License Receivables Manual), the licensee shall pay a penalty of 75 percent of the original fee due in addition to the original fee and renewal documentation.

(e) Single event and temporary beer event permits shall indicate specific expiration dates and are not subject to renewal.

(f) Every license and Local Consent issued under this chapter, with the exception of single event and temporary beer event permits, granted to an establishment pursuant to the terms of this chapter, shall be renewed only if the applicant can affirmatively state that the qualifications and standards as previously set forth and upon which the original license was granted shall have been and shall be complied with continually.

(g) All licensed premises shall also comply with the provisions of this title.

(Revised Ords. 1978, § 5-2-10; Ord. No. 16-42, 1-26-2017)

#### **Sec. 15-2-11. Fees.**

The amount of the fees required to obtain the licenses and identification cards set forth in this chapter shall be established by resolution of the City Council.

(Revised Ords. 1978, § 5-2-11; Ord. No. 16-42, 1-26-2017)

#### **Sec. 15-2-12. Bonds.**

(a) *General.*

- (1) Every applicant for a license or Local Consent under this chapter shall post a cash bond in the amount of \$2,000.00, which is to remain in effect during the entire period alcohol is sold or consumed on the premises. The bond is in addition to all other licensing fees and bonds.
- (2) The cash bond shall be forfeited in the event of a violation:
  - a. By the licensee or an employee of the licensee;
  - b. Related to the operation of the business for which the license was issued; and
  - c. Of any laws or ordinances relating to any of the following: alcoholic beverages (except selling alcohol to a minor), controlled substances, gambling, committing or maintaining a nuisance, keeping a disorderly house, for grave offenses permitted on the licensed premises or if the license is revoked.
- (3) After forfeiture of the \$2,000.00 cash bond, the licensee shall not sell or permit the consumption of alcohol on the premises until the City has received a new cash bond in the amount of \$5,000.00.
- (4) The \$5,000.00 bond shall be forfeited according to Subsection (a)(2) of this section.
- (5) After forfeiture of the \$5,000.00 bond, the licensee shall not sell or permit the consumption of alcohol on the premises until the City has received a new cash bond in the amount of \$10,000.00. The bond must be posted within ten days of the notice of forfeiture of the \$5,000.00 bond.
- (6) The \$10,000.00 cash bond shall be forfeited in accordance with Subsection (a)(2) of this section, and the

City License Official will make a determination if the business license, alcohol beverage license or Local Consent should be suspended or revoked as described in Section 15-2-16 of this Title.

- (7) If the licensee is permitted to continue to operate an establishment to sell alcohol or allow the consumption of alcohol on the premises, after the suspension has expired or after reapplying for a license after a revocation, the licensee shall post a new \$10,000.00 cash bond, which is to remain in effect during the entire period alcohol is sold or consumed on the premises. Any additional violations will result in a revocation of Local Consent and may result in the revocation of the business license issued by Sandy City.
  - (8) The applicant may petition the City License Official for a reduction in the amount of the \$10,000.00 bond, after two years, if there are no further violations by the licensee or an employee of the licensee related to the business for which the license was issued. In no case will the amount of the bond be reduced to an amount less than \$2,000.00.
  - (9) After forfeiting a bond, and prior to posting a new bond, the licensee shall present to the City License Official a plan concerning the operational practices to be implemented. The plan must specifically address the violations for which the bond was forfeited.
  - (10) Failure of the licensee to post the bond within ten days after delivery of notice requiring the new bond may result in the suspension or revocation of the City-issued licenses, including, but not limited to, the business license and Local Consent.
  - (11) The forfeiture of three bonds posted pursuant to this section may result in the suspension or revocation of City-issued license, including, but not limited to, the business license and Local Consent.
  - (12) All monies received by the City from the forfeitures of bonds shall be deposited in an account to be used for alcoholic beverage enforcement purposes.
  - (13) Forfeiture of bonds will be in addition to any penalties as may be prescribed by the State of Utah.
- (b) *Selling beer to a minor.* In addition to the general cash bond required pursuant to this section, a separate cash bond shall be required if the licensee or any employee of the licensee violates any ordinance or law concerning the selling of beer to a minor.
- (1) If any licensee herein or any employee of a licensee commits a violation of any ordinance or law concerning selling beer to a minor or comparable violation, the licensee, within ten days of receipt of written notice from the City, shall post a cash bond in the amount of \$1,000.00.
  - (2) The cash bond for selling beer to a minor shall be forfeited in the event of a violation:
    - a. By the licensee or the employee of the licensee; ~~and~~
    - b. Related to the operation of the business for which the license was issued; ~~and~~
    - c. Of any laws or ordinances relating to the selling of alcohol to a minor or comparable charge; and
    - d. Within two years of posting the bond.
  - (3) After forfeiture of the \$1,000.00 bond, the licensee shall, within ten days after delivery of written notice from the City, post a new cash bond in the amount of \$2,500.00.
  - (4) The \$2,500.00 bond shall be forfeited according to Subsection (b)(2) of this section. City-issued licenses and Local Consent may be suspended for a period of ten to 30 days.
  - (5) Following the forfeiture of the \$2,500.00 bond, the licensee shall, within ten days after delivery of written notice from the City, post a new cash bond in the amount of \$5,000.00.
  - (6) The \$5,000.00 cash bond shall be forfeited according to Subsection (b)(2) of this section and the City-issued licenses and Local Consent may be suspended or revoked in accordance with Section 15-2-16 of this Title.
  - (7) After forfeiting a bond, and prior to posting a new bond, the licensee shall present to the City a plan concerning the operational practices to be implemented to avoid future violations of laws related to sales of alcoholic beverages to minors.

- (8) If a licensee is required to post bonds for sale of alcohol to a minor or comparable violation, and if neither the licensee nor any employee of the licensee violates any ordinances or laws related to selling alcohol to a minor or comparable violation within two years following the posting of the bond, the most recently posted bond shall be returned to the licensee by the City upon receipt by the City of a written request and verification by the City that no such violations have occurred.
- (9) Failure of the licensee to post the bonds within ten days after delivery of notice requiring the new bond may result in suspension or revocation of City-issued licenses, including, but not limited to, the business license and Local Consent.
- (10) The forfeiture of three bonds posted pursuant to this section may result in the suspension or revocation of City-issued licenses, including, but not limited to, the business license and Local Consent.
- (11) All monies received by the City from the forfeitures of bonds shall be deposited in an account to be used for alcoholic beverage enforcement purposes.
- (12) Forfeiture of bonds for sale of alcohol to a minor or similar violation will be in addition to any penalties as may be prescribed by the State of Utah.

(Revised Ords. 1978, § 5-2-12; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-13. Transfer of License.**

(a) Licenses and Local Consent issued by the City pursuant to this chapter shall not be transferable to any other person or entity.

(b) It shall be unlawful for any licensee to sell or transfer the business ownership, or otherwise cease operating the business, without notifying the License Official and surrendering the license.

(c) If the persons named on the licensee's most recent application on file with the License Official remain the same, a license or Local Consent issued pursuant to this chapter may be transferred to a new location upon approval of the License Official. The licensee shall pay the transfer fee as adopted by resolution of the Sandy City Council, and all outstanding license fees. All current bonds, violations, penalties and tenure for bonds will also be transferred to the new location without interruption. The new location must be able to satisfy all land use ordinances, Utah Department of Alcoholic Beverage Control requirements, and all other business approval requirements.

(Revised Ords. 1978, § 5-2-13; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-14. Issuance or Denial of License.**

A license or a Local Consent issued by the City under the provisions of this chapter shall not be considered or deemed a right and, if granted, shall inure to the benefit of the licensee only as a privilege temporarily granted. The City reserves the right to deny any application for a license or Local Consent described herein. If, on an application or a renewal for a license, the License Official finds that any applicant does not meet the requirements of or is disqualified under any section of this chapter, or if the License Official finds that the application is deficient in any way or any of the facts provided thereon are false or in question, the License Official shall deny the application.

(Revised Ords. 1978, § 5-2-14; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-15. Suspension and Revocation of License.**

(a) Basis. Licenses, Local Consent or bonds may be suspended or revoked by the License Official for any of the following reasons:

- (1) Violation on the licensed premises of any provision of this chapter; ~~or~~
- (2) Violation of any other ordinance or law related to alcoholic beverages; ~~or~~
- (3) The licensee does not now possess the qualifications required by this chapter and the statutes of the State of Utah; ~~or~~
- (4) False or incomplete information given on an application; ~~or~~
- (5) The licensee has obtained or aided another person in obtaining a license by fraud or deceit; ~~or~~
- (6) The licensee has failed to pay real or personal property taxes, utility taxes or sales taxes; ~~or~~

- (7) Any illegal activity by the licensee or any employees of the licensee of any City ordinance or state or federal statute, except minor traffic offenses, while on the premises or relating to the business; ~~or~~
- (8) Failure to pay the license fee or post bonds when due; ~~or~~
- (9) Violation of City ordinance or federal or state statute relating to the business, alcoholic beverage, consumption, entertainment or agency licenses and resulting from the conduct of such business or activity; ~~or~~
- (10) The applicant has been convicted of or entered a plea of nolo contendere for:
  - a. Any felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five years; or
  - b. A misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three years;
- (11) Any conduct or act of the licensee or his/~~her~~ employees or any act committed by them on the premises or any act by the patrons where such business is conducted tending to render such business or such premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the City or its inhabitants; ~~or~~
- (12) The licensee has refused to allow authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of their duty in making such inspection; ~~or~~
- (13) The licensee is not complying with a requirement or condition set by the Planning Commission or Community Development Department, if applicable, under a conditional use permit, site plan review or other approval, if applicable, granting a variance or special exception; by the City Council; or by agreement; or
- (14) Any other reason expressly provided for in this chapter.

(b) The licensee shall be responsible for the operation of the business in conformity with the ordinances of the City and the laws of the state and it shall be grounds for suspension or revocation of the license or Local Consent if a violation occurs through an act of a licensee, operator, employee, agent, or person who is allowed to perform for patrons of the business, whether or not said person is paid by the licensee for said performance, or any person who violates said ordinances or laws with the consent or knowledge of the licensee or his agents or employees or operator of the business.

(Revised Ords. 1978, § 5-2-15; Ord. No. 16-42, 1-26-2017)

### **Sec. 15-2-16. Denial, Suspension and Revocation of License; Applicant to be Heard.**

(a) *Notice of Denial Suspension or Revocation.* The License Official shall cause written notice to be given to the applicant or licensee ("respondent") of the License Official's recommendation of denial, suspension or revocation of a City-issued license, Local Consent or bond forfeiture. The notice shall include:

- (1) The reason for the recommendation of denial, suspension, revocation or bond forfeiture; and
- (2) The respondent's right to have a hearing concerning the License Official's determination. Written notice shall be given by personal service or by registered mail or by mail, postage prepaid, to the address given by the respondent on the most recent application or renewal of the license.

(b) *Request for Hearing.* A hearing may be requested by the respondent by filing a written request for hearing with the Mayor's Office within ten working days of receipt of the notice of the recommendation for denial of any application, suspension or revocation of a City-issued license or Local Consent, or bond forfeiture. The written request for hearing shall include a statement of reasons why the license or Local Consent should not be denied, suspended or revoked, or the bond should not be forfeited.

(c) *Hearing.*

- (1) The hearing shall be before the Mayor, or an Administrative Hearing Officer designated by the Mayor, and shall be at a time, place and day set by the Mayor, but not later than 20 working days after receipt of

- the written request for hearing.
- (2) At the hearing, the City shall present the reasons and evidence for the recommendation to deny, suspend, or revoke the license, Local Consent or forfeit the bond.
  - (3) At the hearing, the respondent shall have the opportunity to be represented by counsel, present evidence and witnesses and cross examine any of the City's witnesses.
  - (4) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront and cross examine any witnesses.
  - (5) Any oral or documentary evidence may be received, but the Mayor or the designated Administrative Hearing Officer may exclude all privileged, irrelevant, immaterial or unduly repetitious evidence.
  - (6) If the recommendation for denial, suspension or revocation is based on a finding by the Community Development Department, Fire Department, Health Department or Police Department that the business was or would be in violation of applicable ordinances or regulations, then this determination shall be conclusive and the final decision may be based only on whether the City acted properly in recommending denial, suspension or revocation of the license or Local Consent or bond forfeiture because of ~~the~~ said department's determination.
  - (7) The Mayor or the designated Administrative Hearing Officer, after hearing and considering all the evidence, shall:
    - a. Deny, suspend or revoke the license, Local Consent, or order the bond to be forfeited; ~~or~~
    - b. Approve or reinstate the license or Local Consent with conditions; or
    - c. Approve or reinstate the license or Local Consent without conditions.
  - (8) The Mayor or the designated Administrative Hearing Officer shall issue a written decision within ten days after the hearing and send the same, by personal service or by registered mail, postage prepaid, to the respondent.
  - (9) In a hearing regarding suspension of a license or Local Consent, if good cause for the suspension is established at the hearing, the suspension order may be continued for up to one year in duration.
  - (10) In a hearing regarding revocation, if good cause for the revocation of the license or Local Consent is established, the respondent may not reapply for a new license or request Local Consent for a minimum of one year after the Hearing Officer's decision or final decision.
  - (11) The decision of the Mayor or the designated Administrative Hearing Officer may be appealed by the respondent to the District Court within 30 calendar days from when the written decision is made.
  - (12) If the respondent fails to file a request for a hearing within the prescribed date, the determination of the License Official shall be upheld and the denial, revocation, suspension or bond forfeiture shall be effective immediately.

(Revised Ords. 1978, § 5-2-16; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-17. Application after Suspension or Revocation.**

- (a) A suspension shall be for a period not exceeding one year.
  - (1) After the expiration of the suspension period, the license or Local Consent may be reinstated, if the licensee otherwise complies with all licensing requirements.
  - (2) If the license would have otherwise expired during the period of the suspension, the licensee will not be entitled to apply for a renewal license until after the period of suspension has expired and will be required to pay the full license fee.
  - (3) Utah Department of Alcoholic Beverage Control will be notified by the License Official of a suspension and the suspension period.
- (b) A revocation shall be for a period of no less than one year.

- (1) Upon revocation of the license, the licensee shall forfeit to the City the following:
  - a. The remaining license fee paid; ~~and~~
  - b. The bond posted to insure compliance with the law; and
  - c. Any bond posted as a result of sale of alcohol to a minor.
- (2) A licensee shall not be entitled to reapply for a new license or request Local Consent during the period of revocation.
- (3) Utah Department of Alcoholic Beverage Control will be notified by the License Official of the revocation and the revocation period.

(c) If the licensed business is sold to a new party, not previously associated with the licensee who is under suspension or revocation, the new owner of the business may apply for and may be granted a new license under this chapter, notwithstanding the current revoked or suspended status of the former licensee.

(Revised Ords. 1978, § 5-2-17; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-18. Wholesaler and Retailer, Conflict of Interest.**

(a) It is unlawful for any dealer, distributor, brewer or wholesaler to, either directly or indirectly, supply, give or pay for any furniture, furnishings or fixtures of a beer or liquor licensee, unless the dealer, distributor, brewer or wholesaler has ownership interest in the establishment holding the beer or liquor license.

(b) It is unlawful for any dealer, distributor or brewer to advance funds, money, or pay for any license of a retailer or to be financially interested, either directly or indirectly, in the conduct or operation of the business of any beer or liquor licensee, unless the dealer, distributor, brewer or wholesaler has an ownership interest in the establishment holding the beer or liquor license.

(c) Exceptions to this section are provided in the Tied House Prohibitions described in Title 32B of the Alcoholic Beverage Control Act.

(Revised Ords. 1978, § 5-2-18; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-19. Alcoholic Beverage Sales, Hours of Operation.**

(a) It is unlawful for any off-premises beer retailer to sell or dispose of beer to any person or patron on the licensed premises contrary to the hour of operation limits prescribed by the Sandy City Land Development Code, and in no case shall a licensee or any employee of the licensed premises sell, dispose of or give away beer between the hours of 1:00 a.m. and 7:00 a.m.

(b) It is unlawful for any other licensee as described in section of 15-2-6, or operator or any employee thereof, to sell, dispose of, give away or serve any alcoholic beverages to any person on the licensed premises contrary to the hour of operation limits prescribed by the Sandy City Land Development Code and the Utah Alcoholic Beverage Control Act (U.C.A. 1953, § 32B-1-101 et seq.).

(c) It is unlawful for any establishment required to be licensed to sell or permit the consumption of alcohol, which is also required to be licensed as a sexually oriented business, to allow patrons on the premises or to operate the premises in any manner between the hours of 1:00 a.m. and 8:00 a.m.

(Revised Ords. 1978, § 5-2-19)

**State law reference**—Hours of operation of limited-service restaurant licensee, U.C.A. 1953, §§ 32B-6-305(6), 32B-6-305.2(6); hours of operation of full-service restaurant licensee, U.C.A. 1953, §§ 32B-6-205(6), 32B-6-205.2(6); hours of operation of beer-only restaurant licensee, U.C.A. 1953, §§ 32-6-905(6), 32B-6-905.1(6); hours of operation for on-premises beer retailer licensee, U.C.A. 1953, § 32B-6-706(5); hours of operation for on-premises banquet licensee, U.C.A. 1953, § 32B-6-605(8); hours of operation of bar establishment licensee, U.C.A. 1953, § 32B-6-406(4); hours of operation of reception center licensee, U.C.A. 1953, § 32B-6-805(8); hours of operation for resort spa sublicensee, U.C.A. 1953, § 32B-8-304(3); hours of operation of event permittee, U.C.A. 1953, § 32B-9-204(17).

**Sec. 15-2-20. Alcoholic Beverage Sales, Nuisances Prohibited.**

It is unlawful for any person licensed under this chapter to keep or maintain a nuisance, as defined in this chapter.

(Revised Ords. 1978, § 5-2-20; Ord. No. 16-42, 1-26-2017)

**Sec. 5-2-21. Alcoholic beverage sales—Prohibited to minors.**

a. ~~It is unlawful to sell or in any way to provide alcoholic beverage(s) to any person under the age of twenty-one (21) years, or to allow minors on the premise of any licensee identified in section 5-2-6 that would be in violation of the Utah Alcoholic Beverage Control Act or this chapter.~~

b. ~~This section does not apply to the furnishing of an alcoholic product to a minor under the following circumstances:~~

(1) ~~For medicinal purposes by:~~

(i) ~~the parent or guardian of the minor; or~~

(ii) ~~the health care practitioner of the minor, if the health care practitioner is authorized by law to write a prescription; or~~

(2) ~~As part of a religious organization's religious services.~~

c. ~~For violations related to underage sale of beer by an Off Premise Beer Retailer, the enforcement process set forth in the Utah Code Annotated, applies. The Chief of Police or designee shall conduct these enforcement proceedings.~~

d. ~~It is unlawful for any person under the age of twenty one (21) years to purchase, consume, accept, or have in his or her possession any alcoholic beverage. This section does not apply to the acceptance of an alcoholic product by a minor under the following circumstances:~~

(1) ~~For medicinal purposes if the alcohol is furnished by:~~

(i) ~~the parent or guardian of the minor; or~~

(ii) ~~the health care practitioner of the minor, if the health care practitioner is authorized by law to write a prescription; or~~

(2) ~~As part of a religious organization's religious services.~~

~~The provisions of this section prohibiting possession of beer shall not apply to persons under twenty one years of age who are bona fide employees of a licensed Off Premise Beer Retailer premises while in the discharge of their employment therein or thereabouts.~~

(Revised Ords. 1978, § 5-2-21; Ord 16-42, Amended 1-26-2017)

**Sec. 15-2-21. Requirements for Employees and Entertainers.**

(a) *Identification Cards.* All employees in taverns or social club licensed premises who handle, dispense or serve alcoholic beverages, managers, all bouncers, doormen or other security-type employees and all entertainers, except contract entertainers, before engaging in the duties of their employment in or on the licensed premises, shall register with the City Police Department upon a form to be provided by the Department. They shall submit to finger printing and photographing by the Police Department. The Police Department shall provide each such person an identification card within a reasonable time, unless it finds one or more of the following:

(1) The employee is under 21 years of age.

(2) The employee is overdue in payment to the City of any taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to alcoholic beverages, alcoholic beverage establishments or employees and entertainers therein.

(3) The employee has failed to provide information reasonably necessary for investigation and issuance of the license or has falsely answered a material question or request for information as authorized by this chapter.

(4) The employee has been convicted of a violation of a provision of this chapter within two years immediately preceding the application. Appeal of a conviction shall have no effect on the denial.

(5) The premises in which the employee is to be employed does not have a current valid business and

alcoholic beverage establishment license.

- (6) The fees established herein have not been paid.
- (7) The employee is in violation of or not in compliance with this chapter.
- (8) The employee has been convicted of or entered a plea of nolo contendere for any felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five years or a misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three years.
- (9) Said identification card must be made available and presented upon demand by the License Official while the employee is functioning as an employee on the licensed premises. A person registered under this section, upon changing employment, shall notify the City Police Department in writing of that fact.
- (10) Any person who is not issued an identification card may appeal to the Chief of Police, in writing, within 15 days from the date of denial. If, after review, the Chief of Police also denies the card or upholds the suspension or revocation, the applicant may then appeal to the Mayor in the manner set forth in this chapter.
- (11) Unless revoked or suspended, each identification card issued pursuant hereto shall remain valid for a period of two years. Identification cards must be renewed by the employee after the expiration of two years from the date of issuance by following the same procedure as established herein.

(b) *Training.* Every employee of an establishment engaging in the serving, selling or furnishing of alcoholic beverages for consumption on the premises must complete the Alcohol Training and Education Seminar, as required by state law.

(c) *Age.*

(1) In any off-premises beer retailer licensed under this chapter, all employees handling, selling or otherwise engaged in the retail sale of beer must be at least 18 years of age, and under the supervision of an employee of the establishment who is 21 years of age or older, and who is located on the licensed premises at all times, unless otherwise regulated by law.

(2) With the exception of those employees of licensed premises indicated ~~immediately above in Subsection (c)(1) of this section,~~ in all other licensed premises, all employees handling, selling, serving or otherwise engaged in the retail sale of alcohol must be at least 21 years of age.

(d) *Licensee Responsibility.* It is the duty of the licensee of any license issued pursuant to this chapter, to verify that any person employed or entertaining on their premises is in compliance with these requirements. Any licensee that permits a violation of this section, either personally or through his agents, employees, officers or assigns, shall be subject to suspension or revocation of his~~her~~ license.

(Revised Ords. 1978, § 5-2-22; Ord. No. 16-42, 1-26-2017)

#### **Sec. 15-2-22. Illegal Sale, Manufacturing, Storage, Etc., of Alcoholic Beverages.**

It shall be unlawful for any person, except as provided by this chapter or Utah State statute, to knowingly have in his~~her~~ possession any alcoholic beverage, or to manufacture, sell, offer, import, carry, transport, advertise, distribute, give away, dispense or serve any alcoholic beverage.

(Revised Ords. 1978, § 5-2-23; Ord. No. 16-42, 1-26-2017)

#### **Sec. 15-2-23. Possession of Liquor.**

It shall be unlawful, except as provided by this chapter or state statute, for any licensee to have or keep for sale or possess any liquor which has not been purchased from a State liquor store or package agency.

(Revised Ords. 1978, § 5-2-24; Ord. No. 16-42, 1-26-2017)

#### **Sec. 15-2-24. Taking Liquor Unlawfully.**

It shall be unlawful, except as provided by City ordinance or state statute, for any person within the City, by

himself, his clerk, employee, or agent, to attempt to purchase, directly or indirectly or upon any pretense or upon any device, to purchase or in consideration of the sale or transfer of any property, to take or accept any alcoholic beverage from any other person.

(Revised Ords. 1978, § 5-2-25; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-25. Adulterated Alcoholic Beverage.**

It shall be unlawful for any person, for any purpose whatever, to mix or permit or cause to be mixed with any alcohol beverage offered for sale, sold or supplied by him~~her~~ as a beverage, any controlled substance or any form of methyllic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid.

(Revised Ords. 1978, § 5-2-26; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-26. Sale of Alcoholic Beverage to Intoxicated or Interdicted Persons.**

(a) It shall be unlawful for any person to sell, give or supply any alcoholic beverage or to permit any alcoholic beverage to be sold or supplied to any person under, or apparently under, the influence of an alcoholic beverage or interdicted from possessing or consuming alcoholic beverages.

(b) It shall be unlawful for any person to:

- (1) Permit drunkenness to take place in any herein licensed premises, by the owner, licensee or employee; or
- (2) Permit or suffer any person apparently under the influence of an alcoholic beverage to consume any alcoholic beverage in any herein licensed premises, by the owner, licensee or employee.

(Revised Ords. 1978, § 5-2-27; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-27. Canvassing and Soliciting Prohibited.**

It shall be unlawful for any person to canvass or solicit orders for alcoholic beverages by mail, telephone, or any other manner, and said person is hereby prohibited from engaging in said activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the State of Utah.

(Revised Ords. 1978, § 5-2-28; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-28. Unlawful Importation and Transportation.**

It shall be unlawful for any person to order or purchase or to ship or transport or cause to be transported into Sandy City or from one place to another within Sandy City any alcoholic beverages or to sell or furnish any alcoholic beverage to any person within Sandy City when such alcoholic beverage is intended by any person interested therein to be received, possessed, sold or in any manner used in violation of the law.

(Revised Ords. 1978, § 5-2-29; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-29. Aiding or Abetting.**

It shall be unlawful for any person to aid, abet, counsel or procure any unlawful sale, unlawful purchase, unlawful gift or other unlawful disposition of alcoholic beverages, or to act as agent or representative of the seller in procuring or effecting unlawful sale or purchase of any alcoholic beverages. Nothing in this section shall be construed as prohibiting any person from purchasing alcoholic beverages contrary to the provisions of this ~~aet~~ chapter when acting as the agent of the authorities charged with the enforcement of this ~~aet~~ chapter in the detection and conviction of violators.

(Revised Ords. 1978, § 5-2-30; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-30. City Park Restrictions.**

It is unlawful for any person to consume any beer or liquor upon the premises of any park owned or operated by Sandy City.

(Revised Ords. 1978, § 5-2-31; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-31. Consumption Prohibited in Unlicensed Premises.**

It is unlawful for any person to consume any alcoholic beverage in any public place that has not been provided with the necessary licenses and permits as required by this chapter and the Utah Department of Alcoholic Beverage Control.

(Revised Ords. 1978, § 5-2-32; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-32. Premises—Inspection.**

The Sandy City Police Department, local Code Enforcement Officials, Fire Department officials, Planning Department officials, Building and Safety Department officials and the License Official shall be permitted to have access to all premises licensed or applying for licenses under this chapter, and they shall make periodic inspections of such premises and report their findings to the Mayor. Said inspections by local law enforcement agencies may be made with or without prior notice and in uniform or plain clothes.

(Revised Ords. 1978, § 5-2-33; Ord. No. 16-42, 1-26-2017)

**Sec. 15-2-33. Enforcement.**

A violation of any provision of this chapter shall be a Class B misdemeanor.

(Revised Ords. 1978, § 5-2-34; Ord. No. 16-42, 1-26-2017)

**Sec. 5-2-35. Severability.**

~~If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, or provisions hereof which can be implemented without the invalid section or provision. To this end, the provisions and sections of this chapter are declared to be severable.~~

~~(Revised Ords. 1978, § 5-2-35; Ord 16-42, Amended 1-26-2017)~~

**CHAPTER 15-3. ENTERTAINMENT ARCADES AND DEVICES**

**Sec. 15-3-1. Purpose.**

The City Council of Sandy City has determined, based upon concerns expressed by parents and residents of the community, that the regulation of arcades and entertainment devices will be beneficial to the peace, safety and welfare of the residents of Sandy City.

(Revised Ords. 1978, § 5-4-1)

**Sec. 15-3-2. Definitions.**

~~For the purposes of this chapter, the following words shall have the meanings as defined herein: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- (1) *Amusement device* means any amusement machine or device, whether mechanically or electronically operated, by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the play of which a fee is charged, or a device similar to any such machine or device but which has been manufactured, altered or modified so that operation is controlled without the insertion of coin, token or similar object. The term "amusement device" does not include coin-operated phonographs, ride machines designed primarily for the amusement of children or vending machines in which are not incorporated features of chance or skill.
- (2) *Arcade* means any business establishment which has five or more amusement devices.
- (3) *Musical device* means a music box or other device, the purpose of which is to furnish music for the entertainment of the patrons or guests of said place of business, which box or device, whether mechanically or electronically operated, operates by means of the insertion of a coin, token or similar object and shall include any box or device which has been manufactured, altered or modified so that the operation is controlled without the insertion of a coin, token or similar object.

(Revised Ords. 1978, § 5-4-2)

**Sec. 15-3-3. License Required.**

(a) It shall be unlawful for any person to operate within Sandy City an arcade without first having obtained a license therefor.

(b) It shall be unlawful for any person to have or maintain in any place of business in Sandy City an amusement device or a musical device without first obtaining from the City a license for said device.

(Revised Ords. 1978, § 5-4-3)

**Sec. 15-3-4. Fees.**

The amount of the fees required to obtain the licenses as set forth in this chapter shall be established by resolution of the City Council.

(Revised Ords. 1978, § 5-4-4)

**Sec. 15-3-5. Maximum Number of Machines.**

No arcade or other business establishment shall have or maintain any amusement device or musical device without first complying with the provisions of the Life Safety Code as adopted by Sandy City.

(Revised Ords. 1978, § 5-4-5)

**Sec. 15-3-6. Compliance with Chapter.**

(a) It shall be the duty of any person or business having an amusement device or musical device to ensure compliance of the business establishment with the terms of this chapter.

(b) All persons or businesses having amusement devices will have, during the hours of operation, a person designated as the responsible party on the premises and available upon request. The Chief of Police may require arcades to provide attendants and/or uniformed security guards. All responsible persons, attendants and guards shall be 18 years or older.

(Revised Ords. 1978, § 5-4-6)

**Sec. 15-3-7. Limitation on Age.**

It shall be unlawful for any licensee to permit, suffer or allow any student under the age of 18 years to use or operate any amusement device or musical device located in or upon the licensed premises during the hours from 9:00 a.m. to 2:30 p.m. during such time as public, elementary, middle or high schools are in session.

(Revised Ords. 1978, § 5-4-7)

**Sec. 15-3-8. Gambling Prohibited.**

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling device whatsoever or any other illegal device to be allowed upon any licensed premises.

(Revised Ords. 1978, § 5-4-8)

**Sec. 15-3-9. Hearing Prior to Suspension or Revocation of License.**

(a) Terms of suspension/revocation. The Mayor may suspend, revoke or refuse to renew any license issued under the terms of this chapter for any of the following causes:

- (1) Fraud or misrepresentation in its procurement.
- (2) Violation or failure to comply with all of the provisions of this chapter.
- (3) Upon failure to pay any license fee levied when due.
- (4) Upon the violation of any City ordinance, state or federal statute involving moral turpitude.
- (5) Any conduct or act of the licensee or his employees or any act permitted by him or them on the premises where such business is conducted tending to render such business or such premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the City.
- (6) A violation of City ordinance or federal or state statute relating to the business or activity licensed and resulting from the conduct of such business or activity.

- (7) For good cause shown.
- (b) *Hearing.*
  - (1) Before the Mayor shall suspend, revoke or refuse the renewal of any license, he shall first afford the licensee an opportunity in a hearing to show good cause why such license should not be suspended, revoked, or why such license should be renewed.
  - (2) The licensee shall be given notice of such hearing, which notice shall indicate the time, place and date of such hearing; statement of the purpose of such hearing; and a reasonably definite statement setting forth the causes, grounds or basis or any complaint. Such notice shall either be personally served on or mailed to the address of the licensee indicated in his last application filed, at least ten days before the date fixed for the hearing.
  - (3) At the hearing, the licensee or applicant shall have the right to appear personally and/or by counsel; to cross examine witnesses appearing; and to produce evidence and witnesses in his behalf.
  - (4) After such hearing, on due deliberation, the Mayor shall notify the licensee of his findings and determination.

(Revised Ords. 1978, § 5-4-9)

#### **CHAPTER 15-4. SWAP MEETS AND FLEA MARKETS**

##### **Sec. 15-4-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Swap meet licensee* means any person who rents, lends or leases his premises to temporary sellers for use as a market place to barter and exchange goods. A flea market shall be considered a swap meet.

(Revised Ords. 1978, § 5-5-1)

##### **Sec. 15-4-2. License Required.**

It shall be unlawful for any person, firm, corporation, or charity to hold a swap meet or flea market without having first obtained a license therefor as is herein provided. The license fee may be waived as provided in Section 15-1-14.

(Revised Ords. 1978, § 5-5-2)

##### **Sec. 15-4-3. Application, Investigation.**

Application for a swap meet license shall be made to the City Recorder and shall state thereon the name of the applicant, the place of business, the nature of the business, the place of residence of the applicant, the applicant's date of birth, and the number of employees intended to be engaged. The Chief of Police shall investigate each applicant for such license and shall report to the City Recorder whether or not such applicant is a person who has been convicted of the offense of receiving stolen goods or of burglary, larceny, or robbery, and the license of any swap meet licensee so convicted shall be revoked.

(Revised Ords. 1978, § 5-5-3)

##### **Sec. 15-4-4. Fee.**

The annual fee for a swap meet license shall be ~~that prescribed in Section 5-1-6~~ as established by the fee schedule.

(Revised Ords. 1978, § 5-5-4)

##### **Sec. 15-4-5. Right to Issue Daily Business License Permits.**

A swap meet licensee shall have the right to issue daily business license permits to sellers upon receiving the required ~~\$1.00~~ per-sale-day fees established by the fee schedule and the signed, certified license applications listing the goods to be sold or exchanged. It shall be unlawful for any swap meet licensee to fail to deliver on the day of application to the Sandy City Police Department a legible and accurate copy of the records required under this

chapter with the seller's daily business license permit fee.

(Revised Ords. 1978, § 5-5-5)

**Sec. 15-4-6. Records.**

Every swap meet licensee doing business in the City shall keep a record of all sellers wishing to utilize his premises. This record shall contain:

- (1) A description of the seller, including:
  - a. Name, including middle initial.
  - b. Address.
  - c. Sex.
  - d. Nationality.
  - e. Height.
  - f. Weight.
  - g. Color of hair.
  - h. Color of eyes.
  - i. Driver's license number and state of issue.
  - j. Occupation.
- (2) A description of the seller's vehicle, including:
  - a. Make.
  - b. Model.
  - c. Year.
  - d. Color.
  - e. License number and state.
  - f. Registered owner, if different than the person offering articles for sale or exchange.
- (3) A description of articles offered for sale, including:
  - a. Name of article.
  - b. Size.
  - c. Color.
  - d. Serial number or ID mark.
- (4) The number of a seller's sales tax permit, if any.
- (5) The number of a seller's daily business license permit.
- (6) The date a seller has applied to sell on.

(Revised Ords. 1978, § 5-5-6)

**Sec. 15-4-7. Seller's Application for License and Fee.**

(a) All sellers shall apply for a license to sell on the premises of a swap meet licensee. Along with the fee of ~~\$1.00~~ established by the fee schedule per sale day, each seller must furnish to the swap meet licensee a signed statement containing the required information outlined in this chapter, along with the certification:

"I certify that I am the lawful and legal owner of the listed property which is free and clear from all liens and encumbrances. I further certify that the property descriptions are true and correct and I am aware that the use of a fictitious name or furnishing false information on this form is punishable by law. I am also aware that a

copy of this application shall be forwarded to the Sandy City Police Department within 24 hours after it is submitted to the owner or manager of the premises where the sale is held."

(b) Upon receiving the required fee and certified application form, the swap meet licensee shall furnish to the seller a daily business license permit which will allow the seller to sell on the day requested, subject to revocation by an authorized representative of Sandy City.

(Revised Ords. 1978, § 5-5-7)

**Sec. 15-4-8. Time of Sales.**

Resident sellers must apply for a daily business license permit at least seven days in advance of the day they wish to utilize a swap meet licensee's premises. Nonresident sellers must apply for a daily business license permit at least 14 days before the date they wish to utilize a swap meet licensee's premises. The swap meet licensee shall employ, at his own expense, a uniformed police officer, during the conduct of the swap meet, which officer shall enforce the provisions of this chapter in conjunction with the Sandy City Police Department. For purposes of this chapter, a resident is deemed to be a person or entity either domiciled or qualified to do business in the State of Utah.

(Revised Ords. 1978, § 5-5-8)

**Sec. 15-4-9. Sales Subject to Law.**

All sales shall be in accordance with law. No sales of alcoholic beverages or medicines shall be made without obtaining the required permits or licenses under state statute.

(Revised Ords. 1978, § 5-5-9)

**Sec. 15-4-10. Ordinances Posted.**

It shall be unlawful for any person to conduct a swap meet unless he shall keep conspicuously posted in his place of business copies of this chapter and U.C.A. 1953, § 27-38-2, dealing with lost property converted by a finder.

(Revised Ords. 1978, § 5-5-10)

**Sec. 15-4-11. Lists of Lost or Stolen Property.**

The Sandy City Police Department shall circulate a list of reported lost and stolen property to all swap meet licensees.

(Revised Ords. 1978, § 5-5-11)

**Sec. 15-4-12. Stolen Goods.**

It shall be the duty of every swap meet licensee to report to the Sandy City Police Department any article he has reason to believe was stolen, or lost and found by the person attempting to sell it.

(Revised Ords. 1978, § 5-5-12)

**Sec. 15-4-13. Penalties.**

In addition to other penalties provided by law, any person violating the provisions of this chapter shall be guilty of a misdemeanor. No seller shall be deemed to have substantially complied with these provisions if:

- (1) He fails to list all property proposed to be sold or exchanged;
- (2) He fails to list the correct serial number or identifying marks of said property; or
- (3) He gives false information as to his identity or the property's identity even though such information is not specifically required by this chapter.

(Revised Ords. 1978, § 5-5-13)

**Sec. 15-4-14. Liability of Principal.**

The holder of a swap meet license is liable for any and all acts of his employees, and for any violation by them of the provisions of this chapter.

(Revised Ords. 1978, § 5-5-14)

**Sec. 15-4-15. Revocation of License.**

In addition to other penalties provided by law, any swap meet licensee violating the laws and ordinances of Sandy City may have his license revoked or suspended.

(Revised Ords. 1978, § 5-5-15)

**Sec. 15-4-16. Pawnbrokers and Secondhand Dealers.**

No swap meet licensee shall conduct the business of pawnbroker or secondhand dealer without having obtained the licenses required for such dealers in addition to his swap meet license.

(Revised Ords. 1978, § 5-5-16)

**CHAPTER 15-5. PUBLIC DANCE HALLS**

**Sec. 15-5-1. ~~Public Dance Hall Defined~~ Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Non-public dances* means dances conducted and sponsored by a public or private school, church or other organization for the benefit of the students or members thereof, even though an admission fee may be charged, and dances conducted in private homes on a private basis, and such dances shall not be deemed to be public dances and shall be exempt from the licensing provisions of this chapter.
- (2) *Person* means and include natural persons, co-partnerships, corporations and associations, and shall include members of both sexes.
- (3) *Public dance* means any dance to which admission can be had by payment, directly or indirectly, of a fee or any dance to which the public generally may gain admission with or without the payment of a fee.
- (4) *Public dance hall* means any room, place, or space in which a public dance shall be held or in which classes in dancing are held.

(Revised Ords. 1978, § 5-7-1)

**Sec. 15-5-2. Public Dance Halls to be Licensed.**

(a) It shall be unlawful to hold or conduct any public dance in any public dance hall or other place within the limits of the City until such dance hall or other place in which the same may be held shall first have been duly licensed.

(b) No license for a public dance shall be issued until it shall be found that the place for which it is issued complies with and conforms to all laws, ordinances, health and fire regulations applicable thereto and is properly ventilated and supplied with separate and sufficient toilet facilities for each sex and is a safe and proper place for the purpose for which it shall be used. Every person to whom a dance hall license is issued shall post the same in a conspicuous place in the dance hall covered by such license.

(c) The City Council shall have, pursuant to the provisions of this chapter and the general police power, the authority to establish such rules and regulations as may be necessary for the proper operation of a public dance hall within the City and shall publish and establish any such rules and regulations in order to properly protect the health, welfare and safety of the residents of the City.

(d) The license fee for a license issued pursuant to the provisions of this chapter shall be in such an amount as may be set forth by resolution of the Sandy City Council.

(e) No license issued under the provisions of this chapter shall be transferable.

(Revised Ords. 1978, § 5-7-2)

**Sec. 15-5-3. License May be Revoked.**

(a) The license of any public dance hall may be revoked upon the violation of any provisions of this chapter

or any other ordinance, law, rule or regulation promulgated thereunder as may relate to such public dance hall.

(b) In the event that any such license is revoked, no new license shall be issued, nor shall a previous license be renewed until the applicant therefor shall have submitted a new application and complied with each and every provision of the application procedure as it applies to the provisions of this chapter.

(c) If at any time the license of a public dance hall shall be revoked, at least three months shall elapse before another license or permit shall be granted to the manager, owner or lessee of such dance hall and such renewal of a business license shall be granted only after a public hearing before the City Council.

(Revised Ords. 1978, § 5-7-3)

**Sec. 15-5-4. Dance Hall Permitted in Certain Zones.**

(a) A public dance hall or a public dance shall be a permitted use in the City-Center Zone and the Highway-Commercial Zone. Such use shall be subject to all provisions of this chapter and to all other applicable provisions of the Sandy City ordinances.

(b) A public dance hall and public dance shall be a conditional use in the Community-Commercial Zone, the C-3 Zone, and C-2 Zone. No permit or license shall be issued pursuant to the provisions of this chapter in any of the just previously mentioned zones until such time as such use shall have been approved by the Sandy City Planning Commission and the Sandy City Council.

(c) A public dance hall or a public dance shall not be permitted in any other zone than those mentioned in Subsections (a) and (b) of this section.

(Revised Ords. 1978, § 5-7-4)

**Sec. 15-5-5. Unlawful to Permit Indecent Acts in Public Dance Hall.**

It shall be unlawful for any person to whom a public dance hall license is issued or for any person conducting a public dance hall or public dance under permit from the City to allow or permit in any dance hall any indecent act to be committed or any disorder or conduct of a gross, violent or vulgar character. Any member of the Police Department or other properly constituted authority shall have the power and the duty to cause any public dance hall to be vacated whenever any provision of this chapter, regulation or law concerning public dance halls has been or is being violated or wherein any ordinance, regulation or law of any character shall be violated, or whenever any indecent act shall be committed or when any disorder or conduct of a gross, violent or vulgar character shall take place therein.

(Revised Ords. 1978, § 5-7-5)

**Sec. 15-5-6. Minimum Space Requirements.**

No license shall be issued to a public dance hall unless there shall be at least 300 square feet of suitable dancing area in the licensed premises, such area to be in addition to the walkways, seating area and other areas not designed nor used for dancing. This section shall not pertain to those areas contained within a dance studio that may be used solely for dance instruction at all times and never for other public dancing.

(Revised Ords. 1978, § 5-7-6)

**Sec. 15-5-7. Unlawful to Permit Persons Under 16 Years of Age in Public Dance Halls.**

(a) It shall be unlawful to permit any person who has not reached the age of 16 years to attend any public dance or remain in any public dance hall, unless such person ~~be~~ is accompanied at all times by his parent or legal guardian. It shall be unlawful for any person to represent himself to have reached the age of 16 years in order to attend any public dance or remain in any public dance hall when he in fact is under 16 years of age, and it shall be unlawful for any person falsely to represent himself to be a parent or legal guardian of any person in order that such person may attend any public dance or remain in any public dance hall.

(b) The provisions of Subsection (a) of this section shall not apply to a matinee dance held upon a licensed premises. A matinee dance shall be a dance which shall conclude no later than 6:30 p.m. of the day upon which said dance was first begun and all participants of ~~the~~ said matinee dance shall be required to leave the licensed premises prior to the resumption of the regular business activities of those licensed establishments. A matinee dance may be

attended by persons no younger than 12 years of age and all other provisions of this chapter and other ordinances of this City shall be enforced and remain in effect.

(Revised Ords. 1978, § 5-7-7)

**Sec. 15-5-8. Unlawful to Permit Dancing After 1:00 A.M.**

It shall be unlawful for any person to conduct or maintain any public dance or public dance hall or, having charge or control thereof, to conduct, carry on or permit any dance or dancing therein between the hours of 1:00 a.m. and 6:00 a.m. of any day or upon any Sunday. It shall be the duty of any licensee hereunder to post in a conspicuous manner and place the curfew laws of the State of Utah and of Sandy City so as to give notice to persons frequenting a public dance or public dance hall of the existence thereof.

(Revised Ords. 1978, § 5-7-8)

**Sec. 15-5-9. Pass-out and Return Checks Not Allowed.**

No pass-out or return checks shall be issued for use by persons who leave the public dance hall or its ante-rooms, and all persons leaving the public dance hall or its ante-rooms shall be required to pay the regular admission fee in case of return to such public dance hall. Each public dance hall must be under such control of the management thereof that this section may be reasonably complied with.

(Revised Ords. 1978, § 5-7-9)

**Sec. 15-5-10. Prohibited Activities.**

It shall be unlawful:

- (1) For any person to bring, possess, or consume any beer or other alcoholic beverage in or upon premises licensed under the provisions of this chapter.
- (2) For any person to bring, possess, use or consume any controlled substance, as defined by the laws of the State of Utah and the ordinances of Sandy City, in or upon premises licensed under the provisions of this chapter.
- (3) For any person to smoke any cigarette, pipe, or other tobacco in or upon premises licensed under the provisions of this chapter unless such cigarette, pipe, or other tobacco is smoked in an area designated and specifically constructed for that purpose. It shall be the duty of any operator of any dance hall or public dance to ensure that all provisions of the laws of the State of Utah and ordinances of Sandy City are followed up with regard to the smoking of cigarettes, pipes or other tobacco.

(Revised Ords. 1978, § 5-7-10)

**Sec. 15-5-11. Inspections of Dance Halls.**

(a) The Police Chief shall designate some member of his Department or other suitable person to examine each application to determine whether or not the public dance hall sought to be licensed conforms with the regulations, ordinances and laws applicable thereto. The findings of such inspection shall be made in writing and shall be accompanied by a recommendation. Inspectors, including personnel from the Police and Fire Departments, shall be permitted to have access to all public dance halls and all public dances at all times and shall investigate complaints and shall inspect ~~the~~ said premises at least once every three months. Inspectors shall be charged with the enforcement of this chapter and shall have, when desired, the assistance of any department of the government of the City in performing any of the duties delegated by this chapter.

(b) The licensee shall pay to the City the sum of ~~Seventy Five Dollars (\$75.00)~~ established by the fee schedule for such inspections, such inspection fee to be in addition to any license fees as may be required under this chapter or by other provisions of the ordinances of this City.

(Revised Ords. 1978, § 5-7-11)

**Sec. 15-5-12. Prohibition as to Advance Ticket Sales.**

It shall be unlawful for any operator, licensee or owner of any public dance hall located in Sandy City to sell, transfer or otherwise convey any ticket, pass, coupon or other evidence of admission to a public dance or a public

dance hall in advance of the specific date upon which such admission shall be allowed. No season pass or other such admission for more than one specific date shall be sold, transferred, or conveyed.

(Revised Ords. 1978, § 5-7-12)

**Sec. 15-5-13. Dance Halls to be Lighted.**

It shall be unlawful for any person conducting or maintaining a public dance hall or public dance to conduct any dance or dancing after sunset of any day unless the hall ~~be is~~ is lighted in such a manner as to measure at least one candle power at a distance of five feet above the level of the floor before any person is admitted thereto and before any dance or dancing is commenced therein, and such lighting shall be maintained thereafter without diminution and without interruption throughout the entire time while such dance or dancing is in progress and until such dancing is concluded and such hall is cleared and closed.

(Revised Ords. 1978, § 5-7-13)

**Sec. 15-5-14. Adequate Supervision Required.**

Any owner, licensee, or operator of a public dance hall or public dance in Sandy City shall be required to provide adequate supervision of any activity which shall take place pursuant to the privilege granted by a license issued under the provisions of this chapter. In the event that any such owner, licensee or operator does fail to provide such supervision, such failure shall be considered as good cause for revocation of a license granted under the provisions of this chapter.

(Revised Ords. 1978, § 5-7-14)

**~~Sec. 5-7-15. Walkathons Prohibited. REPEALED February 28, 2013, Ord. 13-07~~**

~~It shall be unlawful for any person to conduct or maintain any walkathon, marathon, or any other exhibition of human endurance to which the public is admitted as spectators and it shall be unlawful for any person to attend any walkathon, marathon or any other exhibition of human endurance conducted in connection with the license issued pursuant to the provisions of this chapter.~~

~~(Revised Ords. 1978, § 5-7-15)~~

**Sec. 15-5-15. Application for License; Issuance of Permit.**

(a) Any person desiring a license to keep or conduct a public dance hall or public dance shall make application to the City Recorder, who is authorized to issue a license and permit only after investigation and recommendation as set forth in Section 15-7-10. In the event that any such application receives an adverse recommendation with regard to the issuance of such license, no license or permit shall be issued unless and until the City Council shall, after a public hearing thereon, order such license and permit to be issued.

(b) In addition to any other investigation or inspection as may be required hereunder, the applicant shall submit to the City the name, address and birth date of all owners, employees, and other persons associated with the public dance hall for which the license is being requested. Such information shall then be given to the Chief of Police, who shall inform the office of business regulation as to whether or not any such employee, owner, or other person connected with the public dance hall shall have a record of conviction of an offense involving a controlled substance, of an offense involving alcoholic beverages, or of any offense involving moral turpitude.

(c) In the event that any owner, licensee or operator of any public dance hall which is the subject of a license application under the provisions of this chapter shall be found to have been convicted within the just previous ten years of any offense involving a controlled substance, alcoholic beverages, or moral turpitude, the application of which ~~the~~ said person is a party shall be denied.

(Revised Ords. 1978, § 5-7-16)

**Sec. 15-5-16. Notice and Hearing Required Before Revocation.**

(a) No license issued under the provisions of this chapter shall be revoked, nor any application for license under the provisions of this chapter be denied, except after notice to and hearing of ~~the~~ said license or applicant.

(b) If at any time a license under the provisions of this chapter is denied or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct any public dance or public dance hall at the

same premises until a new license shall be granted by the City.

(c) No provision of this section or other provision of this chapter shall prohibit the City and its duly authorized officials from taking such action as may be deemed by them to be necessary for the preservation of the public health, safety and welfare.

(Revised Ords. 1978, § 5-7-17)

## **CHAPTER 8. COUPONS, COUPON BOOKS AND DISCOUNT CARDS**

### **Sec. 5-8-1. Coupons, Coupon Books or Discount Cards. License Required.**

~~It shall be unlawful for any person, either by telephone, door-to-door solicitation or in any other manner, to sell or attempt to sell or to otherwise dispose of or distribute coupons, coupon books containing coupons or discount cards for valuable consideration which are exchangeable in whole or in part for services, tickets, admissions, goods, wares or merchandise without being licensed to do so.~~

~~(Revised Ords. 1978, § 5-8-1)~~

### **Sec. 5-8-2. Application.**

~~Each person desiring a license under this chapter shall make application therefor to the City Business Licensing Office and shall state thereon his name and business address and the name, address and social security number of every person employed by the applicant in this City who attempts or shall attempt to sell or otherwise dispose of coupons, coupon books or discount cards and such other information shall be included as may be required by the Business License Office to enable it to properly enforce the provisions of this chapter. Such information shall include, but not be limited to, a review by the City Attorney of the coupons, coupon book or discount card, and of the contracts upon which the said coupons, coupon book or discount card is based.~~

~~(Revised Ords. 1978, § 5-8-2)~~

### **Sec. 5-8-3. License Fee.**

~~The license fee for a license required by this chapter shall be established by resolution of the Sandy City Council.~~

~~(Revised Ords. 1978, § 5-8-3)~~

### **Sec. 5-8-4. Bond and Notice Required.**

~~(a) At the time application is made for a license, the applicant shall file with the City Treasurer:~~

~~(1) A cash bond for two thousand dollars (\$2,000), or~~

~~(2) A corporate surety bond issued by a corporate surety authorized to do business in the State of Utah in the sum of \$2,000.~~

~~The bond shall run to Sandy City and to any person injured or damaged by reason of any misrepresentation, fraudulent act or failure to perform as promised on the part of any person involved in the sale, distribution or redemption of coupons, coupon books, or discount cards.~~

~~(b) Each coupon, coupon books and discount cards sold or distributed under the provisions of this chapter shall have clearly printed thereon its expiration date, if any, or if none, an affirmative statement so stating.~~

~~(c) All coupons, coupon books or discount cards sold or distributed under the provisions of this chapter shall have clearly printed upon the said coupon book or discount card or attached to individual coupons a statement that said coupons, coupon book or card is covered by a bond on file with Sandy City, detailing the person and acts covered by said bond as described in this section.~~

~~(d) Any person making a claim upon a cash bond filed with the City shall submit in writing a statement of the claim, which statement shall be investigated by the Legal Department and a recommendation made as to whether or not payment should be made out of the funds held by the City on the bond. After such recommendation has been made, the City Council shall make a determination as to the City's response to the claim so made and any such determination by the City Council shall be final.~~

~~(e) All cash bonds shall be held for a period of one year beyond the expiration date of the last coupon contained in the coupon book, or, if there is no expiration date, for a period of five years; said cash shall be deposited in the treasury of Sandy City and no interest shall be paid thereon by the City to the depositor.~~

~~(f) No corporate surety bond shall be cancelled prior to the 31st day of December of the year in which the last coupon or card expires.~~

~~(Revised Ords. 1978, § 5-8-4)~~

**Sec. 5-8-5. Replacement of Employee.**

~~If any person employed by the applicant or licensee of a coupon book license under this chapter is replaced by another person, the applicant or licensee shall immediately furnish the City Business License Office with the name, address and social security number of the replacement employee, together with sufficient evidence that such replacement employee is covered by the bond required by the preceding section.~~

~~(Revised Ords. 1978, § 5-8-5)~~

**Sec. 5-8-6. Coupon Sales by Charitable Organizations.**

~~None of the above provisions relating to coupon sales shall apply to religious, eleemosynary, charitable or non-profit fund raising organizations, provided that a coupon, coupon book or discount card so distributed by such group or organization shall have been licensed in accordance with the provisions of this chapter.~~

~~(Revised Ords. 1978, § 5-8-6)~~

**Sec. 5-8-7. Distribution to Charitable Organizations.**

~~Every person holding a valid coupon book license who distributes coupon books or coupons or discount cards to charitable or civic groups shall maintain records which shall include the name and responsible party and the number of coupons or coupon books or cards distributed, consigned or sold to each such charitable organization. Said record shall be available for inspection and audit by the City Business License Department or the City Recorder at any time upon request.~~

~~(Revised Ords. 1978, § 5-8-7)~~

**Sec. 5-8-8. Revocation of License.**

~~The City Recorder shall, upon reasonable notice and after hearing and other procedures as set forth in Chapter 1 of this title, be empowered to revoke the coupon book license of any person who shall violate any of the provisions of this chapter.~~

~~(Revised Ords. 1978, § 5-8-8)~~

**Sec. 5-8-9. Penalty.**

~~(a) It shall be unlawful, and punished as a class B misdemeanor, for any person or agent of any person to conduct business in Sandy City prior to being issued a license to do so.~~

~~(Revised Ords. 1978, § 5-8-9)~~

**CHAPTER 14-15-6. AUCTIONEERS AND AUCTIONS**

**Sec. 15-6-1. Limit of Scope of Chapter.**

The provisions of this chapter shall not be applicable to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers, or other public officers acting under judicial process, nor to the sale of real property at auction, nor shall it apply to any auction held for charitable or benevolent purposes or for any church, fair, festival, or bazaar, nor to an auction wherein the general public is not invited nor permitted to participate as bidders, and where the bidding is restricted to wholesalers or retailers purchasing for resale.

(Revised Ords. 1978, § 5-14-1)

**Sec. 15-6-2. Definitions.**

For the purpose of this chapter, the following words shall have the meanings as defined in this section. The

following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Auctioneer* means any person who conducts a public competitive sale of property by outcry to the highest bidder.
- (2) *Auction house* means a permanent place of business where auctions are conducted and personal property sold at auction.
- (3) *Transient auction house* means any place, whether indoors or outdoors, located within Sandy City, where any goods, wares, merchandise or articles of value are offered at auction and which is neither the permanent place of business for auction sales nor a permanent business which has an auction sale to dispose of its inventory, furnishings and business equipment as it goes out of business.

(Revised Ords. 1978, § 5-14-2)

**Sec. 15-6-3. Compliance Required for Auction Sales.**

No personal property (goods, wares or merchandise) shall be sold at auction in Sandy City, Utah, except in compliance with the provisions of this chapter.

(Revised Ords. 1978, § 5-14-3)

**Sec. 15-6-4. Auctioneer's License Required.**

It shall be unlawful to sell or cause or permit to be sold at auction, any personal property (goods, wares, or merchandise) in Sandy City, Utah, unless such sale is conducted by an individual who has obtained an auctioneer's license from the License ~~Department~~ Section of Sandy City.

(Revised Ords. 1978, § 5-14-4)

**Sec. 15-6-5. Application for Auctioneer's License.**

The form on which application shall be made for an auctioneer's license shall require the following information:

- (1) Name of applicant.
- (2) Residence and business address of the applicant.
- (3) The length of time for which an auctioneer's license is desired.
- (4) A statement as to whether or not the applicant holds, or has held, an auctioneer's license from any state, municipality, governing body of licensing authority; a list of such licenses, not to exceed five of the most recent licenses, and a statement of the time, place and by whom issued; a statement as to whether any state, municipality, governing body or licensing authority has ever refused to issue or renew an auctioneer's license to the applicant, together with a full and accurate statement as to the reasons for any such refusal; and a statement as to whether any state, municipality, governing body or licensing authority has ever revoked an auctioneer's license held by the applicant, together with a full and accurate statement as to the reasons for any such revocation.
- (5) A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance, and, if so, the nature of the offense and the punishment or penalty assessed therefor.
- (6) The names of at least two reliable property owners of the County of Salt Lake, State of Utah, who will certify as to the applicant's good moral character and business responsibility, or in lieu of the names of references, any other available evidence as to the good moral character and business responsibility of the applicant as will enable an investigator to properly evaluate such moral character and business responsibility, except that the City License ~~Department~~ Section may waive this requirement with respect to an applicant for renewal of an auctioneer's license by an individual holding an unexpired auctioneer's license issued under this chapter who has in a previous application under this chapter complied with this requirement.

(Revised Ords. 1978, § 5-14-5)

**Sec. 15-6-6. Inventory of Sale Articles.**

At least 15 days prior to every auction, a true and correct inventory of items to be sold shall be filed with the License ~~Department~~ Section of Sandy City. Said inventory shall:

- (1) List the articles proposed to be sold at sale by auction;
- (2) Give any identifying numbers or marks which may be upon ~~the~~ said articles to be sold;
- (3) Indicate opposite the description of each article whether the same is new or used; and
- (4) List each of ~~the~~ said articles described in said inventory with a number; provided, however, that no article need be listed in ~~the~~ said inventory which has a retail value of less than \$5.00. Upon receipt of said inventory, it shall immediately be forwarded to the Police Department for investigation to establish, insofar as possible, that the property therein listed is not contraband or otherwise illegal for sale. After said investigation, the police shall issue a written report to the License ~~Department~~ Section within ten days after receipt of the inventory. It shall be unlawful to sell at auction any item not listed on the inventory as set forth above.

(Revised Ords. 1978, § 5-14-6)

**Sec. 15-6-7. Referral of Application to the Chief of Police.**

Before issuing an auctioneer's license to any individual applying therefor, the City License ~~Department~~ Section shall refer the application to the Chief of Police, who shall cause to be made such investigation of the applicant's moral character and business responsibility as he deems necessary for the protection of the public good, except that the City License ~~Department~~ Section may waive this requirement with respect to an application for renewal of an auctioneer's license by an individual holding an unexpired auctioneer's license issued under this chapter if an investigation of such applicant's moral character and business responsibility has previously been made under this section in connection with a prior application for an auctioneer's license under this chapter. The Chief of Police shall cause the investigation herein provided for to be made within a reasonable time and shall certify to the City License ~~Department~~ Section whether or not the moral character and business responsibility of the applicant is satisfactory.

(Revised Ords. 1978, § 5-14-7)

**Sec. 15-6-8. Refusal or Revocation of License by License Department.**

An auctioneer's license may be revoked by the City License ~~Department~~ Section or an application for issuance or renewal of such license may be refused by the City License ~~Department~~ Section, if it is determined, after notice and hearing:

- (1) That the applicant or license holder is not an individual of good moral character and business responsibility; ~~or~~
- (2) That the application of the applicant or license holder contains false, fraudulent, or misleading material statements; ~~or~~
- (3) That the applicant or license holder has made any false, fraudulent or misleading material statement in the course of conducting an auction sale of, or in offering for sale at an auction, any real or personal property (goods, wares, or merchandise) in Sandy City, Utah; ~~or~~
- (4) That the applicant or license holder has perpetrated a fraud upon any person, whether or not such fraud was perpetrated in the conduct of an auction in Sandy City, Utah; ~~or~~
- (5) That the applicant or license holder has violated any of the statutes of the State of Utah relating to auctions or auctioneers; ~~or~~
- (6) That the applicant has been convicted of any crime or misdemeanor involving moral turpitude; or
- (7) That the applicant or license holder has conducted an auction sale, or offered for sale at auction, any real or personal property (goods, wares, or merchandise) in Sandy City, Utah, in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(Revised Ords. 1978, § 5-14-8)

**Sec. 15-6-9. Required Notice of Hearing.**

Notice of hearing provided for in ~~the preceding section~~ Section 15-6-8 shall be given in writing to the applicant or license holder, as the case may be. Such notice shall be mailed, postage prepaid, to the applicant or license holder, as the case may be, at his last-known address at least five days prior to the date set for hearing. The applicant or license holder, as the case may be, shall have the right to be represented at such hearing by counsel.

(Revised Ords. 1978, § 5-14-9)

**Sec. 15-6-10. Appeal to Mayor.**

Any individual aggrieved by the action of the City License ~~Department~~ Section in refusing to issue any license or in revoking any license or special permit already issued, shall have the right to appeal such decision to the Mayor of Sandy City. Such appeal shall be taken by filing with the Mayor, or person designated by him, within 14 days after notice of the action complained of has been mailed, postage prepaid, to such individual's last-known address, a written statement setting forth fully the grounds of appeal. The Mayor shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in ~~the preceding section~~ Section 15-7-9. The appellant shall have the right to be represented at such hearing by counsel. The decision and order of the Mayor shall be final and conclusive.

(Revised Ords. 1978, § 5-14-10)

**Sec. 15-6-11. Auctioneer's License Fee.**

The fees for an auctioneer's license shall be established by resolution of the City Council and said sum shall be prorated in the manner provided for elsewhere in this chapter.

(Revised Ords. 1978, § 5-14-11)

**Sec. 15-6-12. Bond Required Prior to Auctioneer's License Issuance.**

(a) Every applicant for an auctioneer's license shall file with the City Recorder of Sandy City a surety bond running to Sandy City, in the amount of \$10,000.00 with surety acceptable to and approved by the City Attorney conditioned that ~~the~~ said applicant, if issued an auctioneer's license, will comply fully with all the provisions of the ordinances of Sandy City and the statutes of the State of Utah regulating and concerning auctions and auctioneers, will render true and strict accounts of all his sales to any person or persons employing him to make the same, will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence, or other wrongful act on the part of the licensee, his agents or employees in the conduct of any auction or in the exercise of the calling of auctioneer. A liability insurance policy issued by an insurance company authorized to do business in the State of Utah which conforms to the above requirements may be permitted by the City Attorney in his discretion in lieu of a bond. An auctioneer employed by one holding an auction house license or a transient auction house owner's license, in lieu of filing a bond or certificate of insurance, may file a notarized affidavit from ~~the~~ said license holder that affirms that said applicant is an employee, that ~~the~~ said license holder is responsible for all actions of his employee, and that said employee is covered by a valid bond as above required.

(b) It shall be unlawful for any auctioneer who files a certificate of employment with an auction house licensee or transient auction house licensee to conduct an auction except under the direct supervision of said licensee.

(Revised Ords. 1978, § 5-14-12)

**Sec. 15-6-13. Issuance of License.**

Upon the approval of a proper application form and payment by the applicant of the fees provided in this chapter, and upon the filing by the applicant of the bond required by this chapter, the License ~~Department~~ Section is authorized to grant or renew an auctioneer's license for any period of time not exceeding one year.

(Revised Ords. 1978, § 5-14-13)

**Sec. 15-6-14. License Non-Transferable.**

Neither the license nor the permit granted under the provisions of this chapter shall be transferable, nor shall the same be loaned or used by any other person.

(Revised Ords. 1978, § 5-14-14)

**Sec. 15-6-15. Auction House License Required.**

It shall be unlawful for any person to engage in the business of, or keep, conduct or operate an auction house in Sandy City without first obtaining a license to do so and filing a bond as required herein.

(Revised Ords. 1978, § 5-14-15)

**Sec. 15-6-16. Auction House License Fee.**

The fee for an auction house license shall be established by resolution of the City Council and said sum shall be prorated in the manner provided for elsewhere in this chapter.

(Revised Ords. 1978, § 5-14-16)

**Sec. 15-6-17. Transient Auction House Owner, License Period.**

It shall be unlawful for any person to conduct an auction as a transient auction house owner without applying for and obtaining a transient auction house owner's license from the City License ~~Department~~ Section; provided, however, the one who holds an auction house license shall not be required to also obtain a transient auction house license. Further, no person shall be relieved from the provisions of this chapter by reason of a temporary association with any license dealer, trader, merchant or auctioneer, notwithstanding the fact that said parties conduct such temporary or transient auction business in connection with, as a part of, or in the name of any other licensed dealer, trader, merchant or auctioneer.

(Revised Ords. 1978, § 5-14-17)

**Sec. 15-6-18. Transient Auction House License Fee.**

The license fee for engaging in business as a transient auction house shall be established by resolution of the City Council and shall be payable in advance for each day such business shall continue.

(Revised Ords. 1978, § 5-14-18)

**Sec. 15-6-19. Bond Required for Auction House License.**

The applicant for transient auction house license or an auction house shall file with the City Recorder of Sandy City a corporate surety bond acceptable to and approved by the City Attorney in the sum of \$10,000.00, which bond shall indemnify and run to Sandy City and any person injured or damaged through dealing with each said licensee or their employees and agents and be in full force and effect for the year in which they obtain a license. It shall be conditioned on the fact that if the applicant is issued said license, said licensee will fully comply with all provisions of the ordinance of Sandy City and the statutes of the State of Utah regulating and concerning auctioneers, will render true and strict accounts of all auction sales to any ~~person or~~ persons employing said auctioneer to make the same, will not practice any fraud, deceit or make any material misrepresentations of fact with reference to property or bidders or purchasers of property from any auction sale conducted under the license and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or wrongful act on the part of the licensee, his agents or employees and the conduct of auctioneer in the exercise of the call of auctioneer.

(Revised Ords. 1978, § 5-14-19)

**Sec. 15-6-20. Sale Merchandise Must be Labeled.**

Before any sale is made at auction, the licensee must attach to each article to be sold, which has a retail value of \$5.00 or more, a card with the number of ~~the~~ said article endorsed thereon, so that the number shall correspond to the article as it is described in the inventory on file with the License ~~Department~~ Section, as hereinabove set forth. No article which has a retail value of \$5.00 or more shall be sold at auction, other than the merchandise described and set forth in the inventory on file with the License ~~Department~~ Section as hereinabove required. Where a sale is had at public auction of the stock on hand of any merchant or auction house, in accordance with the provisions of

this chapter, such stock shall not be fed or replenished.

(Revised Ords. 1978, § 5-14-20)

**Sec. 15-6-21. False Representation Prohibited.**

It shall be unlawful for any auctioneer, when selling or offering for sale at public auction any goods, wares or merchandise, under the provisions of this chapter, while describing said goods, wares or merchandise with respect to character, quality, kind or value or otherwise, to make any fraudulent, misleading, untruthful or unwarranted statements tending in any way to mislead bidders, or to substitute an article sold for another.

(Revised Ords. 1978, § 5-14-21)

**Sec. 15-6-22. Reserved Right of Seller to Bid.**

The right to bid may be reserved expressly by, or on behalf of, the seller; provided, however, that notice of such reservation shall be posted, and shall remain posted throughout the auction sale, in a prominent and conspicuous place where the sale is being conducted, in letters large enough to be reasonably visible to any person with normal vision who may attend said sale, reading substantially as follows:

SELLER RESERVES THE RIGHT TO BID ON ANY ARTICLE AT ANY TIME.

(Revised Ords. 1978, § 5-14-22)

**Sec. 15-6-23. Unlawful for Seller to Bid at Sale without Reserve.**

Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

(Revised Ords. 1978, § 5-14-23)

**Sec. 15-6-24. Buy Bidders Prohibited.**

It shall be unlawful for any person to act at any sale by auction as a bidder or booster to buy in behalf of the auctioneer or owner or to increase the price of the article to be sold or to make any false bid.

(Revised Ords. 1978, § 5-14-24)

**Sec. 15-6-25. Continuous Attendance by Licensee Required.**

The licensee or, if a corporation, one of the officers of the licensee, shall remain in continuous attendance at any auction.

(Revised Ords. 1978, § 5-14-25)

**Sec. 15-6-26. Representation of Quality Must be Truthful.**

All sales and all persons participating in sales must truly and correctly represent at all times to the public attending such auction the facts in respect to quality of the sale merchandise.

(Revised Ords. 1978, § 5-14-26)

**Sec. 15-6-27. Record of Sales to be Kept.**

The licensee in each and every case where an article is sold for \$5.00 or more, shall keep a complete record of all such sales made at auction, showing the name and address of each purchaser, a description of each such article sold, including the number thereof, corresponding with the numbers shown upon the inventory on file with the License ~~Department~~ Section, and the date of each such sale, and the said record shall at all times be open to inspection by the License ~~Department~~ Section.

(Revised Ords. 1978, § 5-14-27)

**Sec. 15-6-28. Sale Merchandise to be in State for 15 Days.**

It shall be unlawful for anyone to sell or offer for sale at auction any merchandise unless the merchandise shall

have been within the State of Utah for at least 15 days immediately prior to the sale or offer for sale and the City License Section shall be given five days advance notice of its arrival in Sandy City, provided that livestock shall only be required to be at the location where a sale is held not less than two days prior to said auction.

(Revised Ords. 1978, § 5-14-28)

**Sec. 15-6-29. Auction to be on Successive Days.**

All auction sales shall be held on successive days, Sundays and legal holidays are excepted.

(Revised Ords. 1978, § 5-14-29)

**Sec. 15-6-30. Sale of Valuable Articles at Certain Hours Prohibited.**

It shall be unlawful for sale at auction or sell at auction any gold, silver, plated ware, clocks, watches, oriental rugs or rugs purported to be from the Middle East or eastern part of the world, diamonds or other precious or semi-precious stones or any imitation thereof, glassware, china, linens, or jewelry or any article purporting to be or represented as any of the above articles between the hours of 6:00 p.m. and 8:00 a.m. of the following day.

(Revised Ords. 1978, § 5-14-30)

**Sec. 15-6-31. Receipts for Goods. Commission.**

It shall be the duty of all licensed auctioneers to receive all articles which may be offered them for sale at auction, and give receipts therefor; and at the close of any sale, which must be made as the owner directs, the auctioneer shall deliver a fair account of such sale, and pay the amount received for such articles to the person entitled thereto, deducting therefrom a commission not to exceed 25 per cent on the amount of such sale.

(Revised Ords. 1978, § 5-14-31)

**Sec. 15-6-32. Prohibited Conduct at Auction Sales.**

All auctioneers are forbidden to conduct their sales in such manner as to cause people to gather in crowds on the sidewalks so as to obstruct the same; nor shall they use immoral or indecent language in crying their sales; or make or cause to be made noisy acclamations such as ringing of bells, blowing of whistles or otherwise, though not enumerated here, through the streets in advertising their sales; and no bellman or crier, drum or fife or other musical instrument or noisemaking means of attracting the attention of passersby, except the customary auctioneer's flags, shall be employed or suffered to be used at or near any place of sale or at or near any auction room or near any auction whatsoever.

(Revised Ords. 1978, § 5-14-32)

**Sec. 15-6-33. Licenses to Conform to Other Laws.**

Nothing in this chapter shall be deemed to exempt any auction house or auctioneer, or the seller or any goods sold at auction from any license, tax or other ordinance of Sandy City, nor from any of the laws of the State of Utah to which either of them may be subject.

(Revised Ords. 1978, § 5-14-33)

**Sec. 15-6-34. Purchaser's Right to Inspect Merchandise.**

(a) The licensee shall allow prospective purchasers at auctions the opportunity, for a period of not less than three hours just preceding the commencement of the auction sale, to inspect all merchandise offered for sale at any auction.

(b) It shall be the duty of all licensees to include, as a part of any bulletin, advertisement or other informational publication distributed in connection with any auction, information indicating the right of prospective purchasers to inspect the merchandise offered for sale.

(Revised Ords. 1978, § 5-14-34)

**Sec. 15-6-35. Records of Sales for Valuable Articles.**

Any auction house licensee providing auction house facilities for auctioneers of valuable articles as that term is defined in Section 15-6-30 shall, within a period of ten days following the final day of auction of such valuable

articles provide the City Licensing Department with complete records of all sales of valuable articles including:

- (1) The names and addresses of all purchasers of all valuable articles at said auction and the date upon which such purchase was made.
- (2) A description of the valuable article purchased and the purchase price paid for such article.
- (3) The name and address of the auctioneer selling such articles and the name and address of the responsible person or entity on whose behalf the auctioneer made such sale.

(Revised Ords. 1978, § 5-14-35)

#### **CHAPTER 15-15-7. PAWNBROKER REGULATIONS\***

**\*State law reference**—Pawnbrokers and secondhand dealers, U.C.A. 1953, § 11-6-1 et seq.; Pawnshop and Secondhand Merchandise Transaction Information Act, U.C.A. 1953, § 13-32a-101 et seq.; dealers in metals, U.C.A. 1953, § 76-6-1401 et seq.

##### **Sec. 15-7-1. Definitions.**

For the purpose of this chapter, the following words shall have the meaning as herein defined. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Antique dealer* means any person, firm or corporation engaged in the business of buying, selling or exchanging old or archaic items which are indicative of an older culture.
- (2) *Coin dealer* means any person, firm or corporation which engages in buying or selling coins having numismatic value.
- (3) *Junk collector* means any person, firm or corporation not having a fixed place of business in Sandy City who goes from house to house or place to place gathering, collecting, buying, exchanging, selling or otherwise dealing in old rags, papers, metals or other articles commonly known as junk.
- (4) *Junk dealer* means any person, firm, or corporation which engages in buying or selling old metals (other than precious metals), glass, rags, rubber, paper and other junk from a fixed place of business. For the purpose of this chapter, the term "junk dealer" shall not include any person defined as a "scrap metal processor."
- (5) *Pawnbroker* means any person, firm or corporation which loans money on deposit of personal property, deals in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor, who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells unredeemed pledges together with new merchandise as will facilitate the sale of the same.
- (6) *Processor* means any person, firm or corporation which engages in refining or otherwise altering the form of precious metal not found in a natural state (i.e., raw ore). Processors who deal exclusively with other licensed dealers need not comply with the provisions of Section 15-7-10.
- (7) *Receives* means acquiring possession, control or title or lending on the security of the property.
- (8) *Scrap metal processor* means any person, firm or corporation who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades and ~~manufacturing iron, steel or nonferrous scrap into prepared grades and~~ whose principal produce is scrap iron, scrap steel or nonferrous metallic scrap for sale or remelting purposes.
- (9) *Secondhand dealer* means any person, firm or corporation who keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value, or who engages in the business of dealing in secondhand goods. For the purpose of this chapter, the term "secondhand dealer" shall not include any person who deals in the purchase, barter, sale or exchange of used motor vehicles or trailers nor a scrap metal processor.
- (10) *Secondhand precious metal dealer processor and/or precious gem dealer* means any person, firm or corporation which engages in buying, exchanging or selling of gold, silver, platinum or other precious

metals or secondhand articles containing any of such metals, secondhand precious gems or any articles containing any precious gems.

(Revised Ords. 1978, § 5-15-1)

**Sec. 15-7-2. Licensing.**

(a) It shall be unlawful for any person, firm or corporation to carry on a transaction of antique dealer, coin dealer, junk dealer, junk collector, pawnbroker, scrap metal processor, secondary metals dealer or recycler, secondhand merchandise dealer without previously having obtained a license to operate in accordance with the provisions of this chapter. A separate license shall be required for each location and for the conduct of business by each dealer.

(b) If, during the license year, there is a change in the information that a person gave in obtaining or renewing a license under this chapter, the person shall report the change to the Sandy City Business Department within 30 days after the change occurs and certify that the information is true and correct under the penalties of law.

(Revised Ords. 1978, § 5-15-2)

**Sec. 15-7-3. Application for License.**

(a) Each application for a license shall be made on the form the Sandy City requires, and the applicant shall certify that the information given is true and correct under the penalties of law.

(b) Each application for a license under this chapter shall contain such information as deemed necessary by the Chief of Police and the Community Development Department of Sandy City.

(c) The following may apply for a license:

(1) An individual.

(2) If an application for a license is made on behalf of a corporation or a limited partnership, the license shall be applied for by and issued to the individual(s) who is president of the corporation or are members of the partnership who are authorized to act for it.

(3) If the application is made on behalf of a partnership, the license shall be applied for by and issued to all of the individuals who are authorized to act for the partnership. Where any partner is a corporation or a limited partnership, the application shall be made by and issued to the president of the corporation or members of the limited partnership who are authorized to act for it.

(d) Each individual who applies for a license under this section assumes, as an individual, all responsibilities of the dealer and, as an individual, is subject to all conditions, restrictions and requirements imposed on dealers.

(e) Each individual applying for a license under this chapter shall not be issued a license until such time as the Sandy Police Department has conducted a background investigation on the applicant and recommended favorable consideration of the application. No such applicant may be authorized to conduct any business until his application has been approved by the Sandy Police Department and the applicant has complied with all other licensing and bonding provisions contained in this chapter.

(Revised Ords. 1978, § 5-15-3)

**Sec. 15-7-4. Business Location; Separate License.**

(a) A person may conduct the licensed business only from the fixed permanent location as specified in the application for the license. A license for any of the above businesses may not be issued to a motel or hotel room or other temporary location, a home occupation or a temporary license.

(b) A licensee may not remove or relocate the location specified in the license for the business or open any additional location unless the person has applied for and obtained a separate license from the Sandy City Business Licensing Department.

(c) No person may carry on any of the activities of a coin dealer, pawnbroker, secondhand merchandise dealer or junk dealer other than at a business location licensed for such business.

(d) A separate license is required for doing business as any of the above activities, in addition to a license

for any other business activity conducted on the premises.

(Revised Ords. 1978, § 5-15-4)

**Sec. 15-7-5. Fees.**

(a) The license fee, which may include a disproportionate license fee, for each of the occupations regulated by this chapter shall be established by resolution of the City Council.

(b) All, or a portion, of the disproportionate fee may be waived, as established by City Council, if the licensee maintains all registers as established by U.C.A. 1953, § 13-32a-104, transmits the registers to the central database established by U.C.A. 1953, § 13-32a-105, submits photographs to the Sandy Police Department as set forth in Section 15-7-6(c), and otherwise complies with all other State provisions as set forth in Section 15-7-6.

(Revised Ords. 1978, § 5-15-5)

**Sec. 15-7-6. Compliance with State Regulations.**

(a) Except where state provisions specifically state otherwise, every pawn, secondhand business or coin dealer shall comply with the requirements of U.C.A. 1953, title 11 ch. 6 (U.C.A. 1953, § 11-6-1 et seq., the Pawnshop and Secondhand Merchandise Transaction Information Act (Utah Code Ann. § 13-32a-101 et seq.), U.C.A. 1953, § 76-6-408(2)(c)(i)—(c)(iii) or successor provisions to any of these.

(b) Except where state provisions specifically state otherwise, every junk dealer, scrap metal processor or secondary metals dealer or recycler shall comply with the requirements of U.C.A. 1953, title 76, ch. 6, pt. 14 (U.C.A. 1953, § 76-6-1401 et seq.) or successor provisions.

(c) In addition to the registration and other requirements established by the Utah Code Annotated, pawn and secondhand merchandise dealers may submit digital photographs to the Sandy Police Department in a format and with information as determined by the Sandy Police Department of all items pawned or sold to such dealers of sufficient detail and clarity to enable the items to be easily identified as to their color, size, and unique characteristics.

(Revised Ords. 1978, § 5-15-6)

**Sec. 15-7-7. Barrier Required Around Open Storage.**

The applicant/licensee shall comply with all requirements of ~~the Land Development Code~~ title 21 in the location and maintenance of the business premises, including all regulations concerning screening a location of outside storage.

(Revised Ords. 1978, § 5-15-7)

**Sec. 15-7-8. Hours.**

The licensee shall comply with all applicable requirements of ~~the~~ state law and the Sandy City Land Development Code concerning the hours of operation for each type of business regulated by this chapter.

(Revised Ords. 1978, § 5-15-8)

**Sec. 15-7-9. Grounds for Refusal, Suspension, Revocation of License.**

Sandy City may refuse to grant a license under this chapter and may suspend, revoke, or refuse to renew the license of any applicant or licensee if it finds:

- (1) The applicant or licensee has violated or is attempting to violate any provisions of this chapter, City ordinances or state laws pertaining to such business.
- (2) A similar license issued to the applicant or licensee has been suspended, revoked or refused in another jurisdiction for a reason which would justify such an action under this section.
- (3) Any officer, manager, agent or employee of the applicant or licensee has violated or is attempting to violate any provisions of this chapter, City ordinances or state laws pertaining to such business, unless the applicant or licensee:
  - a. Had no knowledge of the wrongful conduct and in the exercise of reasonable diligence could not

- have known of the conduct; and
- b. Was unable to prevent the violation or attempted violation with the exercise of reasonable diligence.
- (4) The applicant or licensee has been convicted of theft or receiving stolen property on one or more occasions within the past five years.

(Revised Ords. 1978, § 5-15-9)

**Sec. 15-7-10. Hearing, Appeals.**

Before revoking, suspending or refusing to grant or renew any license, the City shall afford the applicant or licensee an opportunity for a hearing to show cause why a license should not be revoked, suspended or refused in accordance with the provisions of this chapter.

(Revised Ords. 1978, § 5-15-10)

**Sec. 15-7-11. Violation.**

Violation of any provision of this chapter is a Class B misdemeanor.

(Revised Ords. 1978, § 5-15-11)

**Sec. ~~5-15-12. Severability Clause.~~**

~~The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.~~

(Revised Ords. 1978, § 5-15-12)

**CHAPTER ~~16-15-8. HOME OCCUPATIONS~~**

**Sec. 15-8-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Business License Coordinator* means the individual who is responsible for performing the activities of the Business License Section.
- (2) *Business License Section* means the Business License Section of the Community Development Department.
- (3) *Child day care* means continuous care and supervision for five or more children under 13 years of age (U.C.A. 1953, § 26-39-102) or children with disabilities under ~~nineteen (19)~~ 18 years of age (U.C.A. 1953, § 26-39-102) in lieu of care ordinarily provided by parents in their own home for at least four but less than 24 hours a day and for direct or indirect compensation. For purposes of licensing under this chapter, the term "child day care" does not mean care provided to children by or in the homes of parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts, or as part of the program of an educational institution regulated by the boards of education of this State or by a parochial education or a parochial child care institution.
- (4) *Department* means the Community Development Department of Sandy City.
- (5) *Disability* is as defined by U.C.A. 1953, § 57-21-2.
- (6) *Home occupation* means a business conducted as an accessory use in a residential zone as defined in and subject to the regulations for same in the Sandy City Land Development Code ~~§15-13-14~~ and as set forth herein.

(Revised Ords. 1978, § 5-16-1)

**Sec. 15-8-2. Relationship to Ordinances and Regulations.**

All home occupations shall conform to all Fire, Building, Plumbing, Electrical and Health Codes, the Sandy Land Development Code and all other regulations established by local, state or federal law. The Business Licensing

Section shall coordinate the licensing review for all home occupations and issue home occupation licenses.

(Revised Ords. 1978, § 5-16-2)

**Sec. 15-8-3. Home Occupation License Required.**

No person may conduct a business within a residence, the lot upon which it sits or within any of its accessory structures except as a home occupation in compliance with this chapter. Except as specifically provided by Sandy City ordinance, it shall be unlawful for any person to engage in or conduct a home occupation without having first procured a home occupation license from Sandy City, sometimes hereinafter to be called a "license." The license shall be renewed each year.

(Revised Ords. 1978, § 5-16-3)

**Sec. 15-8-4. Transferability.**

Home occupation licenses are not transferable to any other person or to any other location than that which is indicated on the approved application.

(Revised Ords. 1978, § 5-16-4)

**Sec. 15-8-5. Fees.**

(a) Fees for home occupation licenses shall be established by resolution of the City Council. All applicants for licenses shall pay the required fee unless otherwise excepted herein. Failure to pay the required fee shall preclude issuance or renewal of a license and may be cause for suspension or revocation.

(b) Any home occupation that has or will have annual gross receipts below \$1,000.00, shall be licensed but shall not be required to pay license fees. Proof of eligibility for the fee exemption is required by providing copies of Federal or State tax returns.

(c) The Business Licensing Coordinator may waive certain home occupation license fees for persons with disabilities to assist them to become self-sufficient pursuant to policies established by the Department.

(Revised Ords. 1978, § 5-16-5)

**Sec. 15-8-6. Licensing Procedure.**

In addition to the hearing requirements established for conditional uses in the Land Development Code, the License Coordinator may require additional hearings or approval for the aggregate effect more than one home occupation located within the same dwelling.

- (1) An applicant for a Category I Permitted Home Occupation shall submit an application therefor to the Business License Section on a form to be supplied by the Business License Section.
- (2) An applicant for a Category II Conditional Use Home Occupation must first obtain a conditional use permit and must then submit an application for a home occupation license to the Business License Section on a form to be supplied by the Business License Section.
- (3) The applicant shall attest to compliance with all the requirements for Home Occupations as set forth above.
- (4) The Business License Section will request recommendations of approval or denial of the home occupation license from the City departments, Boards and Commissions, and/or County, State or Federal agencies it determines appropriate.
- (5) Recommendation for approval or denial of a license application should be returned by the several departments to the Business License Section within 30 days of the request thereof, and conditions as set by the Planning Commission should be returned within 30 days after the first available Planning Commission hearing, unless the matter is continued for further review. After receiving appropriate recommendations, the Business Licensing Section shall either deny the license application, set the matter before the Hearing Officer, or issue a license.

(Revised Ords. 1978, § 5-16-6)

**Sec. 15-8-7. Issuance or Denial of License.**

Granting of a license under the provisions of this chapter shall not be considered or deemed a right and, if granted, inures to the benefit of the applicant only as a privilege temporarily granted. The City reserves the right to deny any application for a license described herein. If the Business License Coordinator finds that any applicant does not meet the requirements of or is disqualified under any section herein, or if it is found that the application is deficient in any way, or any of the facts provided thereon are false or in question, the application shall be denied or the license revoked.

(Revised Ords. 1978, § 5-16-7)

**Sec. 15-8-8. Grounds for Denial, Suspension or Revocation of a Home Occupation License.**

(a) Any home occupation license requested or granted pursuant to this section may be denied, suspended or revoked by the Business License Coordinator pursuant to procedures established herein for the following:

- (1) Violation on the licensed premises of any of the provisions of this chapter; ~~or~~
- (2) Violation by the applicant or employees of any other Sandy City, Salt Lake County, state or federal laws governing the operation of the home occupation; ~~or~~
- (3) The applicant/licensee supplied false or misleading information when applying for a home occupation license; or the applicant withheld relevant information on any application for any use or suffered or caused another to furnish or withhold such information on his ~~or her~~ behalf; ~~or~~
- (4) The owner, employee or operator of the business has violated any of the provisions of the Business License or Sandy Land Development Code or the standards, qualifications or conditions required to obtain the home occupation license or the property no longer complies with the standards, qualifications or conditions necessary to obtain or maintain a license; ~~or~~
- (5) The applicant has failed to pay applicable property tax, sales tax, utility tax, or license tax; ~~or~~
- (6) Any conduct or act of the applicant or employees on the premises where the home occupation is conducted, where the act is a nuisance, a public nuisance, or a menace to the health, safety, peace or general welfare of the city or its inhabitants; ~~or~~
- (7) The applicant/licensee has refused to allow authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of his duty in making such inspection; ~~or~~
- (8) The applicant is not complying with a requirement or condition set forth by the Sandy Land Development Code, Planning Commission or Business License Section, or by agreement; ~~or~~
- (9) The home occupation was given a recommendation for approval from the Department as a legal nonconforming use and is not complying with any requirement or condition established therefor by previous ordinance or conditions of approval or is in violation of Subsections (a)(1) through (8) of this section;
- (10) Upon good cause, as indicated and requested by any of the Sandy City, Salt Lake County, Utah State or Federal agencies required to supply consent for the home occupation license to be issued. Grounds for denial, revocation or suspension of a home occupation include violations of any City, County, state or federal laws or regulations; or
- (11) Any other reason expressly provided for in this chapter.

(b) The Department shall give at least 14 days prior written notice, mailed or otherwise delivered to the address listed on the application as the address where the home occupation is being conducted, of the alleged violation or the manner in which the property no longer complies with the requirements for the home occupation, with the opportunity to correct the problem during said time. The 14-day notice period may be waived or reduced if there is a risk to public health, safety or welfare. Any substantiated, unresolved complaint, regarding the violation of standards, qualifications or application requirements or any of the above violations, which is received and verified by the City, against any home occupation licensed under this section, will require that any licenses be revoked and the business cease to operate.

(Revised Ords. 1978, § 5-16-8)

**Sec. 15-8-9. Process for Appeal of Denied, Suspended or Revoked Licenses.**

(a) In the event a license application submitted pursuant to this chapter is denied or a license previously issued is suspended or revoked by the Business License Section, the applicant shall be given written notice as to the reasons for such denial, suspension or revocation. The applicant may then submit a written appeal, within 14 days of mailing of notice of denial, suspension or revocation, to the Hearing Officer, who shall be the Community Development Director or designee.

(b) The applicant must allege that there is an error in the decision or determination made by the Business License Section and the factual and legal basis for such allegation. The applicant has the burden of proving that the Business License Section erred. In order to satisfy its burden, the applicant may submit written material, graphic representations and, if a hearing is held, oral testimony, to which the City will have the opportunity to respond. The Hearing Officer shall review the information submitted by the applicant and the City and may hold a hearing therefor. The Hearing Officer shall then issue a written decision and may make written findings. Written notice shall be given to the applicant within 30 days of the Hearing Officer's decision.

(c) The Hearing Officer will review the decision of the Business License Section to determine if there is a rational basis for the Section's decision. If there is a rational basis for the Business License Section's decision, the Hearing Officer shall uphold the decision of the Business License Section. If the applicant so desires, the applicant may further appeal the decision of the Hearing Officer to the Sandy City Board of Adjustment within 30 days of the Hearing Officer's decision. In the appeal to the Board of Adjustment, the plaintiff may only allege that the Hearing Officer's decision was arbitrary, capricious, or illegal.

(d) If the applicant so desires, the applicant may further appeal the decision of the Hearing Officer to the District Court within 30 days of the Board of Adjustment's decision. In the appeal to District Court, the plaintiff may only allege that the Board's decision was arbitrary, capricious, or illegal.

(e) If a home occupation license is denied, suspended or revoked, the applicant may reapply for a new home occupation license after the period of suspension or revocation, provided there is complete conformance with all of the current home occupation regulations.

(Revised Ords. 1978, § 5-16-9)

**CHAPTER 17-15-9. BURGLARY AND ALARM SYSTEMS\***

\*State law reference—Alarm system companies, U.C.A. 1953, § 58-55-301 et seq.

**Sec. 15-9-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alarm business* means any persons engaged in the business of installing, planning the installation, assisting in the planning or the installation, servicing, maintaining, repairing, replacing, moving or removing alarm systems in Sandy City.
- (2) *Alarm Coordinator* means the individual designated by the chief of police to issue permits and enforce the provisions of this chapter.
- (3) *Alarm dispatch request* means a notification to the police by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.
- (4) *Alarm site* means a single premises or location served by an alarm system ~~or systems~~. Each tenancy, if served by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.
- (5) *Alarm system* means any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this definition:

- a. Alarm devices which are not installed, operated or used for the purpose of reporting an emergency to the Police Department;
  - b. Alarm devices installed on a temporary basis by the Police Department;
  - c. Alarm devices which do not register alarms that are audible, visible, or perceptible outside the protected premises; and
  - d. Alarm devices affixed to motor vehicles, unless the vehicle is permanently affixed to the real property at the alarm site.
- (6) *Alarm user* means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.
- (7) *Answering service* means a telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems and the subsequent relaying of such messages by a live voice to the Police Department.
- (8) *Apartment complex* means any building or group of buildings containing two or more rental units.
- (9) *Automatic dialing device* means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message indicating the existence of an emergency situation that the alarm system is designed to detect.
- (10) *Central station* means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.
- (11) *Duress alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.
- (12) *Emergency* means the commission or attempted commission of a robbery, burglary or other criminal action or the occurrence of a medical event requiring immediate response.
- (13) *Employee* means any person who is employed by an alarm business and who sells, installs, services, maintains, repairs, or replaces alarm systems in the City.
- (14) *False alarm* means the activation of an alarm system which results in an arrival at the alarm site by the Police Department where an emergency does not exist. ~~The term "false alarm" includes an alarm signal caused by conditions of nature which are normal for that area and subject to control by the alarm business operator or alarm user. The term "false alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature not reasonably subject to control, such as tornadoes, floods or earthquakes.~~
- (15) *Holdup alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- (16) *Intrusion alarm system* means an alarm system signaling an entry or attempted entry into the area protected by the system.
- (17) *Local alarm* means any noise-making alarm device audible at the alarm site.
- (18) *One Plus duress alarm* means the manual activation of a silent alarm signal by entering at a keypad a code that adds one to the last digit of the normal arm/disarm code (Normal code=1234; One plus code=12345).
- (19) *Permittee* means the person to whom an alarm user permit is issued.
- ~~(20) "Person" means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.~~

(Revised Ords. 1978, § 5-17-1)

### **Sec. 15-9-2. Applicability of Provisions.**

The provisions of this chapter shall apply to all alarm users, businesses, employees and alarm systems which are installed, connected, monitored, operated or maintained on or prior to the date on which the ordinance ~~codified~~

~~in this chapter~~ from which this chapter is derived became effective, and subsequent thereto.

(Revised Ords. 1978, § 5-17-2)

**Sec. 15-9-3. Registration Required to Operate Alarm Business.**

It is unlawful for any person, partnership, corporation or association to engage in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system in or on any building or other property within the City of any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless there exists a valid license therefor under the provisions of the Utah Construction Trades Licensing Act (U.C.A. 1953, § 58-55-101 et seq.), as amended, or its successor, and the name, address and certificate number or identification number has been registered with the Chief of Police. There shall be no fee for registration within the City under this section.

(Revised Ords. 1978, § 5-17-3)

**Sec. 15-9-4. Alarm User Permits.**

(a) Every alarm user shall have in his/~~her~~ possession an alarm user permit issued by the Chief of Police at no charge. Such permit shall be issued upon filing by the user or alarm business, with the Police Department, a completed alarm permit application as provided by Section 15-10-5, or its successor section. A separate permit shall be required for each alarm site. The permit application shall be submitted to the Alarm Coordinator no later than 15 days following the alarm installation or following an existing system being taken over by a different alarm user. The alarm user shall be responsible for the maintenance and operation of the alarm system and for the payment of all fees and penalties under this chapter.

(b) It is unlawful to operate an alarm system without an alarm permit.

(c) An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, at which time the permit shall expire. Alarm permits shall not be transferable.

(Revised Ords. 1978, § 5-17-4)

**Sec. 15-9-5. Alarm Permit Application.**

(a) An alarm permit application shall be completed and submitted to the Police Department's Alarm Coordinator by the user and/or by the alarm business prior to the operation of an alarm system.

(b) The permit application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected, monitored or maintained, and the name of the licensed alarm system business installing, monitoring, maintaining or servicing the system, as well as the type of system to be installed, operated or maintained. The persons listed shall have authority to act for the alarm user in granting peace officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system. The alarm permit application shall contain such additional information as the Chief of Police shall reasonable deem necessary to properly identify and locate the user, the alarm business installing, servicing, monitoring or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.

(c) A penalty service fee may be assessed upon a user when the peace officers responding to an alarm are unable to contact any of the listed parties due to outdated or inaccurate information provided by the user. The penalty service fee shall be determined by treating any such failure by a user as if it were a false alarm, as provided in Section 15-10-7, or its successor section, and may be considered as an additional false alarm for the purpose of computing fees. In addition, the Chief of Police may, at his/~~her~~ discretion, choose not to provide police response to any further alarms at an alarm site in the event an alarm user fails to comply with this section.

(Revised Ords. 1978, § 5-17-5)

**Sec. 15-9-6. User Instructions.**

(a) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on-premises located in the area subject to this chapter shall furnish the user with written instructions and training that provide information to enable the user to operate the alarm system properly and to avoid false alarms. Written operating instructions, and the phone number of the monitoring station, shall be maintained at each alarm site. The

alarm business shall notify the alarm user of the permit requirements.

(b) After March 31, 1998, no alarm business shall program alarm systems so they are capable of sending One Plus duress alarms. Alarm businesses may continue to report One Plus duress alarms received from alarm systems programmed with this feature prior to March 31, 1998; however, after that date, when performing a takeover or conversion, an alarm business shall remove the One Plus duress alarm capability from the alarm system being taken over or converted.

(Revised Ords. 1978, § 5-17-6)

**Sec. 15-9-7. False Alarms.**

(a) Permit holders shall be responsible for false alarms caused by anyone with authorized access to the premises. Revocation of a user permit shall be in accordance with the license revocation provisions specified in Section 15-2-10(d), or its successor section. A Hearing Officer at a revocation proceeding shall have authority to suspend a user permit in lieu of revocation in appropriate cases. Any city alarm user whose permit is suspended or revoked by the City shall pay a reinstatement ~~of \$100.00~~ fee established by the fee schedule to the City before such permit shall be reinstated or reissued.

(b) A service fee is imposed for false alarms on a physical duress or intrusion alarm system to which a peace officer responds. The fee is assessed on the user of the alarm system for each false alarm after four false alarms in any 12-month period. The amount of the fee is ~~\$100.00~~ established by the fee schedule for each alarm after four false alarms in any 12-month period.

(c) All penalties assessed under this chapter shall be due and payable on the date written notice of any penalty due is issued by the City. If any penalty is not paid within 90 days of the due date, the City may use such lawful means as are available to collect such penalties. In the event the City files an action in court to recover such penalties, the City shall be entitled to recovery of its costs and attorneys' fees in addition to the penalties due and owing.

(d) The alarms coordinator may implement a false alarm prevention course to be made available to the public on a monthly basis at no cost. The course shall inform alarm users of problems created by false alarm dispatches and how users may operate an alarm system without generating false alarm dispatches. Users who complete the course shall receive a service fee credit for one false alarm. No permittee shall be entitled to take such course and receive such service fee credit more than once.

(Revised Ords. 1978, § 5-17-7)

**Sec. 15-9-8. Apartment Complex Alarm Systems.**

(a) If an alarm system installed, or caused to be installed, by any tenant in an apartment complex is monitored by an alarm business, the tenant shall provide the Alarm Coordinator the name of a representative of the apartment complex owner or property manager who can grant access to the rental unit by police officers responding to an alarm dispatch. Such tenant shall obtain an alarm permit from the Alarm Coordinator before operating or causing the operation of an alarm system in the tenant's rental unit.

(b) A tenant which has contracted with an alarm business to monitor an alarm system at the tenant's alarm site shall be responsible for false alarm dispatches emitted from the alarm system at such alarm site.

(Revised Ords. 1978, § 5-17-8)

**Sec. 15-9-9. Deliberate False Alarms.**

(a) No person shall cause to be transmitted any intrusion or physical duress alarm knowing the same to be false or without basis in fact.

(b) The following shall be presumed to be unintentional alarms:

- (1) Emissions of malfunction signals from monitoring equipment; and
- (2) Repeated false alarms from the same site within a reasonable period.

(Revised Ords. 1978, § 5-17-9)

**Sec. 15-9-10. Local alarm system, When Cutoff Required.**

Burglary, robbery or other emergency alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped with an automatic device which will terminate the audible or visual alarm within ten minutes.

(Revised Ords. 1978, § 5-17-10)

**Sec. 15-9-11. Police Call Records.**

Alarm businesses who request police response to alarm signals shall maintain a record of all police calls, stating the time, date and location of the alarm and the name, address and phone number of the alarm user. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the Chief of Police or the Chief's designated representative at any time during normal business hours.

(Revised Ords. 1978, § 5-17-11)

**Sec. 15-9-12. Administration and Enforcement.**

The provisions of this chapter shall be administered and enforced by the Chief of Police. The Chief of Police, or his ~~or her~~ authorized representative, which may be the Chief Building Inspector, is authorized to make inspections of burglary, robbery and other emergency alarm systems and of the premises wherein said devices or systems are located. Such individual shall have authority at reasonable times and upon oral notice to enter upon any premises within the City to undertake such inspections and to determine whether such systems are being used in conformity with the provisions of this chapter.

(Revised Ords. 1978, § 5-17-12)

**Sec. 15-9-13. Operational Defects to be Remedied.**

Alarm users and alarm businesses are required to ensure that sensory mechanisms used in connection with the robbery, burglary or other emergency alarm systems have been adjusted to suppress false alarms, so that the device will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, or other forces unrelated to genuine alarms.

(Revised Ords. 1978, § 5-17-13)

**Sec. 15-9-14. Automatic Dialing and Prerecorded Message Alarm Systems Unlawful.**

~~(a)~~ It is unlawful to maintain, operate, connect, or allow to be maintained, operated or connected, any automatic dialing device which automatically dials the Police Department and then relays any pre-recorded message to report any robbery, burglary or other emergency.

(Revised Ords. 1978, § 5-17-14)

**Sec. 15-9-15. Violation, Penalty.**

(a) Notwithstanding any other provision in this chapter, failure of any person to comply with the requirements of this chapter shall constitute an infraction and shall be punishable by law as set forth in Section 1-2-3 ~~of these Ordinances~~, or its successor section.

(b) In addition to other penalties provided in this chapter, failure by an alarm user or an alarm business to pay any penalty within 120 days of the due date shall constitute grounds for suspension or revocation of an alarm user permit. All service fees assessed under this chapter are due and payable on the date written notice of any fee due is issued by the City. If any service fee is not paid within 30 days of the due date, a penalty of \$10.00 shall be added to each \$100.00 service fee so unpaid. If any service fee is not paid within 60 days of the due date, an additional penalty of \$10.00 shall be added to each \$100.00 service fee so unpaid, for a total penalty of \$20.00. If any service fee is not paid within 90 days of the due date, an additional penalty of \$10.00 shall be added to each \$100.00 service fee so unpaid, for a total penalty of \$30.00. If any service fee is not paid within 120 days of the due date, together with all applicable penalties, the City may use such lawful means as are available to collect such fee, including all penalties, costs and attorneys' fees.

(Revised Ords. 1978, § 5-17-15)

**Sec. 15-9-16. Appeal Procedure.**

(a) Any alarm user may appear before the Alarm Coordinator and present and contest the assessment of any penalty. The burden to prove any matter shall be upon the person raising such matter.

(b) If the Alarm Coordinator finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the Alarm Coordinator may dismiss the penalty and release the alarm user from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

- (1) The false alarm for which the penalty has been assessed did not originate at the premises of the alarm user who has been assessed the penalty;
- (2) The alarm for which the penalty has been assessed was, in fact, not false, but was rather the result of an actual or attempted burglary, robbery, or other emergency;
- (3) The police dispatch office was notified by the permit holder or the alarm business that the alarm was false prior to the arrival of a police officer to the alarm site in response to the false alarm; or
- (4) Such other mitigating circumstances as may be approved by the City Law Department.

(c) If the Alarm Coordinator finds that a false alarm did occur and no applicable defense exists, the Alarm Coordinator may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable penalty.

(d) Any decision made by the Alarm Coordinator under this section may be appealed to the Chief of Police.

(Revised Ords. 1978, § 5-17-16)

## **CHAPTER ~~18-15-10~~. ESCORT AGENCIES, OUTCALL SERVICE AGENCIES, AND SEMI-NUDE DANCING AGENCIES**

### **Sec. 15-10-1. Affected Business.**

The Sandy City ("City") Council finds that escort agencies, outcall service agencies, and semi-nude dancing agencies seriously affect the economic, social and moral well-being of the City and its residents, that such businesses must be regulated strictly for the welfare of the public, and that such businesses must therefore comply with this chapter.

(Revised Ords. 1978, § 5-18-1)

### **Sec. 15-10-2. Definitions.**

For the purpose of this chapter the following words shall have the following meanings: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Agency* means an escort agency, outcall service agency, or a semi-nude dancing agency.
- (2) *Business License Authority* means the Business License Section of the City's Community Development Department.
- (3) *Escort*.
  - a. The term "escort" means a person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters.
  - b. The term "escort" shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel:
    1. Whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than 12 hours; or
    2. Who provide a service not principally characterized as dating or socializing.

- c. The term "escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration of not longer than one hour.
- (4) *Escort agency* means any person who, for a fee, commission, hire, or profit, furnishes or arranges for escorts to accompany other persons for social engagements.
  - (5) *Outcall service agency* means any person which furnishes, books, or otherwise engages or offers to furnish, book or otherwise engage outcall services.
  - (6) *Outcall services* means services performed for pecuniary compensation and of a type generally performed within a sexually oriented business but performed outside of the premises of the sexually oriented business. Outcall services are prohibited in public places.
  - (7) *Person* means any individual, agency, firm, unincorporated association, corporation, partnership or other legal entity. For purposes of this chapter, a person who operates an agency also includes each officer, director and shareholder owning ten percent of the stock or beneficial ownership if the agency is a corporation, and each partner, including limited partners, if the agency is a partnership.
  - (8) *Public places* means any location within the City frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public.
  - (9) *Semi-nude dancing agency* means any person which furnishes, books, or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dancer for performance or appearance at a sexually oriented business.

(Revised Ords. 1978, § 5-18-2)

#### **Sec. 15-10-3. License Required.**

It is unlawful for any person to operate an agency, be employed by an agency, or perform escort or outcall services, within the City, without first obtaining a valid license from the business license authority.

(Revised Ords. 1978, § 5-18-3)

#### **Sec. 15-10-4. Zoning.**

It is unlawful for any agency to do business at any location within the City not zoned for such business. Agencies shall not be permitted as a home occupation.

(Revised Ords. 1978, § 5-18-4)

#### **Sec. 15-10-5. License Application; Disclosure.**

All persons applying for any license required under this chapter shall:

- (1) Pay the required fee.
- (2) File a written application with the business license authority on a form to be provided by the business license authority to include the following, as applicable:
  - a. The complete name of each person, including the date and state of incorporation;
  - b. The date of birth;
  - c. The complete residence and business address, not by post office box, and previous residence and business addresses for a period of three years immediately prior to the date of application;
  - d. A complete set of fingerprints;
  - e. Height, weight, color of eyes, and color of hair;
  - f. Business, occupation or employment history for five years immediately preceding the date of application, including, but not limited to, whether such person previously operated under any permit or license in another city in this State or another state and whether any such permit or license had

- ever been suspended or revoked;
- g. Any convictions, including pleas of guilty or nolo contendere in any State or Federal court within the past ten years, including municipal ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred;
  - h. Any pending criminal charges in any State or Federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending;
  - i. The name and address of persons who will have custody of the business records at the business location;
  - j. The name and address of the person who will be the agent for service of process;
  - k. A description of the nature and scope of the proposed business or services.

(Revised Ords. 1978, § 5-18-5)

**Sec. 15-10-6. Additional License Requirements to Perform Escort or Outcall Services.**

In addition to the requirements under Section 15-10-5, all persons performing escort or outcall services shall provide to the Business License Authority:

- (1) Two passport-size color photographs at least one-inch by one-inch taken within three months of the date of application.
- (2) The name and address of the business, if any, at which the applicant is currently working or at which the applicant expects to be employed.
- (3) A certificate from the Salt Lake City-County Health Department, stating that the applicant has, within 30 days immediately preceding the date of the application, been examined and found to be free of any contagious or communicable disease.

(Revised Ords. 1978, § 5-18-6)

**Sec. 15-10-7. License Fees.**

The initial license and annual renewal fees for any license required under this chapter shall be as set by resolution passed by the Sandy City Council.

(Revised Ords. 1978, § 5-18-7)

**Sec. 15-10-8. Granting of License; Revocation, Suspension.**

(a) The business license authority may refuse to grant any license and may suspend, revoke or refuse to renew any license issued under this chapter if it finds:

- (1) The applicant is under 18 years of age or any higher age, if the license sought requires a higher age.
- (2) The required fees have not been paid.
- (3) The application does not conform in all respects to this chapter.
- (4) The applicant has knowingly made a material misstatement in the application.
- (5) The agency or the services as proposed by the person would not comply with all applicable local, state and federal laws, including, but not limited to, the City's building and zoning regulations.
- (6) The person has had an agency license or permit or service license or permit or other similar license or permit revoked or suspended in this State or any other state within three years prior to the date of application.
- (7) The person has at the time of the application a pending criminal charge, or within five years prior to the date of application has been convicted of, has pled guilty or nolo contendere to, any specified criminal activity as defined under Section 16-2-1 et seq., or any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of this State or any other state.

(8) The person, if a corporation, is not licensed to do business or is not in good standing in the State of Utah.

(9) For good cause shown.

(b) Before a license may be suspended or revoked, the business license authority shall afford the person an opportunity for a hearing to show cause why such license should not be suspended or revoked.

(Revised Ords. 1978, § 5-18-8)

**Sec. 15-10-9. License Limitations.**

(a) Each license shall remain valid from the date of issuance through January 1 of each succeeding year unless otherwise suspended or revoked. Such license may be renewed only by making a new application and payment of a fee as provided in Sections 15-10-5 and 15-10-7. The license fees shall not be prorated for any portion of a year but shall be paid in full for whatever portion of the year the license is applied for. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(b) Any change in the information required to be submitted for any license required under this chapter shall be given, in writing, to the business license authority within 14 days after such change.

(c) Any license granted under this chapter shall not be transferable.

(d) Each application for an agency license under this chapter shall post with the business license authority a cash or corporate surety bond payable to Sandy City Corporation in the amount of \$2,000.00. Each application to perform escort or outcall services under this chapter shall post with the business license authority a cash or corporate surety bond payable to Sandy City Corporation in the amount of \$500.00. Any fines assessed for violations of City ordinances shall be taken from this bond if not paid in cash within ten days after notice of the fine unless an appeal is filed as provided by this chapter. In the event that funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to \$2,000.00 within 15 days of the date of notice of any draw against it.

(e) It is unlawful for any agency to fail to display the license granted pursuant to this chapter in a prominent location within the business premises. It shall be unlawful for any individual licensed pursuant to this chapter to fail to, at all times while engaged in licensed activities within the corporate boundaries of the City, carry their license on their person. When requested by police, City licensing or other enforcement personnel or Health Official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

(f) It is unlawful to conduct business under a license issued pursuant to this chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by said business shall require a separate license. It is unlawful to do business under any name other than the business name specified in the application.

(Revised Ords. 1978, § 5-18-9)

**Sec. 15-10-10. Operational Restrictions for Escort and Outcall Services.**

All persons licensed pursuant to this chapter shall:

(1) Provide to each patron a written contract in receipt of pecuniary compensation for escort or outcall services. The contract shall clearly state the type of services to be performed, the length of time such services shall last, the cost to the patron and any special terms or conditions relating to the services performed. The contract need not include the name of the patron. The person shall keep and maintain a copy of each such written contract for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract and pecuniary compensation paid.

(2) Maintain an open office or telephone, regardless of the primary location of the business, at which the person's designated agent may be personally contacted during all hours such services are being provided. The address and phone number of the office location shall appear and be included in all patron contracts and published advertisements.

(3) Permit the Police Department, or other City official, to have access at all times to all premises licensed

or applying for a license under this chapter and to make periodic inspection of said premises.

(Revised Ords. 1978, § 5-18-10)

**Sec. 15-10-11. Violations, Penalties.**

In addition to revocation or suspension of a license, each violation of this chapter shall, upon citation by the business license authority, require the person to pay a civil penalty in the amount of \$500.00, to be deducted from the cost bond required pursuant to this chapter. In addition to any civil fines, the violation of any provision of this chapter shall be a Class B misdemeanor. Each day of violation shall be considered a separate offense. In addition to the civil and criminal penalties provided herein, any person who violates any provision of this chapter is subject to a suit for injunction and any other remedy available at law or in equity.

(Revised Ords. 1978, § 5-18-11)

**Sec. 15-10-12. Applicability to Existing Regulations.**

The provisions of this chapter shall be applicable to all persons described herein whether the herein-described activities were established before or after the effective date of the ordinance from which this chapter is derived and regardless of whether such persons are currently licensed to do business in the City. All such persons shall have 45 days from the effective date of the ordinance from which this chapter is derived, or until their current license expires, whichever is first in time, to comply with the provisions of this chapter.

(Revised Ords. 1978, § 5-18-12)

**Sec. ~~5-18-13. Severability.~~**

~~In the event that any provision of this chapter is declared invalid for any reason, the remaining provisions shall remain in effect. Except where the context or specific provisions require, this ordinance does not supersede or nullify any other City ordinance.~~

(Revised Ords. 1978, § 5-18-13)

Title ~~12~~-16**ADULT BUSINESSES REGULATIONS****CHAPTER 16-1. MASSAGE ESTABLISHMENTS\***

\*State law reference—Massage Therapy Practice Act, U.C.A. 1953, § 58-47b-101 et seq.; local licensing of massage therapy, U.C.A. 1953, § 58-47b-305.

**Sec. 16-1-1. Definitions.**

~~For the purposes of this chapter, the following words shall have the meanings as set forth herein: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- (1) *Apprentice massage therapist* or *apprentice masseur* means an individual taking training from a licensed, accredited massage therapist, under approved conditions, as supervised by the provisions of the State of Utah and/or the American Massage Therapy Association, or a student taking an approved massage course of training at an accredited school and working for and with an accredited licensed or registered massage therapist or masseur.
- (2) *Massage* or *massage therapy* means a manual or mechanical manipulation of the parts of the body by rubbing, kneading, slapping or the like, so as to promote circulation, to relax the muscles as in deep muscle therapy, to tone up the general system, promote general health and relieve certain conditions that respond to massage or massage therapy allowed by the State of Utah to be practiced without prescription from a licensed physician.
- (3) *Massage establishment* means a public or private establishment where licensed masseurs are hired, individually, or act as an association, firm or corporation which engages in, conducts, carries on, or permits to be carried on, any business of the giving of a massage or massage therapy.
- (4) *Masseur* means any person not otherwise duly licensed by the Department of Registration of the State of Utah to practice those treatments referred to above, who engages in, conducts, or carries on the giving of a massage or massage therapy to another person for a fee.
- (5) *Master massage therapist* or *master masseur* means a registered massage therapist, licensed under the terms of this chapter as such or licensed under the laws of the State of Utah, if applicable, who has shown proof of three years of successful massage therapy experience and who is the proprietor, manager or supervisor or person in complete control of any massage establishment. ~~This~~ The term "master massage therapist" or "master masseur" designates the person in complete charge of all operations and as such is completely responsible for the acts, deportment and professional conduct of the establishment and all persons in or employed by the massage establishment. As such, any master massage therapist or master masseur shall ensure that each person employed under the provisions of this chapter shall first have obtained a valid license.

(Revised Ords. 1978, § 12-1-1)

**Sec. 16-1-2. License Required.**

It shall be unlawful for any person to operate, conduct, or maintain a massage establishment or engage in the business of a masseur in Sandy City without first obtaining a business license to do so.

(Revised Ords. 1978, § 12-1-2)

**Sec. 16-1-3. License Fee.**

The license fee for a massage establishment or for conducting the business of a masseur shall be established by resolution of the City Council. Such fees shall be computed upon and paid for a period of one year and shall be administered and collected in accordance with regulations as established by the Sandy City Business License

~~Division-Section.~~

(Revised Ords. 1978, § 12-1-3)

**Sec. 16-1-4. Subsidiary Use.**

No massage establishment shall be maintained within the limits of Sandy City as an independent business establishment, but any such massage establishment shall only be maintained and a license issued therefor as a use for business subsidiary to and in conjunction with a recreational, health, spa or exercise facility which has previously received approval as to its conformance with the zoning, business and other regulatory ordinances of the City. No massage parlor shall occupy, in the capacity of a subsidiary use, more than ten percent of the net usable floor space of the recreational, health, spa or exercise facility in which the massage establishment is so located.

(Revised Ords. 1978, § 12-1-4)

**Sec. 16-1-5. License Application.**

Every person desiring to be licensed as a masseur, apprentice masseur, master masseur or to obtain a massage parlor license shall apply to the Sandy City License ~~Division-Section~~ and shall file with said application the following:

- (1) A statement under oath that the applicant is at least 18 years of age;
- (2) The applicant's full name and present and complete address, with dates of residence;
- (3) Two previous addresses of the applicant immediately prior to, and within ten years of, the present address as set forth above, with length of time and dates of residence at each;
- (4) Two previous business addresses of the applicant immediately prior to, and within ten years of, the present business address as set forth upon the application, with length of time and dates of business practice at each such address;
- (5) A statement showing the street, building and location of the place where the applicant proposes to conduct, operate, or maintain such massage establishment or engage in the pursuits of a masseur;
- (6) A satisfactory statement that the applicant:
  - a. Has practiced massage therapy as a licensed massage therapist for at least three years prior to ~~this act~~ the ordinance from which this chapter is derived, and has a license or American Massage Therapy Association certification as proof thereof; ~~or~~
  - b. Has graduated from an approved massage therapy school with a diploma therefor, which diploma must be presented with the application and shall include copies of credentials issued therewith; ~~or~~
  - c. Is a fully accredited member of the American Massage Association; ~~or~~
  - d. Has had 1,000 hours of acceptable training, either in school or as an apprentice under a licensed massage therapist, and has been engaged in practice for at least five years as a full-time massage therapist; or
  - e. Is a student now in school or is applying as an apprentice massage therapist or apprentice masseur in capacity of a full apprenticeship under a full and approved qualified massage therapist or licensed masseur and such applicant shall be granted an apprentice's license upon presentation of a statement from the school which the student is attending or a statement from the person acting as preceptor;
- (7) Five letters from responsible persons confirming the integrity and moral character of the applicant; and
- (8) A complete list of all convictions, if any ~~there be~~, of any crime or type which involve moral turpitude, malpractice or other offenses against the public health, safety and welfare; and
- (9) Such other information as the City may require in order to investigate the information as set forth by the applicant.

(Revised Ords. 1978, § 12-1-5)

**Sec. 16-1-6. Investigation of Applicants.**

Applicants for licensing ~~as at~~ a massage establishment as a masseur of any of the categories heretofore set forth shall be referred to the Chief of Police, the Fire Chief, the Zoning Department and the Salt Lake City-County Board of Health and such other City departments as may be necessary for investigation and recommendation. The Police Department shall make findings and recommendations with regard to the moral character of the applicant as determined by investigation of the letters of reference and criminal convictions, if any, of the applicant. The Salt Lake City-County Board of Health shall make findings and recommendations with regard to the sanitary conditions of the premises to be licensed in view of the then applicable laws and ordinances governing health and sanitation. The other departments of the City shall review the application and the premises to be licensed to determine conformance with the laws, ordinances, and regulations of the City as administered by the several investigating departments. All recommendations and findings of the departments requested to make such review shall then be delivered to the Business License Division-Section, which shall take such action upon the license application as shall be appropriate.

(Revised Ords. 1978, § 12-1-6)

**Sec. 16-1-7. Unlawful Conduct.**

No sexual acts as prohibited by the laws of the State of Utah or the ordinances of Sandy City or any other immoral or unlawful act shall be performed by masseurs, massage establishment licensees or their employees. No massage shall be given in a locked room or enclosure. No cubicle, room or enclosure of a permanent nature shall be allowed within a massage establishment. Privacy curtains shall be permitted.

(Revised Ords. 1978, § 12-1-7)

**Sec. 16-1-8. Health Standards.**

When the Salt Lake City-County Board of Health has probable cause to believe that the examination of a masseur for communicable diseases is necessary for the health and safety of the masseur or the public, it may require a masseur to submit to a physical examination of a type to be determined by the Board of Health. All massage establishments must at all times meet the Salt Lake City-County Board of Health regulations.

(Revised Ords. 1978, § 12-1-8)

**Sec. 16-1-9. Issuance of License.**

Upon receipt of the reports and recommendations as prepared and required herein, the Business License ~~Division-Section~~ shall refer such application to the Mayor. The Mayor shall, upon receipt of such application, reports and recommendations, determine whether or not a business license shall be issued to the applicant. Such determination shall be based upon the ordinances of Sandy City and the consideration of reports and recommendations as received.

(Revised Ords. 1978, § 12-1-9)

**Sec. 16-1-10. Display of License.**

Every massage establishment licensed under this chapter shall display, and every masseur licensed under this chapter shall display, ~~her or~~ his massage establishment license or masseur's license in a conspicuous place on the licensed premises, together with a notice listing all persons employed on the premises.

(Revised Ords. 1978, § 12-1-10)

**Sec. 16-1-11. Supervision of Massage Establishment.**

Any establishment or person licensed under the provisions of this chapter shall be supervised by a master massage therapist or master masseur, as herein defined. Such master massage therapist shall be required to conform to the standards of training and experience as outlined in the definitions herein and shall be responsible to ensure that the licensed establishment conforms and continues to conform with the laws, ordinances and regulations of the City and the State of Utah. No massage establishment or masseur shall be licensed under the provisions of this chapter unless the requirements regarding a master massage therapist or masseur shall have been fulfilled.

(Revised Ords. 1978, § 12-1-11)

**Sec. 16-1-12. Revocation of License.**

(a) Any license issued under the provisions of this chapter may be revoked or suspended for the following reasons:

- (1) Upon a showing that a licensed massage establishment or masseur is not in compliance with the laws and ordinances of the City or State of Utah; ~~or~~
- (2) Upon a showing that the licensed massage establishment or masseur has failed to maintain the premises upon which the business is operated in a condition of proper sanitation or hygiene; ~~or~~
- (3) Upon a showing that the licensed massage establishment or masseur has submitted to the City falsified documents of application or an application containing a deliberate omission of pertinent facts or containing deliberate misrepresentation of such facts; or
- (4) Upon a finding that any licensed massage establishment is being operated or maintained or that any person is engaged in the pursuits of a masseur in violation of any law, ordinance or regulation.

(b) The revocation or suspension of any license granted hereunder shall not be undertaken until a hearing and appeals therefrom shall have been conducted by and before the Mayor in conformance with the provisions contained elsewhere in ~~these ordinances~~ this Code with regard to revocation or suspension of business licenses generally.

(Revised Ords. 1978, § 12-1-12)

**Sec. 16-1-13. Renewal of Licenses.**

Licenses issued under this chapter shall be valid, unless expired, revoked or suspended, for the current calendar year in which issued and shall expire on December 31 of each year. Renewal of any license issued hereunder shall be granted in the manner and upon the conditions for the renewal of business licenses generally.

(Revised Ords. 1978, § 12-1-13)

**Sec. 16-1-14. Treatment of Persons of the Opposite Sex.**

(a) It shall be unlawful for any person to administer, for hire or reward to any person of the opposite sex, any massage, nor shall any person cause or permit in or about his place of business or in connection with his business, any agent, employee or servant or any other person to administer any massage to any person of the opposite sex.

(b) This section shall not apply to any massage or treatment administered in good faith in the course of the practice of any healing art by any person licensed to practice any such art or profession under the provisions of the Utah Code Annotated, 1953, or of any other law of this State.

(Revised Ords. 1978, § 12-1-14)

**Sec. 16-1-15. Modeling Prohibited.**

No massage establishment or licensee shall allow masseurs ~~or masseuses~~ working in his establishment to model or pose for photographs, films, television, moving pictures, or drawings on the premises.

(Revised Ords. 1978, § 12-1-15)

**Sec. 16-1-16. Appointment of Inspectors for the Purpose of Enforcement of this Chapter.**

The Departments of Fire, Health, Community Development, ~~and~~ <sup>Police</sup> ~~and Building and Safety~~ shall designate members of their departments to act as inspectors of establishments required to be licensed by this chapter. Said establishments shall be open to inspection at reasonable times to the inspectors of each of the above departments for the purpose of investigation and enforcement of the applicable ordinances of Sandy City and the laws of the State of Utah.

(Revised Ords. 1978, § 12-1-16)

**Sec. 16-1-17. Conformance to State Laws.**

The operation of any massage establishment or the ability of any massage therapist or masseur to engage in such business within the limits of the City shall be governed by all applicable statutes, laws and regulations of a general nature which may be adopted or promulgated from time to time by the State of Utah and Salt Lake County.

(Revised Ords. 1978, § 12-1-17)

**Sec. 16-1-18. Severability Clause.**

If any part of this chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this law or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the chapter and the persons and the circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this chapter would have been adopted if such invalid section, provisions, subdivision, sentence or part of the chapter or application had not been included.

(Revised Ords. 1978, § 12-1-18)

**Sec. 16-1-19. Penalty.**

Any violation of the provisions of this chapter shall be deemed a Class B misdemeanor.

(Revised Ords. 1978, § 12-1-19)

**CHAPTER 16-2. SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING ORDINANCE\***

\***State law reference**—Municipal regulation of sexually oriented businesses, U.C.A. 1953, § 10-8-41.5.

**Sec. 16-2-1. Purpose and Findings.**

(a) *Purpose.* It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Sandy City ("City"), and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to theft intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(b) *Findings.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 2004 U.S. LEXIS 4026 (June 7, 2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Dodger's Bar & Grill, Inc. v. Johnson County*, 98 F.3d 1262 (10th Cir. 1996); *Connection Distrib. Co. v. Reno*, 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *Dodger's Bar & Grill, Inc. v. Johnson County*, 32 F.3d 1436 (10th Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241; *MS News Co. v. Casado*, 721 F.2d 1281 (10th Cir. 1983); *Cortese v. Black*, No. 95-1429, 1996 U.S. App. LEXIS 15311 (10th Cir., June 25, 1996); *Salt Lake City v. Wood*, 1999 Utah App. 323, 991 P.2d 595 (Utah Ct. App. 1999); *United States v. Freedberg*, 724 F.Supp. 851 (D. Utah 1989); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Chattanooga, Tennessee—1999-2003; Phoenix, Arizona—1979; Minneapolis, Minnesota—1980; Houston, Texas—1997; Indianapolis, Indiana—1984; Amarillo, Texas—1977; Garden Grove, California—1991; Los Angeles, California—1977; Whittier, California—1978; Austin, Texas—1986; Seattle, Washington—1989; Oklahoma City, Oklahoma—1986; Cleveland, Ohio—1977; ~~and~~ Dallas, Texas—1997; St. Croix County, Wisconsin—1993; Bellevue, Washington—1998; Newport News, Virginia—1996; New York Times Square study—1994; Phoenix, Arizona—1995-1998; and also on findings of physical abuse from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House

Committee on Ethics and Constitutional Law, January 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation.
- (2) Sexual acts, including masturbation, oral and anal sex, sometimes occur at unregulated sexually oriented businesses, especially those which provide private or semi-private booths, rooms, or cubicles for viewing films, videos, or live sexually explicit shows, which acts constitute a public nuisance and pose a risk to public health through the spread of sexually transmitted diseases.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating.

(Revised Ords. 1978, § 12-2-1)

### **Sec. 16-2-2. Definitions.**

~~For purposes of this chapter, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- (1) *Adult bookstore, adult novelty store, or adult video store.*
  - a. The term "adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which has a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
  - b. The term "adult bookstore," "adult novelty store" or "adult video store" also includes a commercial establishment which regularly maintains one or more adult arcades. The term "adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.
- (2) *Adult cabaret* means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.
- (3) *Adult motel* means a motel, hotel, or similar commercial establishment which:
  - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, other photographic reproductions, or live performances which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on- or off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; ~~or~~

- b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
  - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
- (4) *Adult motion picture theater* means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition of specified sexual activities or specified anatomical areas are regularly featured and shown for any form of consideration. The term "adult motion picture theater" shall also include an adult movie house. The term "adult movie house" means any movie theater which, on a regular, continuing basis, shows films rated "X" by any National or International Motion Picture Rating Association, or any movie theater which, on a regular, continuing basis, shows films characterized by an emphasis upon the exhibition of specified sexual activities or specified anatomical areas.
- (5) *Business License Authority* shall mean the Business License Section of the City's Community Development Department.
- (6) *Distinguished or characterized by an emphasis upon* means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.
- (7) *Employ, employee, and employment* describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
- (8) *Establish or establishment* means and includes any of the following:
- a. The opening or commencement of any sexually oriented business as a new business;
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
  - c. The addition of any sexually oriented business to any other existing sexually oriented business.
- (9) *Hearing Officer* means the City's Mayor or his designee.
- (10) *Influential interest* means any of the following:
- a. The actual power, directly or indirectly, to control the operation, management or policies of a business or entity;
  - b. Ownership of a financial interest of 20 percent or more of a business or of any class of voting securities of a business; or
  - c. Holding an office (e.g., president, vice-president, secretary, treasurer, etc.) in a legal entity which operates the sexually oriented business.
- (11) *Licensee* means a person in whose name a license to operate a sexually oriented business has been issued, as well as the ~~individual or individuals~~ listed as an applicant on the application for a sexually oriented business license. In case of an employee, ~~the term "licensee"~~ shall mean the person in whose name the sexually oriented business employee license has been issued.
- (12) *Nudity or state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
- (13) *Operate or cause to operate* shall mean to cause to function or to put or keep in a state of doing business. The term "operator" means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in

operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

- (14) *Person* shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (15) *Regularly features, regularly maintains or regularly ~~shown~~ shows* means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered or held out to the public as a part of the ongoing business carried on within the premises.
- (16) *Semi-nude or state of semi-nudity* means the showing of the female breast below a horizontal line across the top of the areola at its highest point, or the showing of the male or female buttocks. This definition shall not include any portion of the cleavage of the human female breasts regularly exhibited in public places by a dress, blouse, shirt, leotard, bathing suit, or similar wearing apparel.
- (17) *Semi-nude model studio* means any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. It is a defense to prosecution for any violation of this chapter that a person appearing semi-nude or in a state of semi-nudity did so in a modeling class operated:
- a. By a college, junior college, or university supported entirely or partly by taxation;
  - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - c. In a structure:
    1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
    2. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
- (r) *Sexual encounter center* means a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - b. Physical contact between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- (18) *Sexually oriented entertainment activity* means the sale, rental, or exhibition, for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity.
- (19) *Specified anatomical areas* means and includes:
- a. Less than completely and opaquely covered human genitals; pubic region; buttocks; and female breast below a point immediately above the top of the areola; and
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (20) *Specified criminal activity* means any of the following offenses under Utah law:
- a. Prostitution or promotion of prostitution; dissemination of obscenity or illegal pornography; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; lewdness; sexual battery; rape; indecent exposure; indecency with a child; engaging in organized criminal activity relating to a sexually oriented business; sexual assault; molestation of a child; distribution of a controlled substance; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses; or offenses in other jurisdictions that, had the predicate acts been committed in Utah, would have constituted any of the foregoing

offenses; for which less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

- b. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant, provided that a conviction that is reversed on appeal shall no longer thereafter constitute a specified criminal activity hereunder.

(21) *Specified Sexual Activity* means any of the following:

- a. Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or
- b. Excretory functions as a part of or in connection with any of the activities Subsection a of this definition.

(22) *Transfer of ownership or control* of a sexually oriented business shall mean any of the following:

- a. The sale, lease, or sublease of the business;
- b. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(23) *Viewing room* means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

(Revised Ords. 1978, § 12-2-2)

### **Sec. 16-2-3. Classification.**

Sexually oriented businesses shall be classified as follows:

- (1) Adult bookstores, adult novelty stores, adult video stores;
- (2) Adult cabarets;
- (3) Adult motels;
- (4) Adult motion picture theaters;
- (5) Semi-nude model studios.

(Revised Ords. 1978, § 12-2-3)

### **Sec. 16-2-4. License Required.**

(a) It shall be unlawful for any person to operate a sexually oriented business in the City of Sandy City without a valid sexually oriented business license.

(b) It shall be unlawful for any person to be an employee, as defined in this chapter, of a sexually oriented business in the City of Sandy City without a valid sexually oriented business employee license.

(c) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file, in person at the office of the Business License Authority, a completed application made on a form provided by the Business License Authority. The application shall be signed as required by Subsection (f) of this section and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the following information required in Paragraphs 1 through 7 as follows:

- (1) The applicant's full true name and any other names used by the applicants in the preceding five years.
- (2) Current business address or another mailing address of the applicant.
- (3) Written proof of age, in the form of a copy of a birth certificate and a picture identification document issued by a governmental agency.
- (4) If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.

- (5) If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
- (6) A statement of whether the applicant has been convicted or has pled guilty or ~~non nolo~~ contendere to a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, including the date, place, and jurisdiction of each, as well as the dates of conviction and release from confinement, where applicable.
- (7) A statement of whether the applicant, or any business in which the applicant has had an influential interest, has, in the previous five years:
  - a. Had a license or permit revoked under this chapter or under a similar sexually oriented business/adult entertainment ordinance in another jurisdiction; ~~or~~
  - b. Been declared by a court of law to be a nuisance; or
  - c. Been subject to an order of closure or padlocking.

(d) The information provided pursuant to Subsection (c) of this section shall be supplemented in writing by certified mail, return receipt requested, to the Business License Authority within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(e) An application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with Sections 16-2-14 and 16-2-18 ~~of this chapter~~ shall submit a diagram indicating that the premises meets the requirements of those sections.

(f) If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business, and each officer, director, general partner or other person who will participate directly in decisions relating to management and control of the business, shall sign the application for a license as applicant. Each applicant must be qualified under Section 16-2-5 and each applicant shall be considered a licensee if a license is granted.

(g) The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the Business License Authority on a confidential basis, except that such information may be disclosed only to law enforcement agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

(Revised Ords. 1978, § 12-2-4)

#### **Sec. 16-2-5. Issuance of License.**

(a) Within 20 days of the filing date of a completed sexually oriented business license application, with the accompanying sketch or diagram as described in Section 16-2-4(e), the Business License Authority shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Business License Authority shall issue a license unless one or more of the following is found to be true:

- (1) An applicant is less than 18 years of age.
- (2) An applicant has failed to provide information as required by Section 16-2-4 for issuance of a license or has falsely answered a question or request for information on the application form.
- (3) The license application fee required by this chapter has not been paid.
- (4) The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this chapter or is not in compliance with location requirements of this chapter or the Sandy City Land Development Code.
- (5) An applicant, or any business in which the applicant has had an influential interest, has, in the previous five years:

- a. Had a license or permit suspended or revoked under this chapter or under a similar sexually oriented business/adult entertainment ordinance in another jurisdiction; ~~or~~
- b. Been declared by a court of law to be a nuisance; or
- c. Been subject to an order of closure or padlocking.

(6) An applicant has been convicted of or pled guilty or ~~non-nolo~~ contendere to a specified criminal activity, as defined in this chapter.

(b) Within 20 days of the filing date of a completed sexually oriented business employee license application, the Business License Authority shall either issue a license or issue a written notice of intent to deny a license to the applicant. The Business License Authority shall approve the issuance of a license unless one or more of the following is found to be true:

- (1) The applicant is less than 18 years of age.
- (2) The applicant has failed to provide information as required by Section 16-2-4 for issuance of a license or has falsely answered a question or request for information on the application form.
- (3) The license application fee required by this chapter has not been paid.
- (4) The applicant, or any business in which the applicant has had an influential interest, has, in the previous five years:
  - a. Had a license or permit suspended or revoked under this chapter or under a similar sexually oriented business/adult entertainment ordinance in another jurisdiction; ~~or~~
  - b. Been declared by a court of law to be a nuisance; or
  - c. Been subject to an order of closure or padlocking.
- (5) The applicant has been convicted of or pled guilty or ~~non-nolo~~ contendere to a specified criminal activity, as defined in this chapter.

(c) The license, if granted, shall state on its face the name of the ~~person or~~ persons to whom it is granted, the number of the license issued to the licensees, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. A sexually oriented business employee shall keep the employee's license on his ~~or her~~ person or on the premises where the licensee is then working or performing and shall produce such license for inspection upon reasonable request by a law enforcement officer or other City official performing functions connected with the enforcement of this chapter.

(Revised Ords. 1978, § 12-2-5)

#### **Sec. 16-2-6. Fees.**

The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as set by resolution passed by the Sandy City Council.

(Revised Ords. 1978, § 12-2-6)

#### **Sec. 16-2-7. Inspection.**

(a) Sexually oriented businesses and sexually oriented business employees shall permit officers or agents of the City of Sandy City to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the sexually oriented business is occupied by patrons or is open for business. A licensee's knowing or intentional refusal to permit such an inspection shall not constitute a misdemeanor, but shall constitute a violation of this section for purposes of license denial, suspension, and/or revocation. This section shall be narrowly construed by the City to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspections.

- (b) The provisions of this section do not apply to areas of an adult motel which are currently being rented

by a customer for use as a permanent or temporary habitation.

(Revised Ords. 1978, § 12-2-7)

**Sec. 16-2-8. Expiration of License.**

(a) Each license shall remain valid from the date of issuance through January 1 of each succeeding year unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in Sections 16-2-4 and 16-2-6. The license fees shall not be prorated for any portion of a year but shall be paid in full for whatever portion of the year the license is applied for.

(b) Application for renewal should be made at least ~~ninety (30)~~ 90 days before the expiration date, and when made less than ~~ninety (30)~~ 90 days before the expiration date, the expiration of the license will not be affected.

(Revised Ords. 1978, § 12-2-8)

**Sec. 16-2-9. Suspension.**

(a) The City shall issue a written letter of intent to suspend a sexually oriented business license for a period not to exceed 30 days if the sexually oriented business licensee has knowingly violated this chapter or has knowingly allowed an employee to violate this chapter.

(b) The City shall issue a written letter of intent to suspend a sexually oriented business employee license if it is determined that the employee has knowingly violated this chapter.

(Revised Ords. 1978, § 12-2-9)

**Sec. 16-2-10. Revocation.**

(a) The City shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license if the licensee commits two or more causes of suspension in Section 16-2-9 within a 12-month period.

(b) The City shall issue written intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the Business License Authority determines that:

- (1) The licensee has knowingly given false information in the application for the sexually oriented business license.
- (2) The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises;
- (3) The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises;
- (4) The licensee knowingly or recklessly operated the sexually oriented business during a period of time when the license was suspended;
- (5) The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises;

(c) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned on appeal, that conviction shall be treated as null and of no effect for revocation purposes.

(d) Nature of revocation. When, after the notice and hearing procedure described in Section 16-2-11, the Hearing Officer revokes a license, the revocation shall continue for two years and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for two years from the date revocation becomes effective.

(Revised Ords. 1978, § 12-2-10)

**Sec. 16-2-11. Hearing; Denial, Revocation, and Suspension; Appeal.**

(a) If the Business License Authority determines that facts exist for denial, suspension, or revocation of a license under this chapter, the City shall notify the applicant or licensee ("respondent") in writing of the intent to deny, suspend or revoke the license, including the grounds thereof, by personal delivery, or by certified mail. The

notification shall also notify the respondent of the respondent's right to a hearing to ascertain why the respondent believes the license should not be denied, suspended, or revoked. The notification shall be directed to the most current business address or other mailing address on file with the Business License Authority for the respondent.

(b) Within ten working days of receipt of such notice, the respondent may provide to the Business License Authority a written response that shall include a statement of reasons why the respondent believes the license should not be denied, suspended, or revoked. If a response is not received by the Business License Authority in the time stated, then such denial, suspension, or revocation shall become final five working days after the Business License Authority sends, by certified mail, written notice to the respondent that the license has been denied, suspended, or revoked.

(c) Within five working days of the receipt of the respondent's written response, the Business License Authority shall notify the respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.

(d) Within ten working days of the receipt of the respondent's written response, the Hearing Officer shall conduct a hearing at which the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his ~~or her~~ behalf, and cross examine any of the City's witnesses. The City shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two days, unless extended to meet the requirements of due process and proper administration of justice.

(e) Within five working days after the hearing, the Hearing Officer shall issue a written opinion.

(f) If after the hearing the Hearing Officer finds that grounds as specified in this chapter exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five working days after the Hearing Officer sends, by certified mail, written notice to the respondent that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction.

(g) When a decision to deny, suspend or revoke a license becomes final, the respondent whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal or challenge such action to any court of competent jurisdiction by filing an original action, petition for certiorari, or petition for mandamus. The City will consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the Court, and shall facilitate prompt judicial review of the proceedings. If a court action challenging the City's decision is initiated, the City shall prepare and transmit to the court a transcript of the hearing within ten working days after the issuance of the Hearing Officer's written opinion.

(h) If the Hearing Officer finds that no grounds exist for denial, suspension, or revocation of a license, then, within five working days after the hearing, the Hearing Officer shall order the Business License Authority to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. The Business License Authority shall contemporaneously therewith issue the license to the applicant.

(Revised Ords. 1978, § 12-2-11)

#### **Sec. 16-2-12. Transfer of License.**

A licensee shall not transfer his ~~or her~~ license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

(Revised Ords. 1978, § 12-2-12)

#### **Sec. 16-2-13. Hours of Operation.**

No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.

(Revised Ords. 1978, § 12-2-13)

#### **Sec. 16-2-14. Regulations for Exhibiting Sexually Explicit Films or Videos.**

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises, in a viewing room of less than 150 square feet of floor space, a film, videocassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

- (1) Each application for a sexually oriented business license shall contain a diagram of the premises ~~showing~~ showing the location of all managers' stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Clerk may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station or viewing room may be made without the prior approval of the Business License Authority.
- (4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (a)(1) of this section.
- (5) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
- (6) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.
- (7) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.
- (8) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make an attempt to make ~~an~~ or opening of any kind between viewing rooms.
- (9) It shall be the duty of the operator, or of any employee who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such persons from the premises.
- (10) It shall be the duty of the operator, or of any employee who discovers an opening of any kind between viewing rooms, to immediately secure such rooms, and prevent entry into them by any patron until such time as the wall between the rooms has been repaired to remove the opening. Removal and repairing openings between viewing rooms shall be in a manner that is as structurally substantial as the original wall construction.
- (11) It shall be the duty of the operator, at least once each business day, to inspect the walls between viewing rooms for openings of any kind, documented by appropriate logs.
- (12) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
  - a. That no loitering is permitted in viewing rooms.

- b. That the occupancy of viewing rooms is limited to one person.
  - c. That sexual activity on the premises is prohibited.
  - d. That the making of openings between viewing rooms is prohibited.
  - e. That violators will be required to leave the premises.
  - f. That violations of Subsections (a)(12)b through d of this section are unlawful.
- (13) It shall be the duty of the operator to ensure that floor coverings in viewing rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (14) It shall be the duty of the operator to ensure that all wall surfaces and seating surfaces in viewing rooms are constructed of or permanently covered by nonporous easily cleanable material.
- (15) It shall be the duty of the operator to ensure that premises are clean and sanitary. Such duty shall be fulfilled if the operator complies with the following cleaning procedures:
- a. The operator shall maintain a regular cleaning schedule of at least two cleanings per day, documented by appropriate logs.
  - b. The operator shall provide an employee to check all areas for garbage, trash, body fluids and excrement, and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least twice each week. Prior to collection, solid waste shall be stored in a manner that prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.
  - c. Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, and windows and other surfaces.
- (16) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises, including the interior of each viewing room, but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed 32 square feet of floor area. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- (17) It shall be the duty of the operator or manager of the business to ensure that no sexually oriented entertainment activity or visual depictions characterized by an emphasis on actual specified anatomical areas or specified sexual activities are visible from a public right-of-way adjacent to the establishment.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Revised Ords. 1978, § 12-2-14)

**Sec. 16-2-15. Loitering, Exterior Lighting, Visibility, and Monitoring Requirements.**

- (a) It shall be the duty of the operator of a sexually oriented business to:
  - (1) Post conspicuous signs stating that no loitering is permitted on such property;
  - (2) Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every 90 minutes or inspecting such property by use of video cameras and monitors; and

(3) Provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within a manager's station.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(c) No sexually oriented business shall erect a fence, wall, or other ~~bather barrier~~ that prevents any portion of the parking lots for the establishment from being visible from a public right-of-way.

(Revised Ords. 1978, § 12-2-15)

**Sec. 16-2-16. Penalties and Enforcement.**

In addition to the license denial, suspension, and revocation sanctions set forth above, the violation of any provision of this chapter shall be a Class B misdemeanor unless specifically stated in this chapter. Each day of violation shall be considered a separate offense.

(Revised Ords. 1978, § 12-2-16)

**Sec. 16-2-17. Applicability of Chapter to Existing Businesses.**

The provisions of this chapter shall apply to the activities of all sexually oriented businesses and sexually oriented business employees described herein, whether such businesses or activities were established or commenced before, on, or after the effective date of ~~this the ordinance from which this chapter is derived~~. All existing sexually oriented businesses and sexually oriented business employees are hereby granted a de facto temporary license to continue operation or employment for a period of 30 days following the effective date of ~~this the ordinance from which this chapter is derived~~. Within said 30 days, all sexually oriented businesses and sexually oriented business employees must make application for a license pursuant to this chapter.

(Revised Ords. 1978, § 12-2-17)

**Sec. 16-2-18. Prohibited Activities.**

It is unlawful for a sexually oriented business to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations:

- (1) It shall be a violation of this chapter for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.
- (2) It shall be a violation of this chapter for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition, unless the person is an employee who, while semi-nude, remains at least six feet from any patron or customer and on a stage at least 18 inches from the floor in a room of at least 1,000 square feet.
- (3) It shall be a violation of this chapter for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business.
- (4) It shall be a violation of this chapter for any patron, employee or other person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- (5) A sign in a form to be prescribed by the Business License Officer and summarizing the provisions of Subsections (1) through (4) of this section, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry.

(Revised Ords. 1978, § 12-2-18)

**Sec. 16-2-19. Scienter Required to Prove Violation or Business Licensee Liability.**

Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless act is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation

of this chapter, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

(Revised Ords. 1978, § 12-2-19)

**Sec. 16-2-20. Failure of City to Meet Timeframe Not to Risk Applicant/Licensee Rights.**

In the event that a City official is required to take any action or do a thing pursuant to this chapter within a prescribed time, and fails to take such act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the City under this chapter is not completed in the time prescribed, includes approval of conditions necessary for approval by the City of an applicant's or licensee's application for a sexually oriented business license or a sexually oriented business employee's license (including a renewal), the applicant or licensee shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the City's action has passed.

(Revised Ords. 1978, § 12-2-20)

**Sec. 16-2-21. Severability.**

~~This ordinance and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this ordinance be invalidated, such invalidation shall not affect the enforcement ability of the substantive aspects of this ordinance.~~

(Revised Ords. 1978, § 12-2-21)

**Sec. 12-2-22. Conflicting code provisions repealed.**

~~Any provision(s) in the Sandy City Code specifically in conflict with any provision in this ordinance is hereby deemed inoperative and repealed, to the extent that said provision(s) would prevent the operation of the specific provision(s) in this ordinance.~~

(Revised Ords. 1978, § 12-2-22)

**CHAPTER 16-3. PORNOGRAPHY AND OBSCENITY\***

\*State law reference—Pornography and harmful materials and performances, U.C.A. 1953, § 76-10-1201 et seq.

**Sec. 16-3-1. Definitions.**

~~For the purpose of this part:~~ The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *City* means Sandy City Corporation.
- (2) *Contemporary community standards* means those current standards in the vicinage where an offense alleged under this ~~act~~ chapter has occurred, is occurring, or will occur.
- (3) *Distribute* means to transfer possession of materials whether with or without consideration.
- (4) *Exhibit* means to show.
- (5) *Harmful to minors* means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:
  - a. Taken as a whole, appeals to the prurient interest of sex in minors;

- b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
  - c. Taken as a whole, does not have serious value for minors. Serious value includes only serious literary, artistic, political or scientific value for minors.
- (6) *Knowingly* means an awareness, whether actual or constructive, of the character of material or of a performance. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter and if a failure to inspect or observe is either for the purpose of avoiding the disclosure or is criminally negligent.
  - (7) *Material* means anything printed or written on any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication. The term "material" includes undeveloped photographs, molds, printing plates, and other latent representational objects.
  - (8) *Minor* means any person less than 18 years of age.
  - (9) *Nudity* means the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering, or the showing of a female breast with less than an opaque covering, or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
  - (10) *Performance* means any physical human bodily activity, whether engaged in alone or with other persons, including, but not limited to, singing, speaking, dancing, acting, simulating, or pantomiming.
  - (11) *Public place* includes a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.
  - (12) *Sado-masochistic abuse* means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.
  - (13) *Sexual conduct* means acts of masturbation, sexual intercourse, or any touching of a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is a female, breast, whether alone or between members of the same or opposite sex or between humans or animals in an act of apparent or actual sexual stimulation or gratification.

(Revised Ords. 1978, § 12-3-1)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1201.

**Sec. 16-3-2. Pornographic Material or Performance; Expert Not Required.**

- (a) Any material or performance is pornographic if:
  - (1) The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;
  - (2) It is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and
  - (3) Taken as a whole, it does not have serious literary, artistic, political or scientific value.

(b) In prosecutions under this ~~part~~ chapter, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is being commercially exploited by the defendant for the sake of its prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which it is used, the matter has no serious literary, artistic, political or scientific value.

(c) Neither the prosecution, nor the defense shall be required to introduce expert witness testimony as to whether the material or performance is or is not harmful to adults or minors or is or is not pornographic, or as to any element of the definition of pornographic, including contemporary community standards.

(Revised Ords. 1978, § 12-3-2)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1203.

**Sec. 16-3-3. Distributing Pornographic Material.**

- (a) A person is guilty of distributing pornographic material when he knowingly:
- (1) Sends or brings any pornographic material into the City with intent to distribute or exhibit it to others; ~~or~~
  - (2) Prepares, publishes, prints, or possesses any pornographic material with intent to distribute or exhibit it to others; ~~or~~
  - (3) Distributes or offers to distribute, exhibits or offers to exhibit, any pornographic material to others; ~~or~~
  - (4) Writes, creates, or solicits the publication or advertising of pornographic material; ~~or~~
  - (5) Promotes the distribution or exhibition of material which he represents to be pornographic; or
  - (6) Presents or directs a pornographic performance in any public place or any place exposed to public view or participates in that portion thereof which makes it pornographic.

(b) Each distribution of pornographic material, as defined in this subsection, is a separate offense under this section. A separate offense shall be regarded as having been committed for each day's exhibition of any pornographic motion picture film and for each day in which any pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit it to others.

(c) Each separate offense under this section is a misdemeanor punishable by a minimum mandatory fine of not less than \$100.00, plus \$10.00 for each article exhibited up to the maximum allowed by law and by incarceration without suspension of sentence in any way, for a term of not less than seven days, ~~notwithstanding any provisions of Utah Code Annotated, Section 77-35-17 (1953, as amended), or statutes amendatory thereof.~~

(Revised Ords. 1978, § 12-3-3)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1204.

**Sec. 16-3-4. Inducing Acceptance of Pornographic Material.**

- (a) A person is guilty of inducing acceptance of pornographic material when he knowingly:
- (1) Requires or demands a condition to a sale, allocation, consignment, or delivery for resale of any newspaper, magazine, periodical, book, publication, or other merchandise that the purchaser or consignee receive any pornographic material or material reasonably believed by the purchaser or consignee to be pornographic; or
  - (2) Denies, revokes, or threatens to deny or revoke a franchise, or to impose any penalty, financial or otherwise, because of the failure or refusal to accept pornographic material or material reasonably believed by the purchaser or consignee to be pornographic.

(b) A violation of this section is a misdemeanor punishable by a fine of not less than \$200.00 and by incarceration, without suspension of sentence in any way, for a term of not less than 14 days, ~~notwithstanding any provisions of Utah Code Annotated, Section 77-35-17 (1953, as amended), or statutes amendatory thereof.~~

(Revised Ords. 1978, § 12-3-4)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1205.

**Sec. 16-3-5. Dealing in Material Harmful to a Minor.**

(a) A person is guilty of dealing in harmful material when, knowing that a person is a minor, or having failed to exercise reasonable in ascertaining the proper age of a minor, he:

- (1) Knowingly distributes or offers to distribute, exhibits or offers to exhibit, any harmful material to a minor; ~~or~~
- (2) Produces, presents or directs any performance before a minor, harmful to minors, or participates in any performance before a minor, harmful to minors; or
- (3) Pretends to be the parent or legal guardian of a minor and thereby causes the minor to be admitted to an

exhibition of any harmful material.

(b) Each separate offense under this section is a misdemeanor punishable by a minimum mandatory ~~fine~~ fine of not less than \$200.00, plus \$10.00 for each article exhibited up to the maximum allowed by law and by incarceration, without suspension of sentence in any way, for a term of not less than 14 days, ~~notwithstanding any provision of Utah Code Annotated, Section 77-35-17 (1953, as amended), or statutes amendatory thereof.~~

(Revised Ords. 1978, § 12-3-5)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1206.

**Sec. 16-3-6. Use of Real Property by Tenant or Occupant; Voiding of Lease Allowance of Such Use by Owner or Lessor.**

(a) If a tenant or occupant of real property uses the property for an activity for which he or his employee is convicted under any provision of this ~~part~~ chapter, the conviction makes void the lease or other title under which he holds at the option of the fee owner or any intermediate lessor; and ten days after the fee owner or any immediate lessor gives notice in writing to the tenant or occupant that he is exercising the option, the right of possession to the property reverts in the person exercising the option. This option does not arise until all avenues of direct appeal from the conviction have been exhausted or abandoned by the tenant or occupant, or his employee.

(b) It shall be unlawful for a fee owner or intermediate lessor of real property to knowingly allow this property to be used for the purpose of distributing or exhibiting pornographic materials, or for pornographic performances, by a tenant or occupant if the tenant or occupant, or his employee, has been convicted under any provision of this ~~part~~ chapter and all avenues of direct appeal from the conviction have been exhausted or abandoned.

- (1) The term "allow," under this Subsection (b), means a failure to exercise the option in Subsection (a) of this section within ten days after the fee owner or lessor receives notice in writing from the City Attorney that the property is being used for a purpose prohibited by this Subsection (b).
- (2) A willful violation of this Subsection (b) is a misdemeanor and any fine assessed, if not paid within 30 days after judgment, shall become a lien upon the property.

(c) Any tenant or occupant who receives a notice in writing that the fee owner or intermediate lessor is exercising the option provided by Subsection (a) of this section and who does not quit the premises within ten days after the giving of that notice is guilty of a misdemeanor.

(Revised Ords. 1978, § 12-3-6)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1207.

**Sec. 16-3-7. Affirmative Defenses.**

(a) It is an affirmative defense to prosecution under this ~~part~~ chapter that the distribution of pornographic material was restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing pornographic material.

(b) It is not a defense to prosecution under this ~~part~~ chapter that the actor was a motion picture projectionist, usher, ticket-taker, bookstore employee or otherwise was required to violate any provision of this ~~part~~ chapter incident to his employment.

(Revised Ords. 1978, § 12-3-7)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1208.

**Sec. 16-3-8. Injunctive Relief, Jurisdiction; Consent to be Sued, Service of Process.**

(a) The Circuit Court shall have full power, authority and jurisdiction, upon application by the City Attorney, to issue any and all proper restraining orders, preliminary and permanent injunctions, and any other writs and processes appropriate and lawful to carry out and enforce the provisions of this ~~part~~ chapter. No restraining order or injunction, however, shall be issued except upon notice to the person sought to be enjoined. That person shall be entitled to a trial of the issues commencing within three days after filing of any answer to the complaint and a decision shall be rendered by the Court within two days after the conclusion of the trial. If a final order or judgment

of injunction is entered against the person sought to be enjoined, this final order or judgment shall contain a provision directing the person to surrender to the Chief of Police of Sandy City any pornographic material in his possession which is subject to the injunction; and the Police Chief shall be directed to seize and destroy this material.

(b) Any person not qualified to do business in the City who sends or brings any pornographic material into the City with the intent to distribute or exhibit it to others in this City thereby consents that he may be sued in any proceedings commenced under this section and therefor appoints the City Recorder to be the agent upon whom may be served all legal process against that person. Service of process shall be made by serving a copy of same upon the City Recorder or by filing the copy in his office, together with payment of a fee of \$2.00; and this service shall be sufficient service upon the defendant if:

- (1) Notice of the service and a copy of the process are, within ten days thereafter, sent by mail by the prosecuting attorney to the defendant at the address of the defendant that appears on any material exhibited or distributed and, if no address appears, then the last-known address of the defendant; and
- (2) The prosecuting attorney's affidavit of compliance with the provisions of this Subsection (b) are attached to the summons.

The City Recorder shall keep a record of all the process served upon him under this section, showing the day and hour of the service. Nothing in this subsection shall be construed to limit the operation of Rule 17(e) of the Utah Rules of Civil Procedure.

(c) This section shall not be construed in any way to limit the Circuit Court in the exercise of its jurisdiction under any other provision of law.

(Revised Ords. 1978, § 12-3-8)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1209.

**Sec. 16-3-9. Search and Seizure; Affidavit; Issuance of Warrant; Hearing upon Claim that Material Seized not Pornographic; Procedures Cumulative.**

(a) An affidavit for a search warrant shall be filed with the magistrate describing with specificity the material sought to be seized. Where practical, the material alleged to be pornographic shall be attached to the affidavit for search warrant so as to afford the magistrate the opportunity to examine this material.

(b) Upon the filing of an affidavit for a search warrant, the magistrate shall determine, by examination of the material sought to be seized, if attached, or by examination of the affidavit describing the material, or by such other manner or means that he deems necessary, whether probable cause exists for the immediate issuance of a search warrant. Upon making this determination, he shall issue a search warrant ordering the seizure of the material described in the affidavit for a search warrant according to the provisions of the Utah Rules of Criminal Procedure.

(c) In the event that a search warrant is issued and material alleged to be pornographic is seized under the provisions of this section, any person claiming to be in possession of this material or claiming ownership of it at the time of its seizure may file a notice in writing with the magistrate within ten days after the date of the seizure, alleging that the material is not pornographic. The magistrate shall set a hearing within seven days after the filing of this notice, or at such other time as the claimant might agree. At this hearing, evidence may be presented as to whether there is probable cause to believe the material seized is pornographic, and at the conclusion of the hearing the magistrate shall make a further determination of whether probable cause exists to believe that the material is pornographic. A decision as to whether there is probable cause to believe the seized material is pornographic shall be rendered by the court within two days after the conclusion of the hearing. If at the hearing the magistrate finds that no probable cause exists to believe that the material is pornographic, then the material shall be returned to the ~~person~~ or persons from whom it was seized. If the material seized is a film, and the claimant demonstrates that no other copy of the film is available to him, the Court shall allow the film to be copied at the claimant's expense pending the hearing.

(d) If a motion to suppress the evidence is granted on the grounds of an unlawful seizure, the property shall be restored, unless it is subject to confiscation as contraband, in which case it shall not be returned.

(e) Procedures under this section for the seizure of allegedly pornographic material shall be cumulative of all other lawful means of obtaining evidence as provided by the laws of this State. Nothing contained in this section

shall prevent the obtaining of allegedly pornographic material by purchase, subpoena duces tecum, or under proceedings as authorized by ~~act this chapter~~ or by other provisions of law of the State of Utah.

(Revised Ords. 1978, § 12-3-9)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1212.

### **Sec. 16-3-10. Corporate Defenders, Summons, Subpoena Duces Tecum.**

The attendance in court of a corporation for purposes of commencing or prosecuting a criminal action against it under this ~~part chapter~~ may be accomplished by the issuance and service of a summons. A summons shall be issued by a magistrate if he finds probable cause that material in the possession of the corporation against which the summons is sought is pornographic, which finding shall be upon affidavit describing with specificity the material alleged to be pornographic or in such other manner or means the magistrate deems necessary. Where practical, the material alleged to be pornographic shall be attached to the affidavit so as to afford the magistrate the opportunity to examine this material. The summons must be served upon the corporation by delivery of it to an officer, director, managing or general agent, or cashier or assistant cashier thereof. The production of material alleged to be pornographic in any proceedings under this ~~part chapter~~ against a corporation may be compelled by the issuance of a service of a subpoena duces tecum. ~~It is not the intent of this section and service of a subpoena duces tecum.~~ It is not the intent of this section to prohibit or limit the use of a subpoena duces tecum in proceedings against natural persons under this ~~part chapter~~.

(Revised Ords. 1978, § 12-3-10)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1213.

### **Sec. 16-3-11. Conspiracy an Offense, Punishment.**

(a) A conspiracy of two or more persons to commit any offense proscribed by this ~~part chapter~~ is a misdemeanor punishable for each separate offense by a minimum mandatory fine of not less than \$100.00 and by imprisonment, without suspension of sentence in any way, for a term of not less than 30 days, notwithstanding any provisions of U.C.A. 1953, § 77-35-17 (as amended), or statutes amendatory thereof.

(b) Where a defendant has already been convicted once under this section, each separate further offense is a misdemeanor punishable by a minimum mandatory fine of not less than \$250.00 and by imprisonment, without suspension of sentence in any way, for a term of not less than 30 days, ~~notwithstanding any provisions of Utah Code Annotated, Section 77-35-17 (1953, as amended), or statutes amendatory thereof.~~

(Revised Ords. 1978, § 12-3-11)

**State law reference**—Similar provisions, U.C.A. 1953, § 76-10-1214.

### **Sec. 16-3-12. Licensing.**

~~(a)~~ Pursuant to its authority to license and regulate occupations and activities as set forth in the Utah Code Annotated, and in accordance with its duty to declare and abate nuisances, and protect the public morals, public health and public welfare, the City hereby enacts the following provisions:

- (1) It is hereby declared that the willful or knowing public exhibition or commercial exploitation of that which is pornographic is a serious public nuisance, and such conduct on the part of any person constitutes an offense of moral turpitude.
- (2) Any person or other entity licensed to serve or deal with the public manifesting such unlawful conduct shall have all business licenses suspended for a period of not less than six months, and said license shall not be reinstated until a thorough character investigation of the person is conducted (the expense thereof to be borne by the licensee up to \$299.00) and upon the posting of a bond in the amount of \$1,000.00 to insure against further such activity.
- (3) This licensing shall be enforced by a civil action or proceeding, but the adjudication of a conviction under the criminal portions of this chapter dealing with lewdness and obscenity or conviction under analogous state statutes dealing with obscenity and pornography shall be conclusively presumed to constitute a violation of this section and shall lead to the mandatory immediate suspension of said license in accord with the above provisions.

(Revised Ords. 1978, § 12-3-12)

**State law reference**—Business licenses authorized, U.C.A. 1953, § 10-1-203.

**Sec. 12-3-13. Omission to Stop Illegal Use of Land.**

~~(a) The omission of a landlord or landowner to take reasonable action to stop the illegal use of his land for prostitution, lewdness, the keeping of immoral places for the exhibition or commercial exploitation of that which is pornographic and remove the wrongdoer from the premises, after receiving official notification of said illegal conduct in writing from the County Attorney or City Attorney, and where there is probable cause for the landlord to believe said criminal conduct does exist, is a crime and nuisance proscribable as set forth herein.~~

~~(b) "Reasonable action" in this section includes the prompt termination of tenancy and lawful ejection of the wrongdoer from the premises.~~

~~(c) All civil or criminal fines, damages, costs or penalties levied against the landlord, landowner or wrongdoer for such illegal activities on the premises after a violation of this section shall be a lien upon the land and property.~~

(Revised Ords. 1978, § 12-3-13)

**Sec. 12-3-14. Separability Clause.**

~~If any clause, sentence, or part of this chapter or its application to any person or circumstance shall for any reason be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder of this chapter or its application to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, persons or circumstances, or part thereof directly involved in the controversy in which the judgment shall have been rendered.~~

(Revised Ords. 1978, § 12-3-14)

**Sec. 16-3-13. Penalty.**

Any violation of the provisions of this chapter, unless otherwise specifically provided, shall be deemed a Class B misdemeanor.

(Revised Ords. 1978, § 12-3-15)

Title ~~49-17~~**TAXICABS****CHAPTER 17-1. DEFINITIONS****Sec. 17-1-1. Scope of Definitions.**

~~The following words and phrases, when used in this title, shall have the meanings defined and set forth in this chapter.~~ The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Cab day* means eight or more hours during any calendar day.
- (2) *Calendar day* means a 24-hour period from 12:00 midnight to 12:00 midnight.
- (3) *Calendar quarter* means January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31 of each year.
- (4) *Calendar six months* means January 1 through June 30 and July 1 through December 31 of each year.
- (5) *Car pool* means the use of a taxicab for the transportation of two or more persons from their home to a designated location or drop-off point during morning hours and transporting two or more person from a designated pick-up point to their homes in afternoon hours in accordance with a pre-arranged agreement between the taxicab company and the persons being transported.
- (6) *Certificate* means a Certificate of Public Convenience and Necessity issued by the City authorizing the holder thereof to conduct a taxicab business in the City.
- (7) *City* means Sandy City, Utah.
- (8) *Cleared* means that condition of a taximeter when it is inoperative with respect to all fare registration, when no figures indicating fare or extras are exposed to view, and when all parts are in that position for which they are designed to be when the taxicab to which the taximeter is attached is not engaged by a passenger.
- (9) *Cruising* means the driving of a taxicab on the streets, alleys or public places of the City in search of or soliciting prospective passengers for hire.
- (10) *Extras* mean the charges to be paid by the customer or passenger in addition to the fare, including any charge for transportation of baggage or parcels.
- (11) *Face* means that side of a taximeter upon which passenger or customer charges are indicated.
- (12) *Fare* means that portion of the charge for hire of a taxicab which is automatically calculated by the taximeter through the operation of the mileage and time mechanism.
- (13) *Flag* means the place at the end of the lever arm by which the operating condition of the taximeter is manually controlled.
- (14) *Holder* means a person to whom a Certificate of Public Convenience and Necessity has been issued.
- (15) *In service* shall mean that a taxicab is actually in use on the streets of the City, with a driver, and available for the transportation of passengers for hire.
- (16) *Manifest* means a daily record prepared by a taxicab driver of all trips made by said driver, showing times and places of origin and destination, number of passengers and the amount of fare of each trip.
- (17) *Open stand* means a public place alongside the curb of a street or elsewhere, in the City, which has been designated by the City as reserved exclusively for the use of taxicabs.
- (18) *Person* includes an individual, a corporation or other legal entity, a partnership and any unincorporated association.

- (19) *Small parcel delay delivery system* means a system of delivering any item which will fit into an 11 1/2 by 14 1/2 envelope, or smaller, which will be picked up by a taxicab driver and delivered to its destination within 1 1/2 hours. The pick-up and delivery of such small parcel shall be accomplished while the taxicab is idle (i.e., not en route to picking up or dropping off any passenger and not while any passenger is en route in said taxicab).
- (20) *Taxicab* means a motor vehicle used in the transportation of passengers for hire over the public streets of the City and not operated over a fixed route or upon a fixed schedule, but is subject to contract for hire by persons desiring special trips from one point to another. It does not include an automobile rental licensed under any other section of ~~these ordinances~~ this title.
- (21) *Taxicab driver's license* means the permission granted by the City to a person to drive a taxicab upon the streets of the City.
- (22) *Taximeter* means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based and which automatically calculates, at a predetermined rate ~~or rates~~, and registers the charge for hire of a taxicab.
- (23) *Waiting time* means the time when a taxicab is not in motion from the time of acceptance of ~~a passenger~~ ~~or passengers~~ to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a ~~passenger or passengers~~.

(Revised Ords. 1978, § 19-1-1)

## **CHAPTER 17-2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

### **Sec. 17-2-1. Certificate Required.**

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without first having obtained a Certificate of Public Convenience and Necessity from the City. For the purpose of this section, the term "operate for hire upon the streets of the City" shall not include the transporting, by a taxicab properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger ~~or passengers~~ for hire where any trip shall originate with the passenger ~~or passengers~~ being picked up outside of the corporate limits of the City and where the destination is either within or beyond the corporate limits of the City. The term "operate for hire upon the streets of the City" shall include the soliciting or picking up of a passenger ~~or passengers~~ within the corporate limits of the City ~~but that~~ where the destination shall be within or outside of the corporate limits of the City.

(Revised Ords. 1978, § 19-2-1)

### **Sec. 17-2-2. Application for Certificate.**

An application for a certificate shall be filed with the License Officer upon forms provided by the City and said application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant and, in the event the application is made by a corporation, a certified copy of the articles of incorporation. No application shall be made on behalf of another person without disclosing that fact and stating the name of the person on whose behalf the application is filed.
- (2) The number of vehicles actually owned and the number of vehicles actually operated by such applicant on the date of such application.
- (3) The number of vehicles for which a Certificate of Public Convenience and Necessity is desired, and the location of the proposed central place of business and any other office to be maintained.
- (4) The financial status of the applicant, including any unpaid or unbonded judgments of record against such applicant, the title of all actions and the amount of all such judgments and the nature of the transaction or acts giving rise to said judgment.
- (5) The experience of the applicant in the transportation of passengers.
- (6) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

- (7) The color scheme or insignia to be used to designate the ~~vehicle or~~ vehicles of the applicant.
- (8) Any other facts and such other information as the City may, in its discretion, reasonably require.

(Revised Ords. 1978, § 19-2-2)

**~~Sec. 19-2-3. Open~~**

**Sec. 17-2-3. Application for Additional Authority by Holders.**

Upon the filing of an applicant for a certificate, any present holder of a certificate may apply for additional authority under such certificate for the same or any lesser number of taxicabs for which authority is asked in the application and such request for additional authority shall be heard in conjunction with the application filed for which the hearing is scheduled.

(Revised Ords. 1978, § 19-2-6)

**Sec. 17-2-4. Determination of Need and Issuance of Certificate.**

If the City finds that further taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter, then the City shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate, the color scheme or insignia to be used to designate said vehicles, and the date of issuance; otherwise, the application shall be denied. In making the above findings, the City Council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, the character, experience and responsibility of the applicant, the number and kind and type of equipment and the ability of the applicant to earn a fair return on the capital invested.

(Revised Ords. 1978, § 19-2-7)

**Sec. 17-2-5. Seasonal Increase.**

The public convenience and necessity having been demonstrated for the need of additional taxicabs during skiing seasons, all holders of existing taxicab certificates shall be allowed to increase the number of vehicles authorized in their certificate by 50 percent from October 15 to April 15 of each year.

(Revised Ords. 1978, § 19-2-8)

**Sec. 17-2-6. Liability Insurance or Indemnity Bond Required.**

No Certificate of Public Convenience and Necessity shall be issued or continued in operation unless there is on file with the City Recorder a Certificate of Insurance executed by an insurance company or association authorized to transact business in this State, upon a form as prescribed by the City that there is in full force and effect a policy of insurance conditioned to pay any final judgment against the holder of said Certificate of Public Convenience and Necessity for bodily injury to or death of any person resulting from the negligent operation, maintenance or use of taxicabs under such certificate, or for loss or damage to the property of others in the amount of \$100,000.00 for bodily injury to or death of one person in connection with one accident and in the amount of \$300,000.00 for injuries to or death of more than one person for one accident and for damage to the property of others in the amount of \$100,000.00 for one accident. Such ~~policy or~~ policies shall cover all taxicabs used or to be used. In lieu of the insurance herein provided for, the City may, in its discretion, accept a bond to be approved by it under such rules and regulations as the City may prescribe, with a sufficient corporate surety of not less than two personal sureties who shall be residents and freeholders of this State, conditioned to pay all such damages as are herein provided for.

(Revised Ords. 1978, § 19-2-9)

**Sec. 17-2-7. Fees for Issuance of Certificate.**

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual fee ~~of \$150.00~~ established by the fee schedule for the right to engage in the taxicab business, and ~~\$40.00~~ a fee established by the fee schedule each year for each vehicle authorized under a Certificate of Public Convenience and Necessity. Said fees shall be for the calendar year and shall be in addition to any other fees or charges established by proper authority and applicable to said holder of the ~~vehicle or~~ vehicles under his operation and control; provided, however,

for any taxicab licensed from October 15 to April 15 only, pursuant to Section 17-2-5 of these ordinances, the holder shall be required to pay ~~\$20.00~~ for a seasonal (one-half year) license fee.

(Revised Ords. 1978, § 19-2-10)

**Sec. 17-2-8. Vehicle License Sticker.**

Upon the payment of the fees provided for in Section 17-2-7, a vehicle business license sticker shall be issued by the license officer for each taxicab so licensed, which sticker must be affixed to each such taxicab on the passenger side in the lower corner of the windshield of each such taxicab.

(Revised Ords. 1978, § 19-2-11)

**Sec. 17-2-9. License Required for all Vehicles Authorized.**

(a) A holder is required to have the total number of vehicles authorized under his Certificate of Public Convenience and Necessity and to obtain the license required by Section 17-2-8 of these revised ordinances for each and every vehicle. In the event the holder does not license the total number of vehicles authorized by said certificate before February 15 of any year, he shall forfeit the right to any vehicle not so licensed, that authority shall automatically revert to the City and the certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year. Such forfeited right to operate any vehicle may be reissued to any person; provided, however, it shall not be reissued except upon application required by Section 17-2-2 of these revised ordinances and by a showing of public convenience and necessity as required by Section 17-2-4 of these revised ordinances.

(b) Nothing contained herein shall prohibit a holder from having vehicles in excess of the number authorized under his certificate for the purpose of replacement or substitution of an authorized vehicle under repair, maintenance or breakdown; provided, however, any such vehicle shall not be used as a taxicab other than as a replacement or substitution as herein provided. Each holder shall be authorized to license additional vehicles, over and above the number authorized in the certificate, as replacement or substitution vehicles according to the number of vehicles so authorized in the certificate. ~~Any holder having one additional vehicle as a replacement or substitution vehicle.~~ Any holder having authorization for 11 or more vehicles shall be allowed to license one additional vehicle as replacement or substitution vehicles for each ten vehicles authorized in the certificate.

(Revised Ords. 1978, § 19-2-12)

**Sec. 17-2-10. Transfer of Certificate.**

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, leased or otherwise transferred or encumbered without the formal consent of the City after a public hearing conducted in accordance with this chapter.

(Revised Ords. 1978, § 19-2-13)

**Sec. 17-2-11. Responsibility of Holder.**

The holder shall not be relieved of any responsibility of or compliance with the provisions of this title whether he leases or rents taxicabs to drivers, ~~or whether he leases or rents taxicabs to drivers,~~ or whether he pays salary, wages or any other form of compensation.

(Revised Ords. 1978, § 19-2-14)

**Sec. 17-2-12. List to be Furnished.**

Holders shall at all times have on file with the Police Department an up-to-date list of the vehicles operated under their certificates, which list shall contain the make, type, year of manufacture, serial or engine number and passenger capacity of each vehicle operated as a taxicab.

(Revised Ords. 1978, § 19-2-15)

**Sec. 17-2-13. Suspension and Revocation of Certificates.**

(a) A certificate issued under the provisions of this title may be revoked or suspended by the City if the holder thereof has:

- (1) Violated any of the provisions of this title;
- (2) Abandoned operation of a taxicab service for more than 60 days;
- (3) Violated any ordinances of the City or the laws of the United States or the State of Utah;

the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

(b) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(Revised Ords. 1978, § 19-2-16)

#### **Sec. 17-2-14. Minimum Use of Taxicabs Required.**

No certificate issued in accordance with Section 17-2-1 ~~of these revised ordinances~~ shall be construed to be either a franchise or irrevocable. It is the intent of the City that all taxicabs authorized be actually used for the transportation of passengers for hire. In order to implement that intent, the City hereby imposes the following requirements:

- (1) Each taxicab authorized under a certificate must be in service a minimum of 75 cab days during any calendar six months.
- (2) Within 30 days after the end of each calendar six months, a holder of a certificate must file a report with the City License Office. Such report shall be in writing, signed by the holder or by some person authorized to sign the same on behalf of the holder and must be properly verified. Said report shall contain the following information:
  - a. A list of all vehicles licensed under a certificate during the preceding calendar six months showing the serial or engine number, the State license plate number and the City business license sticker number for each vehicle. Such list shall include any vehicle which has been salvaged or otherwise removed from the fleet as well as the replacement thereof.
  - b. The number of cab days each such vehicle was in service during the preceding calendar six months.
  - c. The holder may also file with such report a written statement of the circumstances that caused any taxicab to be in service for less than 75 cab days.
  - d. A statement that the information contained in the report was obtained from the company records and that all statements contained in said report are true and accurate.
- (3) In the event any taxicab licensed under the provisions of this title is not actually in service for the minimum required 75 cab days during any calendar six months, the right to operate that taxicab may, upon at least ten days' notice to the holder, and upon the hearing had therefor, be revoked by the City. The holder may appear in person or be represented by counsel at such hearing to show cause, if ~~any~~ any he has any, why the right to operate said taxicab should not be revoked. If, at the conclusion of the hearing, the City shall find that the holder has shown extenuating circumstances, the City may grant continuance of authority. Upon revocation by the City of such authority, the certificate shall be modified to reflect the number of taxicabs actually in service for 75 cab days during such calendar six months. Such forfeited right to operate any vehicle may be reissued only upon application required by Section 17-2-2 ~~of these revised ordinances~~, and by a showing of public convenience and necessity as required by Section 17-2-4 ~~of these revised ordinances~~.

(Revised Ords. 1978, § 19-2-17)

### **CHAPTER 17-3. DRIVERS LICENSE**

#### **Sec. 17-3-1. Unlawful to Operate Without License.**

It shall be unlawful for any person to operate a taxicab for hire without having first obtained and having then in force a valid taxicab driver's license issued by the Police Department of the City under the provisions of this title.

(Revised Ords. 1978, § 19-3-1)

#### **Sec. 17-3-2. Allowance of Operation Without License Unlawful.**

It shall be unlawful for any person who owns or controls a taxicab, to permit it to be driven, and no taxicab licensed by the City shall be so driven, at any time for hire unless the taxicab is operated by a driver who has then in force a valid taxicab driver's license issued under the provisions of this title.

(Revised Ords. 1978, § 19-3-2)

**Sec. 17-3-3. Application for Driver's License.**

An application for a taxicab driver's license shall be filed with the Police Department of the Sandy City on forms provided by the City.

(Revised Ords. 1978, § 19-3-3)

**Sec. 17-3-4. Verification of Application and Form.**

The application shall be verified by the applicant under oath and he shall be required to swear to the truthfulness of the matters contained upon the application.

(Revised Ords. 1978, § 19-3-4)

**Sec. 17-3-5. Fee to Accompany Application.**

At the time the application is filed, the applicant shall pay to the Police Department the sum ~~of \$10.00~~ established by the fee schedule.

(Revised Ords. 1978, § 19-3-5)

**Sec. 17-3-6. Current State Motor Vehicle Chauffeur's Permit and Knowledge of City Required.**

Before any application is finally passed upon by the Police Department, the applicant shall be required to pass a satisfactory examination as to his knowledge of the City and to show that he has a current motor vehicle chauffeur's permit issued by the State of Utah authorizing the transportation of passengers.

(Revised Ords. 1978, § 19-3-6)

**Sec. 17-3-7. Police Recommendation Form Information Required.**

The prospective applicant for a taxicab driver's license shall be required to complete two police recommendation forms containing the following information:

- (1) The names and addresses of four residents of Salt Lake County who have known the prospective applicant for a period of 30 days and who will vouch for the sobriety, honesty and general good character of the applicant.
- (2) Experience of the prospective applicant in the transportation of passengers.
- (3) Education background of the prospective applicant.
- (4) A concise history of his employment.

(Revised Ords. 1978, § 19-3-7)

**Sec. 17-3-8. Photographs Required.**

The prospective applicant shall be required to have a photograph taken of him at Police Headquarters; applicants for renewal of taxicab driver's licenses shall furnish an up-to-date photograph or have an additional picture of him taken at Police Headquarters as shall be determined and directed by the Chief of Police.

(Revised Ords. 1978, § 19-3-8)

**Sec. 17-3-9. Fingerprints Required.**

The prospective applicant shall be required to file with the Chief of Police two sets of fingerprint impressions which shall be taken under the supervision of the Chief of Police.

(Revised Ords. 1978, § 19-3-9)

**Sec. 17-3-10. Physician's Certificate Required.**

The prospective applicant shall be required to file a certificate from a reputable physician of Salt Lake County

certifying that, in his opinion, the applicant is not inflicted with any disease or infirmity that might make him an unsafe or unsatisfactory driver.

(Revised Ords. 1978, § 19-3-10)

**Sec. 17-3-11. Recommendation of Chief of Police.**

(a) The Police Department shall conduct an investigation of each prospective applicant for each taxicab driver's license and shall review all of the information filed by the applicant as required by this chapter. Upon completion of the investigation, the Chief of Police shall either approve or disapprove the proposed application.

(b) It shall be the duty of the Chief of Police to consider any misrepresentation or falsification by the prospective applicant which may be uncovered by the police investigation and any such misrepresentation or falsification will constitute just cause for the Police Department to refuse to issue a taxicab license or to suspend or revoke the same if it has previously been issued.

(Revised Ords. 1978, § 19-3-11)

**Sec. 17-3-12. Police Department Action.**

The Police Department shall, upon consideration of the application, approve or reject the application.

(Revised Ords. 1978, § 19-3-12)

**Sec. 17-3-13. Hearing Upon Rejection.**

If the application is rejected, the applicant may request a personal appearance before the Mayor's Cabinet to offer evidence why his application should be approved.

(Revised Ords. 1978, § 19-3-13)

**Sec. 17-3-14. Issuance of License and Badge.**

Upon approval of an application for a taxicab driver's license, the City shall issue a license to the applicant who shall bear the name, address, date of birth, signature and photograph of the applicant.

(Revised Ords. 1978, § 19-3-14)

**Sec. 17-3-15. Duration of License, Renewal.**

The taxicab driver's license shall be in effect for the remainder of the calendar year and the licensee may receive a new taxicab driver's license for each calendar year thereafter upon the payment of the fee ~~of \$10.00~~ established by the fee schedule, unless the license for the preceding year has been suspended or revoked.

(Revised Ords. 1978, § 19-3-15)

**Sec. 17-3-16. Display of License.**

Every driver licensed under this title shall post his taxicab driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab and shall exhibit ~~the~~ said license upon demand of any police officer, license inspector or any authorized agent of the License ~~Department~~ Section of the City.

(Revised Ords. 1978, § 19-3-16)

**Sec. 17-3-17. Suspension and Revocation of License.**

The City is hereby given the authority to suspend or revoke any taxicab driver's license issued under this title for a driver's failing or refusing to comply with the provisions of this title. However, a taxicab driver's license may not be suspended or revoked unless the driver has been given notice and has had an opportunity to present evidence in his behalf. Notice of such hearing shall be deemed to be sufficient if it is mailed to the address designated on ~~the~~ said taxicab driver's license application at least ten days prior to said hearing.

(Revised Ords. 1978, § 19-3-17)

**Sec. 17-3-18. New License Prohibited to Persons Whose License has Been Revoked, Exception.**

No driver whose taxicab driver's license has been revoked shall again be licensed as a driver for licensed public vehicles in the City except upon presentation of reasons satisfactory to the City.

(Revised Ords. 1978, § 19-3-18)

**Sec. 17-3-19. Compliance with City, State and Federal Laws.**

Every driver licensed under this title shall comply with all city, state and federal laws. Failure to do so will justify the suspension or revocation of a license by the City.

(Revised Ords. 1978, § 19-3-19)

**CHAPTER 17-4. VEHICLES' EQUIPMENT AND MAINTENANCE**

**Sec. 17-4-1. Inspection Prior to Licensing.**

Prior to the use and operation of any vehicle under the provisions of this title said vehicle shall be thoroughly examined and inspected by the Police Department and found to comply with the requirements of this chapter ~~of these revised ordinances.~~

(Revised Ords. 1978, § 19-4-1)

**Sec. 17-4-2. License Upon Satisfactory Inspection.**

When the Police Department finds that a vehicle has met the standards established by ~~these ordinances~~ this title, the License Department Section shall issue a sticker to that effect.

(Revised Ords. 1978, § 19-4-2)

**Sec. 17-4-3. Periodic Inspection.**

Every vehicle operating under this title shall be inspected by the Police Department twice each year, at an interval of not more than six months, in order to make certain each vehicle is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

- (1) *Tires.* Tire-tread depth shall be not less than one-sixth-inch of an original, re-grooved, or retreaded tire, with no cuts and breaks in sidewalls.
- (2) *Body Condition.* There shall be no tears or rust holes in the vehicle body, and no loose pieces hanging from the vehicle body, including fenders, bumpers and light trim. No extensive unrepaired body damage shall be allowed.
- (3) *Paint.* All vehicles shall be properly and adequately painted and numbered in conformance with the provisions of Section 17-4-6 hereof.
- (4) *Lights.* Head lights shall be operable on both high and low beam. Tail lights, parking lights, brake lights, and signal lights shall be operable. Interior lights and the lights in any sign on the cab shall also be operable. All lights must otherwise conform to applicable City ordinances and state statutes.
- (5) *Wipers.* Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.
- (6) *Brakes.* Both the park and hydraulic or other brake system must be operable. The foot-brake pedal must not be depressible beyond a point one inch from the floor of the car.
- (7) *Steering.* Excessive play in the steering mechanism shall not exceed three inches free play in turning the steering wheel from side to side.
- (8) *Mufflers.* Mufflers shall be operable and free of damage or defect.
- (9) *Windows.* The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer.
- (10) *Door Latches.* All door latches shall be operable from both the interior and exterior of the vehicle.
- (11) *Suspension.* The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.
- (12) *Licenses.* The taxi driver's license shall be properly displayed in the manner prescribed in Section 17-3-

16 hereof.

- (13) *Penalty.* Failure to comply with any of the foregoing requirements shall be grounds for refusal to issue or revocation of the vehicle's license. The vehicle owner shall be required to pay an inspection fee of ~~\$10.00~~ established by the fee schedule each time the vehicle is inspected hereunder. Should the vehicle fail to meet the foregoing requirements, the vehicle shall not be used as a taxicab until all required repairs have been made so that said vehicle shall meet the foregoing requirements and a license sticker has been placed thereon.

(Revised Ords. 1978, § 19-4-3)

**Sec. 17-4-4. Clean and Sanitary Condition of Vehicles.**

Any vehicle operating under this title shall be subject to periodic inspections by the Police Department to determine that each vehicle is being maintained in a clean and sanitary condition in accordance with the following rules and regulations:

- (1) *Engine.* The engine and engine compartment shall be reasonably clean and free of uncontained combustible materials.
- (2) *Exterior.* The exterior of each vehicle shall be maintained in a reasonably clean condition.
- (3) *Windows and Windshields.* The windows and windshields shall be maintained in a reasonably clean condition.
- (4) *Interior.* The interior of each vehicle shall be maintained in a reasonably clean condition, free of foreign matter and offensive odors. There shall be no excessive litter in the vehicle, and the seats shall be kept reasonably clean and without holes or large wear spots. The door handles and doors shall be intact and clean.
- (5) *Penalty.* Failure to comply with any of the foregoing inspection requirements shall be grounds for refusal to issue or revocation of the vehicle's license. The vehicle owner shall be required to pay an inspection fee of ~~\$10.00~~ established by the fee schedule each time the vehicle is inspected hereunder.

(Revised Ords. 1978, § 19-4-4)

**Sec. 17-4-5. Identifying Design.**

Each taxicab shall bear on the outside of each side of the vehicle, in painted letters not less than five-sixteenths-inch stroke and more than 2 1/4 inches in height, the name of the owner and the company number, which number shall be painted on the rear of the taxicab and, in addition, may bear an identifying design approved by the City.

(Revised Ords. 1978, § 19-4-5)

**Sec. 17-4-6. Prohibition Against Conflicting Design.**

No vehicle covered by the terms of this title shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the City, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle ~~or vehicles~~ already operating under ~~the~~ this title, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the City, in conflict with or in imitation of any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the certificate covering such taxicab ~~or taxicabs~~ shall be suspended or revoked.

(Revised Ords. 1978, § 19-4-6)

**CHAPTER 17-5. TAXIMETER RULES AND REGULATIONS**

**Sec. 17-5-1. Taximeter Required.**

All taxicabs operated under the authority of this title, except as specified below, shall be equipped with taximeters which shall conform to the specifications set forth in this chapter and such others as may be adopted from time to time by the City. It shall be unlawful for any person to operate or to allow to be operated any taxicab

without such taximeter, with the exception that any taxicab performing car pool services ~~under Section 19-7-24~~ need not have such taximeter operative during such trip and any taxicab used exclusively as a car pool vehicle, or taxicabs operated exclusively as ski transportation vehicles during the period October 15 to April 15, as authorized by Section 17-2-5, need not be equipped with such taximeter.

(Revised Ords. 1978, § 19-5-1)

**Sec. 17-5-2. Basis of Fare Calculations, Time and Distance Mechanisms.**

Taximeters shall calculate the fares upon the basis of a combination of mileage traveled and time elapsed. When the taximeter is operative with respect to fare registration, the fare registration mechanism shall be actuated by the mileage mechanism and the fare registering mechanism shall be actuated by the time mechanism whenever the taxicab is held at the passenger's instruction. Means shall be provided for the driver of the taxicab to maintain the clock mechanism either operative or inoperative with respect to the fare registering mechanism.

(Revised Ords. 1978, § 19-5-2)

**Sec. 17-5-3. Operation Indication.**

It shall be shown on the taximeter's face whether the mechanism is set to be operative or inoperative, and, if operative, the character of fare registration for which it is set. While the taximeter is cleared, the indication "not registering" or an equivalent expression shall appear. If a taximeter is set to be operative, the indication "registering" or equivalent expression shall appear.

(Revised Ords. 1978, § 19-5-3)

**Sec. 17-5-4. Accumulated Fare.**

The fare indication shall be identified by the word "fare" or by an equivalent expression. Values shall be defined by suitable words or monetary signs.

(Revised Ords. 1978, § 19-5-4)

**Sec. 17-5-5. Protection of Indications.**

Indications shall be displayed through an entirely protected glass or plastic face securely attached to the metal housing of the taximeter.

(Revised Ords. 1978, § 19-5-5)

**Sec. 17-5-6. Visibility of Indications.**

Indications of fare and extras shall never be obscured or covered except when a taximeter is cleared.

(Revised Ords. 1978, § 19-5-6)

**Sec. 17-5-7. Flag and Lever Arm Requirements.**

A flag shall be provided. The position of the flag and its associated lever arm shall be mechanically defined, and displacement from any one accidental or inadvertent changing of the operating condition of the taximeter is improbable. The flag shall be at its highest position when the taximeter is cleared, and in this position, the whole of the flag shall be above the level of the taximeter housing. Possible movement of the flag to an operating position immediately following its movement to the cleared position shall automatically be delayed enough to permit the taximeter mechanism to come to complete rest in the cleared position.

(Revised Ords. 1978, § 19-5-7)

**Sec. 17-5-8. Sealing of Meters Required.**

(a) Every taximeter shall have adequate provisions for the affixing of a lead and wire seal so that no adjustments, alterations or replacements affecting in any way the indications, rates or accuracy of the taximeter can be made without mutilating said seal. Such seal shall be affixed by a weights and measures inspector of the License ~~Department~~ Section as hereinafter provided.

(b) It shall be unlawful for any person to operate any taxicab at any time with the License ~~Department~~ Section's seal of the taximeter broken, mutilated or removed and any taxicab having a broken, mutilated or removed

seal must be inspected by the License ~~Department~~ Section and a new seal affixed by said department.

(Revised Ords. 1978, § 19-5-8)

**Sec. 17-5-9. Position in Cab.**

When mounted upon a taxicab, a taximeter shall be so placed that its face is in plain view of any passenger seated on the rear seat of the cab, and shall be so placed that the flag shall be visible from the sidewalk when the flag is in the "for hire" position.

(Revised Ords. 1978, § 19-5-9)

**Sec. 17-5-10. Illumination.**

The face of the taximeter shall be artificially illuminated after sundown so that it is clearly visible to rear seat passengers.

(Revised Ords. 1978, § 19-5-10)

**Sec. 17-5-11. Subject to Inspections.**

All taximeters shall be subject to inspection from time to time by the Police Department and/or the License ~~Department~~ Section of Sandy City.

(Revised Ords. 1978, § 19-5-11)

**Sec. 17-5-12. Required Inspections.**

(a) It shall be the duty of the License ~~Department~~ Section to inspect, test and seal with a City seal every taximeter at least once every six months. This inspection shall coincide with the police inspection required under Section 17-4-3.

(b) It is further required that the semi-annual meter checks shall be required for every taxicab in which a meter is installed, irrespective of whether or not that particular taxicab is in operation at the time of said inspections. When any License ~~Department~~ Section's seal has been broken, mutilated or removed, the holder shall contact the License ~~Department~~ Section and make arrangements for the replacement of such seal.

(Revised Ords. 1978, § 19-5-12)

**Sec. 17-5-13. Seal After Inspection.**

Said taximeters shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording.

(Revised Ords. 1978, § 19-5-13)

**Sec. 17-5-14. Records of Inspection.**

The License ~~Department~~ Section shall keep a record of the identification of every taxicab meter number and date of inspection thereof in its office.

(Revised Ords. 1978, § 19-5-14)

**Sec. 17-5-15. Fee for Inspection.**

A fee of ~~\$10.00~~ established by the fee schedule shall be charged for each inspection.

(Revised Ords. 1978, § 19-5-15)

**Sec. 17-5-16. Removal from Service for Error in Registration.**

No taximeter which is inaccurate in registration in excess of three percent shall be allowed to operate in any taxicab, and when an inaccuracy in excess of three percent is discovered, such taxicab involved shall immediately cease operation and be kept off the highways until the meter is repaired and in proper working condition.

(Revised Ords. 1978, § 19-5-16)

**Sec. 17-5-17. Inspection Upon Complaint.**

It shall be the duty of said License ~~Department~~ Section to make an immediate inspection of any taximeter

when complaint is received that ~~the~~ said taximeter is registering incorrectly or not in accordance with the rate posted in the taxicab and set forth in this title.

(Revised Ords. 1978, § 19-5-17)

**Sec. 17-5-18. Immediate Inspection Upon Change in Rates.**

In the event a change of rates is made, the taximeter shall be adjusted to the new rates and the taximeter ~~or of~~ every taxicab in which a meter has been installed shall be immediately inspected, tested and sealed by ~~the~~ said License Department Section.

(Revised Ords. 1978, § 19-5-18)

**Sec. 17-5-19. Flag to be Used to Denote Employment.**

Each taximeter shall have thereon a flag to denote when the taxicab is employed and when it is not employed. It shall be the duty of the driver when his taxicab is in service, to throw the flag of the taximeter into registering position. Upon the completion of the service by the taxicab, it shall be the duty of the driver to call the attention of the passenger to the amount registered, to raise the flag so that the taximeter shall be returned to the non-registering position and its dials cleared.

(Revised Ords. 1978, § 19-5-19)

**Sec. 17-5-20. Unlawful to Leave Flag in False Position While Employed or Unemployed.**

It shall be unlawful for any driver operating a taxicab to throw the flag of a taximeter into a registering position when such vehicle is not actually employed, or to throw or maintain the flag in a non-registering position when such vehicle is employed.

(Revised Ords. 1978, § 19-5-20)

**Sec. 17-5-21. Unlawful to Use Flag as Signal for Different Rate.**

It shall be unlawful for any driver of a taxicab to display the flag of the taximeter in such position as to denote that he is employed at a rate of fare different from that authorized under the provisions of this title.

(Revised Ords. 1978, § 19-5-21)

**Sec. 17-5-22. Tampering With Meter Unlawful.**

It shall be unlawful for any driver of a taxicab, or any other person, to tamper with or alter in any manner the taximeter on such taxicab.

(Revised Ords. 1978, § 19-5-22)

**CHAPTER 17-6. RATES**

**Sec. 17-6-1. Rates of Hire Established.**

An owner or driver of a taxicab may established and charge mileage rates lower than, but shall not establish and charge any mileage rate for the use of a taxicab greater than, \$0.95 for flag drop and \$0.10 for each one-ninth mile or fraction thereof.

(Revised Ords. 1978, § 19-6-1)

**Sec. 17-6-2. Notification of Rates.**

Each holder of a certificate shall file a schedule of its maximum rate with the License Office of the City and shall notify said office in writing of any change in said maximum rate at least 15 days prior to such new rate being placed into effect.

(Revised Ords. 1978, § 19-6-2)

**Sec. 17-6-3. Display of Fare Rates.**

Every taxicab operated under this title shall have printed on the outside of said cab, in a conspicuous place on said cab and of sufficient size, ~~legibility and legible~~ to passengers, the maximum mileage rates in effect for the

taxicab company operating ~~the~~ said taxicab.

(Revised Ords. 1978, § 19-6-3)

**Sec. 17-6-4. Display of Additional Charges.**

All rates to be charged for the use of a taxicab, other than those required to be printed on the outside of a taxicab, shall be posted on the inside of the taxicab in such a manner as to be plainly visible to all passengers.

(Revised Ords. 1978, § 19-6-4)

**Sec. 17-6-5. Receipts.**

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by specially prepared receipt, on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and date of transaction.

(Revised Ords. 1978, § 19-6-5)

**Sec. 17-6-6. Unlawful to Refuse to Pay Fare.**

It shall be unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this title after having hired the same.

(Revised Ords. 1978, § 19-6-6)

**Sec. 17-6-7. Unlawful to Intend to Defraud.**

It shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

(Revised Ords. 1978, § 19-6-7)

**CHAPTER 17-7. SERVICE REGULATIONS**

**Sec. 17-7-1. Solicitation by Driver Prohibited, Exception.**

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab, while standing immediately adjacent to the curb side thereof, or at any authorized ground transportation stand.

(Revised Ords. 1978, § 19-7-1)

**Sec. 17-7-2. Driver to Remain With Cab, Exception.**

The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than 20 consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(Revised Ords. 1978, § 19-7-2)

**Sec. 17-7-3. Prohibited Type of Solicitation.**

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(Revised Ords. 1978, § 19-7-3)

**Sec. 17-7-4. Cruising Prohibited, Exception.**

No driver shall cruise in search of passengers except when such cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(Revised Ords. 1978, § 19-7-4)

**Sec. 17-7-5. Solicitation of Other Common Carrier Passengers Prohibited.**

No driver, owner or operator shall solicit passengers at any intermediate points along any established route of

any other common carrier.

(Revised Ords. 1978, § 19-7-5)

**Sec. 17-7-6. Passenger Consent Required for Additional Passengers.**

After the employment of the taxicab by a passenger or group of passengers, no driver shall permit any other person to occupy or ride in said taxicab without the consent of the original passenger or group.

(Revised Ords. 1978, § 19-7-6)

**Sec. 17-7-7. Restriction on Number of Passengers.**

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the license for said vehicle issued by the Police Department. A child in arms shall not be counted as a passenger.

(Revised Ords. 1978, § 19-7-7)

**Sec. 17-7-8. Refusal to Carry Orderly Passenger Prohibited.**

No driver shall refuse or neglect to convey any orderly and sober person ~~or persons~~, upon request, unless previously engaged or unable or forbidden by the provisions of this title to do so.

(Revised Ords. 1978, § 19-7-8)

**Sec. 17-7-9. Driver Solicitation of Business Prohibited.**

It shall be a violation of this title for any driver of a taxicab to solicit business for any business establishment or to attempt to divert patronage from one business establishment to another.

(Revised Ords. 1978, § 19-7-9)

**Sec. 17-7-10. Unlawful to Engage in Liquor or Prostitution Traffic.**

It shall be unlawful for any taxicab driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It shall also be unlawful for any taxicab driver to permit any person to occupy or use his vehicle for the purpose of prostitution, lewdness or assignation with knowledge or reasonable cause to know that the same is to be used for such purposes, or to direct, take, or transport or offer or agree to direct, take, or transport any person to any building or place, or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness or assignation.

(Revised Ords. 1978, § 19-7-10)

**Sec. 17-7-11. Vehicle to be Used Only for Transportation.**

It shall be unlawful for any taxicab driver to use his vehicle for any purpose other than the transportation of passengers or of small parcels.

(Revised Ords. 1978, § 19-7-11)

**Sec. 17-7-12. Direct Route Required.**

Any driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination, unless otherwise directed by the passenger, except that a driver may deviate to pick up or drop off passengers at their homes when he is operating a taxicab as a car pool vehicle.

(Revised Ords. 1978, § 19-7-12)

**Sec. 17-7-13. Open Stands—Establishment.**

The Mayor of Sandy City is hereby authorized and empowered to establish open stands in such ~~place or places~~ upon the streets of Sandy City as he deems necessary for the use of taxicabs operated in the City. The Mayor shall not create an open stand without taking into consideration the need for such stands by the companies and the convenience to the general public and the recommendation of the Traffic Engineer. The Mayor shall not create an

open stand where such stand would tend to create a traffic hazard.

(Revised Ords. 1978, § 19-7-13)

**Sec. 17-7-14. ~~Open Stands. Same—Use.~~**

Open stands shall be used by the different drivers on a first-come, first-served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this title shall be construed to prevent a passenger from boarding the cab of his choice that is parked at open stands. The City may prescribe the number of cabs that shall occupy such open stands.

(Revised Ords. 1978, § 19-7-14)

**Sec. ~~19-7-15. Open Stands. Telephone Installation.~~**

~~The City may allow the taxicab companies to install telephones at such open stands for the purpose of calling the terminal of said companies.~~

~~(Revised Ords. 1978, § 19-7-15)~~

**Sec. 17-7-15. ~~Open Stands. Same—Prohibition for Other Vehicles.~~**

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as an open stand.

(Revised Ords. 1978, § 19-7-16)

**Sec. 17-7-16. Service Required.**

The holder of a certificate shall maintain, at all hours during the day or night, sufficient taxicabs with drivers to reasonably answer all calls received. The telephone number of the central place of business shall be listed under the company name in the white pages, and in the yellow pages under the heading "taxicabs," of the telephone directory. Any company receiving a new Certificate of Public Convenience and Necessity shall be so listed in the next issue of said telephone book.

(Revised Ords. 1978, § 19-7-17)

**Sec. 17-7-17. Twenty-four Hour Service Required.**

Holders of a Certificate of Public Convenience and Necessity shall maintain a central place of business and keep the same open with a person on duty 24 hours a day, seven days per week, for the purpose of receiving calls and dispatching taxicabs.

(Revised Ords. 1978, § 19-7-18)

**Sec. 17-7-18. Answer all Calls for Service.**

Holders of a certificate shall answer all calls received by them for services inside the corporate limits of Sandy City as soon as reasonably possible and if said services cannot be rendered within a reasonable time, they shall notify the prospective passengers, to the best of their ability, how long it will be before said call can be answered and give the reason therefor.

(Revised Ords. 1978, § 19-7-19)

**Sec. 17-7-19. Unlawful to Fail to Provide Required Services.**

It shall be unlawful for any holder of a certificate to refuse to accept a call for service to any point within the corporate limits of Sandy City at any time when such holder has available taxicabs, and it shall be unlawful for any holder to fail or refuse to provide all service required by this title.

(Revised Ords. 1978, § 19-7-20)

**Sec. 17-7-20. Advertising Permitted.**

It shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on taxicabs or motor vehicles for hire.

(Revised Ords. 1978, § 19-7-21)

**Sec. 17-7-21. Car Pool Services.**

Notwithstanding all other provisions of this title, it shall be lawful for any person owning or operating a taxicab, where both such taxicab and operator are properly licensed under the provision of this title, to provide car pool service at certain times of the day. Car pool service may provide transportation for a group of passengers between their residences and such drop-off and pick-up point areas as designated by the taxicab company and approved by the Mayor. A fixed price may be charged for such one-way car pool service as provided by this title.

(Revised Ords. 1978, § 19-7-22)

**Sec. 17-7-22. Small Parcel Delay Delivery System.**

Subject to obtaining permission from the Public Service Commission of the State of Utah, if any ~~be is~~ required, taxicabs which are properly licensed under the provisions of this title are hereby authorized to provide a small parcel delay delivery system for the transporting of small parcels at a fixed rate as provided in Section 17-6-1-~~of these revised ordinances~~. It shall be unlawful for the driver of any taxicab to pick up or deliver any small parcel while en route to pick up or drop off any passenger.

(Revised Ords. 1978, § 19-7-23)

**CHAPTER 17-8. REPORTS**

**Sec. 17-8-1. Driver to Keep Manifests.**

Every driver shall maintain a daily manifest upon which is reported all trips made during his hours of work, showing times and places or origin and destination of each trip, intermediate stop, the number of passengers and amount of fare and all such complete manifests shall be returned to the holder by the driver at the conclusion of his working day.

(Revised Ords. 1978, § 19-8-1)

**Sec. 17-8-2. Manifest Forms to be Approved.**

The forms for each manifest shall be furnished to the driver by the holder and shall be of a character approved by the City.

(Revised Ords. 1978, § 19-8-2)

**Sec. 17-8-3. Manifests to be Kept and Made Available to Police Department.**

Every holder of a Certificate of Public Convenience and Necessity shall retain and preserve all driver's manifests in a safe place for at least the calendar year next proceeding the current calendar year, and said manifests shall be available to the Police Department.

(Revised Ords. 1978, § 19-8-3)

**Sec. 17-8-4. Holders Required to Keep Records.**

Every holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the City.

(Revised Ords. 1978, § 19-8-4)

**Sec. 17-8-5. Accessibility of Records and Examination.**

Every holder shall maintain the records containing such information and other data required by this title at a place readily accessible for examination by the City.

(Revised Ords. 1978, § 19-8-5)

**CHAPTER 17-9. ENFORCEMENT**

**Sec. 17-9-1. Duty of Enforcement.**

The Police Department and the License ~~Department~~ Section of Sandy City are hereby given the authority and

are instructed to watch and observe the conduct of holders and drivers operating under this title to enforce the provisions of this title.

(Revised Ords. 1978, § 19-9-1)

**Sec. 17-9-2. Violations Reported to Mayor.**

Upon discovering a violation of the provisions of this title, in addition to regular criminal proceedings, the Police Department or the License ~~Division~~ Section shall report the same to the Mayor, who will order or take appropriate action respecting the licenses or certificates of the persons involved.

(Revised Ords. 1978, § 19-9-2)

**Sec. 17-9-3. Penalty.**

Any violation of any of the provisions of this title is hereby declared to be a Class C misdemeanor ~~and shall be punishable by a fine up to \$299.00 or a jail sentence of up to six months or both such fine and imprisonment.~~

(Revised Ords. 1978, § 19-9-3)

PROOFS

## Title 4-18

**BUILDING AND CONSTRUCTION\***

\***State law reference**—State Construction and Fire Codes Act, U.C.A. 1953, § 15A-1-101 et seq.

**CHAPTER 18-1. ADOPTION OF UNIFORM CODES\***

\***State law reference**—State Construction and Fire Codes Act, U.C.A. 1953, § 15A-1-101 et seq.

**Sec. 18-1-1. ~~Adoption of Uniform Codes~~ Adopted.**

The following codes ~~as adopted by the State unless stated otherwise~~ are hereby adopted for use as part of ~~the Sandy City Revised Ordinances~~ this Code for use in Sandy City, State of Utah:

- (1) The ~~2015 Edition of the~~ International Building Code, subject to the amendments to IBC applicable to Sandy City set forth in this chapter.
- (2) The ~~2015 Edition of the~~ International Mechanical Code.
- (3) The ~~2015 Edition of the~~ International Plumbing Code.
- (4) The ~~2014 Edition of the~~ National Electrical Code.
- (5) The ~~2015 Edition of the~~ International Fuel Gas Code.
- (6) The ~~2015 Edition of the~~ International Energy Conservation Code.
- (7) The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings.
- (8) The ~~2015 Edition of the~~ International Residential Code.
- (9) The ~~2015 Edition of the~~ International Existing Building Code.

(Revised Ords. 1978, § 4-1-1; Ord. No. 16-32, 9-27-2016; Ord. No. 17-21, exh. A(4-1-1), 7-25-2017)

**State law reference**—Adoption by reference, U.C.A. 1953, § 10-3-711(2).

**Sec. 18-1-2. Board of Appeals.**

The Board of Appeals provided for in Section 113 of the International Building Code shall be organized in the following manner to hear and decide appeals under that Code or the provisions of this chapter:

- (1) It shall consist of seven members who shall be qualified by experience and training to pass upon questions regarding building construction and the application of the Uniform Building Code. Potential members of the Board of Appeals shall be interviewed by the Mayor, or other person designated by the Mayor, ~~or other person designated by the Mayor~~, who may, if he deems it appropriate, request the assistance of others during such interviews. Following such interviews, the Mayor shall appoint such candidates as he shall determine to be qualified for the position.
- (2) The Mayor, in considering appointments to the Board of Appeals, shall consider, among other things, the following qualifications:
  - a. The candidate's knowledge of building construction and life safety standards.
  - b. The candidate's reputation, integrity and ethical standards.
  - c. The candidate's commitment to the Board of Appeals with regard to both time commitment and respect for the value of such a Board.
  - d. The candidate's impartiality, judgment, fairness, wisdom, and other factors affecting the candidate's ability to perform the duties of a Board member.
- (3) In addition to the seven appointed members of the Board of Appeals who shall each be voting members, the Building Official shall be a non-voting member of the Board of Appeals and shall act as Secretary. All voting members shall serve on a voluntary basis and compensation shall not normally be paid for

their services.

- (4) The members of the Board of Appeals shall be authorized to inspect and investigate the building structures as they may relate to questions brought before the Board of Appeals. In connection therewith, the members shall each be issued an appropriate identification card by the City to allow them to make such investigations and inspections.
- (5) The Board of Appeals shall have the authority to adopt such rules and regulations as it deems reasonable for ~~the~~ conducting its business.
- (6) The members of the Board of Appeals shall be appointed for a term of service not to exceed two years. A member of the Board, upon the termination of his ~~or her~~ appointment, may be reappointed for a subsequent ~~term or~~ terms. The original appointments of the Board of Appeals shall be made as follows:
  - a. Three of the original members appointed to the Board shall be appointed for terms of one year.
  - b. Four of the members originally appointed to the Board of Appeals shall be appointed for terms of two years.

Notwithstanding the duration of the appointment of the member of the Board, such member shall serve at the pleasure of the Mayor and may also be removed from office upon a showing of good cause.

- (7) All agendas in connection with the meeting of the Board of Appeals shall be prepared by the Secretary of the Board and shall be posted in three public places prior to the meeting of the Board. The Secretary may also give notice of agenda items and decisions of the Board to persons and through such other means as the Secretary shall determine in the Secretary's reasonable discretion.
- (8) The members of the Board shall elect one of the members to act as chairperson for the Board and shall appoint, from among their membership, an acting chairperson in the absence of the elected chairperson.

(Revised Ords. 1978, § 4-1-2)

**Sec. 18-1-3. Amendments to IBC Applicable to Sandy City.**

~~(a)~~The following amendments are adopted as amendments to the IBC applicable to Sandy City:

- (1) A new IBC, Appendix L, is added and adopted as follows: "Appendix L BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS WILDLAND-URBAN INTERFACE AREAS

AL 101.1. General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine fire hazard severity. The provisions listed in Chapter 5 of the 2006 International Wildland-Urban Interface Code, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction."

[GRAPHIC—Sandy City Wildland Urban Interface Map]

- (2) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:
 

"504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Code Official, where defensible space is less than 50 feet as defined in Section 603 of the 2006 International Wildland-Urban Interface Code."
- (3) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.

(Ord. No. 17-21, exhs. A(4-1-3), B, 7-25-2017)

Title ~~9-19~~**PROPERTY MAINTENANCE\***

\*State law reference—Municipal inspection and cleaning of property, U.C.A. 1953, § 10-1101 et seq.

**CHAPTER 19-1. ADMINISTRATION****Sec. 19-1-1. Purpose and Scope.**

The purpose of ~~the Property Maintenance Ordinance~~ this title provides for the protection of public health, safety, property values, and general welfare as it pertains to properties and buildings for residential and nonresidential uses. This protection is hereinafter provided by the following:

- (1) Establishing minimum standards for maintaining residential and nonresidential properties, thereby preserving the quality of the built environment; avoiding blight due to substandard maintenance of structures and properties and its negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- (2) Defining the responsibilities of owners, operators and occupants of structures and properties;
- (3) Providing for administration, enforcement, and penalties. It is the intent of the City to work with all citizens to further the best interest of the community, through fair and consistent administration of this ~~Property Maintenance Ordinance~~ title.

(Revised Ords. 1978, § 9-1-1)

**Sec. 19-1-2. Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Blight* means unsightly condition, including the accumulation of debris, litter, rubbish, rubble, structures or fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.
- (2) *Bulky waste* means stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for bins, such as bulky waste to be picked up by Sandy City only during those specifically authorized community clean-up drives as may be sponsored from time to time by Sandy City.
- (3) *Commercial and industrial refuse* means all bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and industrial unit.
- (4) *Contractor* means the person, corporation or partnership performing refuse collection and disposal under contract with the City.
- (5) *Dead animals* means animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use; such dead animals to be included as part of the normal garbage and refuse pickup only in the event that such pickup is allowed and authorized by the Salt Lake Valley Health Department and the landfill to which the garbage and refuse is eventually deposited.
- (6) *Director* means the Sandy City Community Development Director and/or the Salt Lake Valley Health Department Director, unless otherwise identified in this title.

- (7) *Disposal site* means a refuse depository, including, but not limited to, sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.
- (8) *Fence* includes any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
- (9) *Garbage* means any and all dead animals of less than ten pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter, subject to the requirements and provisions respecting the pickup of any of the above-included items as may be required by the Salt Lake Valley Health Department and the landfill to which the garbage is eventually carried and deposited.
- (10) *Hazardous* means involving or exposing one to risk.
- (11) *Hazardous waste* means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous," as that term is defined by or pursuant to federal or state law.
- (12) *Horticulture* means having to do with the growing of fruits, vegetables, flowers, or ornamental plants.
- (13) *Junk* means any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.
- (14) *Junk vehicles* means any vehicle that:
  - a. Has been made inoperable due to a collision or other violent act;~~or~~
  - b. Has had parts removed from the vehicle rendering the vehicle inoperable, or contains defective parts making the vehicle undrivable, and has remained in such state for a period longer than 30 days. Portions of junk vehicles, such as hoods, fenders, radiators, rims, motors, etc., not being immediately utilized for the repair of a motor vehicle shall be considered junk; or
  - c. Is not licensed or registered and is in a condition of deterioration or disrepair, that includes, but is not limited to, a vehicle that is or has any of the following conditions: dismantled, broken windows, broken head or tail lights, flat tires, no tires, missing doors, missing windows, missing paint, missing fenders, missing hood or missing trunk.
- (15) *Landscaping* means the finishing and adornment of unpaved areas. Materials and treatment generally include naturally growing elements of grass, trees, shrubs, and flowers. Treatment may also include the use of rocks, crushed stone, bark, mulch, fountains, benches, and contouring of the earth.
- (16) *Maintenance* means an activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, authorized, and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.
- (17) *Owner* means the person, firm, or corporation in whose name said premises are listed in the records of deeds in the Recorder's Office for Salt Lake County, Utah.
- (18) *Property/lot* means a lot, parcel, tract, or plot of land, together with the buildings and structures thereon.

- (19) *Residential* means regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business as which has housekeeping and cooking facilities for its occupants only.
- (20) *Rubbish* means all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter, subject to the provision that none of the above shall be collected by the agents of Sandy City unless such rubbish is packaged in compliance with the regulations of Sandy City regarding the size and weight of such rubbish packaging.
- (21) *Screen* means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structure, consisting of shrubs or other growing materials.
- (22) *Structure* means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition. Any structure two feet or above in grade shall meet all underlying zoning requirements.
- (23) *Vehicle* means a machine propelled by power other than human power, and includes campers, trailers and other equipment designed to be carried upon or towed behind such powered vehicle, designed to travel along the ground by use of wheels, treads, runners or slides, or upon such vehicle, and transport persons or property or pull machinery, and shall include, without limitation, an automobile, airplane, truck, trailer, camper, motorcycle, motor scooter, recreational vehicle, tractor, buggy and wagon.
- (24) *Wall* means a constructed solid barrier of concrete, stone, brick, tile, wood, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.
- (25) *Xeriscaping* means landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

(Revised Ords. 1978, § 9-1-2)

**Sec. 19-1-3. Inspection/Investigation.**

The Director shall be authorized to make examination and investigation of all real property in the City to determine whether owners of such property are complying with the provisions of this title.

(Revised Ords. 1978, § 9-1-3)

**Sec. 19-1-4. Notice.**

Upon a determination that a violation of the provisions of this title exists, the Community Development Director or his/~~her~~ designee shall ascertain the name of the owner and address of the parcel where the violation exists, and shall serve notice in writing upon the owner or occupant of such property, either personally or by mailing notice, postage prepaid, addressed to the owner or occupant at the last-known post office address as disclosed by the records of the County Recorder, requiring such owner or occupant, as the case may be, to eradicate, destroy, or remove the violation within such time as the Director or his authorized representative may designate.

(Revised Ords. 1978, § 9-1-4)

**Sec. 19-1-5. Enforcement.**

Any individual, firm or corporation violating the provisions of this title shall remove or cause to be removed the violation, and in the event of failure such person shall be deemed guilty of violating the provisions of this title.

(Revised Ords. 1978, § 9-1-5)

**Sec. 19-1-6. Penalty.**

Any violation of the provisions of this title shall be deemed a Class B misdemeanor and shall be punished as

provided under state statute.

(Revised Ords. 1978, § 9-1-6)

**Sec. 19-1-7. Abatement of Weeds, Garbage or Refuse.**

(a) *Failure to Remove Violation.* If any owner or occupant of property described in the notice provided in this title shall fail to eradicate or destroy and remove such weeds, garbage or refuse in accordance with such notice, the Director or his designee is authorized to act in accordance with U.C.A. 1953, § 10-11-3, as amended, or its successor.

(b) *Hearing.* If a property owner files an objection in accordance with U.C.A. 1953, § 10-11-3(1)(b)(ii), as amended, or its successor, the City shall hold a hearing in accordance with U.C.A. 1953, § 10-11-3(3), as amended, or its successor.

- (1) *Hearing Officer.* The Mayor shall appoint a Hearing Officer to review and determine the actual cost of the abatement after appropriate notice is given.
- (2) *Notice.* Notice of the hearing shall be given:
  - a. In accordance with the Open and Public Meetings Act (U.C.A. 1953, § 52-4-101 et seq.): and
  - b. Not less than ten calendar days before the hearing, the property owner making such objection by mail addressed to:
    1. The address to which the Notice of Violation was served: or
    2. The address set forth on the written objection (if different from the address in Subsection (b)(2)b.1 of this section).

(Revised Ords. 1978, § 9-1-7)

**Sec. 19-1-8. Junk Vehicle/Vehicle Repair Standards.**

(a) *Maximum Number.* A maximum of one junk vehicle may be stored or repaired upon a lot outside a fully-enclosed permanent structure.

(b) *Junk Vehicle Storage.* A junk vehicle shall be stored within a fully-enclosed permanent structure, or it shall be stored in compliance with the following requirements:

- (1) On an interior lot, it must be stored on a hard-paved surface (e.g., concrete, asphalt, brick or water impenetrable surface) in either a side or rear yard.
- (2) On a corner lot, it must be stored on a hard-paved surface (e.g., concrete, asphalt, brick or water impenetrable surface) in an interior side or rear yard not facing a street or, if in a side or rear yard which faces a street, it must be screened from view from the street by six-foot opaque fence.
- (3) It shall be covered with a cover manufactured specifically for covering vehicles and which is approved by the Director of Community Development or his designee (tarps are not allowed).
- (4) It must be owned by the occupant of the residence.

(c) *Vehicle Repair.* A vehicle which is being repaired may be located on a driveway in front of a garage or carport if it complies with all other requirements for storage of a junk vehicle; or it must comply with all requirements for storage of a junk vehicle as set forth above.

- (1) All repairs must be completed within 30 days of notice from the Department of Community Development to repair or remove the vehicle.
- (2) The Community Development Director, or his designee, may grant a maximum of one 30-day extension if the owner provides proof and the Director determines:
  - a. The repair work has progressed continuously throughout the 30-day period; and
  - b. The owner must show that substantial progress has been made in repairing the vehicle.
- (3) The vehicle shall be removed from the lot upon expiration of 30 days or the additional 30-day extension unless stored as provided in Subsections (a) and (b) of this section.

- (4) The vehicle must be owned by and registered to the occupant of the residence.

(Revised Ords. 1978, § 9-1-8)

## **CHAPTER 19-2. LANDSCAPING, STRUCTURE AND LOT MAINTENANCE**

### **Sec. 19-2-1. Landscaping.**

(a) *Landscaping Required.* Yard and setback areas visual from street access, including parkstrips, that are not utilized as approved parking or access for vehicles, trailers, etc., shall be landscaped. Landscaping shall include the treatment of the ground surface with live materials such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant material. In addition, a combination of xeriscape plantings and designs that may include other decorative surfacing such as bark chips, crushed stone, mulch materials, or pavers shall also meet landscaping requirements. Structural features such as fountains, pools, statues, and benches shall also be considered a part of the landscaping, but such objects alone shall not meet the requirements of landscaping.

(b) *Installation Time Frame Requirements.* Landscape materials must be installed within six months of occupancy. This shall apply to all new or existing residential or nonresidential structures that are in a blighted condition, which do not comply with this chapter. This timeframe will allow the owner to choose the most appropriate time to plant trees and other landscaping to ensure the survival of the plant material. Typically, installation of landscaping occurs in the Spring or Fall.

(c) *Maintenance.* Individuals, whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to water-wise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept visually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing, or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within three months, or the next planting period (Spring or Fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within three months. The Community Development Department Director, or designee, may approve one three-month extension if substantial progress has been made or the individuals can show a hardship which has impeded the progress.

(d) *Hazards.* Landscaping shall be maintained to minimize property damage and public safety hazards, including the removal/replacement of dead or decaying plant material, removal of low hanging branches and those obstructing street lighting, sidewalks and traffic sight distance requirements. In the event a tree, shrub, or other plant causes damage to streets, sidewalks, trails, or other public improvements, the Community Development Director and/or Public Works Director may order the removal of the offending vegetation and/or other landscape features.

(Revised Ords. 1978, § 9-2-1)

### **Sec. 19-2-2. Structure Maintenance.**

Every foundation, exterior wall, and roof of every building/structure shall be constructed and maintained in good repair, thus allowing all rooms and other interior areas to be weathertight, watertight, and rodentproof and be maintained in good condition. Surfaces shall be painted, stained, or constructed of decay-resistant materials to protect and preserve the safety and appearance of the structure.

(Revised Ords. 1978, § 9-2-2)

### **Sec. 19-2-3. Fences, Walls and Screens.**

Fences, walls, or screens shall be constructed in accordance with the adopted building codes. If a fence, wall or privacy screen is found to be in need of repair, the Community Development Director or his/her designee may issue orders to the owner to complete the repair.

(Revised Ords. 1978, § 9-2-3)

### **Sec. 19-2-4. Lot Maintenance.**

(a) *Lot must be Maintained.* Individuals, whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of the property. The exterior of all property and every structure thereon, including, but not limited to, walls, roofs, cornices, chimneys, drains, towers, porches, landings, decks, fire escapes, stairs, signs, windows, doors, awnings and all surfaces thereof, shall be maintained to avoid blight and shall be painted or protected where necessary for the purpose of preservation.

(b) *Hazards/Blight.* All buildings and the exterior of all properties shall be properly maintained to achieve a presentable appearance which avoids blight and hazardous conditions. The exterior open space around each dwelling shall be maintained or so improved to provide for:

- (1) The immediate diversion of water away from buildings and proper drainage of the lot;
- (2) Sod, grasses, plantings or other suitable ground treatment to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures;
- (3) Yards, walks, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained;
- (4) Exterior steps which are of sound construction and properly maintained free of hazardous conditions.

(Revised Ords. 1978, § 9-2-4)

#### **Sec. 19-2-5. Construction Site Maintenance**

Any person who is issued a building permit shall be responsible for maintenance of the construction site for which the building permit is issued. The construction site shall be maintained free of junk, garbage and rubbish. Every construction site shall have an approved trash enclosure. Upon request of the building permit holder, the Chief Building Official may approve the use of a single trash enclosure to serve multiple construction sites. If junk, garbage or rubbish is found outside of the approved trash enclosure, the permit holder shall make modifications as required by the Chief Building Official, which may include covering the trash enclosure.

(Ord. No. 18-04, § 1, 2-13-2018)

### **CHAPTER 19-3. WEED CONTROL**

#### **Sec. 19-3-1. Weeds to be Maintained or Removed.**

It shall be unlawful for any person, corporation, partnership, or legal entity owning or occupying real property in the City to allow weeds on such property to grow beyond the maximum height permitted or to fail to remove from the property any such weeds after having been given notice from the Director of the Salt Lake Valley Health Department or the Sandy City Community Development Director and/or the designated representative of either.

(Revised Ords. 1978, § 9-3-1)

#### **Sec. 19-3-2. Standards of Weed Control.**

(a) Weeds shall be permitted to reach a height of not more than six inches at any time and shall be cleared from all real property in the City. The cuttings shall be cleared and removed from the premises.

(b) On property of one acre or more in lieu of cutting the weeds on the entire property the owner shall be permitted to cut a 30-foot firebreak of not more than six inches high around all structures and around the complete perimeter of the property. The cuttings shall be cleared and removed from the premises.

(Revised Ords. 1978, § 9-3-2)

#### **Sec. 19-3-3. Notice.**

If notice has already been served upon the same property and owner, no further notice need be served to compel such weed removal.

(Revised Ords. 1978, § 9-3-3)

### **CHAPTER 19-4. GARBAGE DISPOSAL**

#### **Sec. 19-4-1. Disposal Regulated.**

No person, firm or corporation shall, for the purpose of final disposal thereof, dump, place or bury in any lot, street, land, or in any alley, or in any water or waterway, within the corporate limits of Sandy City, any garbage, rubbish, bulky waste, dead animal or hazardous waste or other waste matter or any other deleterious or offensive substance, and all such substances must be disposed of at the sanitary fill operated by the City, or outside of the corporate limits of Sandy City.

(Revised Ords. 1978, § 9-4-1)

**Sec. 19-4-2. Removal of Waste Required.**

No person owning or occupying any building, lot or premises in Sandy City shall suffer, allow or permit to collect and remain upon said lot or premises any garbage and/or rubbish, for a period of more than one week.

(Revised Ords. 1978, § 9-4-2)

**Sec. 19-4-3. Waste Receptacles.**

(a) Every owner, tenant or occupant of any premises where garbage is created shall provide upon such premises, in a suitable place, one or more durable receptacles, or other durable receptacles as may be provided by the City for automated collection service, with tightfitting cover, for receiving and holding all garbage created upon such premises between the times of collection and removal. Every owner, tenant, or occupant of any premises where rubbish is created shall, where necessary, in addition to the garbage receptacle, provide upon such premises, in a suitable place, one or more receptacles or depositories to contain all rubbish which may accumulate upon such premises between removals. All subscribers for service, as herein provided, shall at all times locate such receptacles at places, so as to be readily accessible for removing and emptying the same, but they shall not be placed within the limits of any street or alley within the corporate limits of Sandy City, or anywhere so as to constitute a nuisance.

(b) All garbage and rubbish receptacles shall be kept in a clean and sanitary condition by the owner or person using the same, and garbage receptacles shall be kept tightly-covered at all times except when garbage is being deposited therein or removed therefrom, and shall at all times be protected against the access by flies to the contents thereof.

(c) All garbage and rubbish receptacles shall not be stored within the front yard setback of a home, or in the case of corner lots, within the front and side setbacks adjacent to public streets, except during the time period set aside for garbage collection.

(Revised Ords. 1978, § 9-4-3)

**Sec. 19-4-4. Garbage to be Placed in Receptacle.**

(a) All garbage shall be placed in the garbage receptacle required by Section 19-4-3 of this ordinance. All rubbish must be placed in the receptacle or depositories provided for said rubbish or in the garbage receptacle.

(b) No liquid garbage shall be deposited with any garbage or rubbish. All kitchen garbage shall be drained of all moisture and completely wrapped in paper before being placed in the garbage container.

(Revised Ords. 1978, § 9-4-4)

**Sec. 19-4-5. Compliance Required.**

A duly authorized representative of Sandy City or the contractor engaged by Sandy City to provide solid waste removal shall, from time to time, examine the sanitary conditions of said premises and determine compliance with the provisions of this chapter. Upon notification, all persons, firms or corporations shall comply with the provisions of this chapter or be deemed guilty of a misdemeanor.

(Revised Ords. 1978, § 9-4-5)

**Sec. 19-4-6. Collection Restricted.**

It shall be unlawful for any person, firm or corporation, other than those which have been authorized and approved by Sandy City, to collect, remove or dispose of garbage or newspaper in Sandy City. The provisions of this section shall not apply to any person transporting his own garbage or rubbish to the sanitary landfill or to places outside the City limits.

(Revised Ords. 1978, § 9-4-6)

**Sec. 19-4-7. Frequency of Removal.**

Removal of garbage or rubbish from the premises of the subscribers for service herein provided shall be made at least once each week.

(Revised Ords. 1978, § 9-4-7)

**Sec. 19-4-8. Districts.**

The City may be divided into sanitary districts for the purpose of collecting garbage and rubbish.

(Revised Ords. 1978, § 9-4-8)

**Sec. 19-4-9. Fees and Method of Collection.**

(a) For the services of the solid waste collection and removal, in collecting and disposing of garbage and rubbish, the owner, tenant or occupant of each place to which the services of solid waste collection are made available, and each person disposing of his own garbage or rubbish at the sanitary landfill, shall be charged such fees as may be established by resolution of the City Council. Said fees and charges shall be deemed a civil debt owing to the City from the owner, tenant or occupant of the property to which the solid waste collection services are made available.

(b) The Sandy City Council may place said solid waste collection and removal service charge on the culinary water statement and, upon collection of the same, such funds shall be placed with the City Treasurer and disbursed by the City.

(Revised Ords. 1978, § 9-4-9)

**Sec. 19-4-10. Rules and Regulations.**

The City shall have the power to establish rules and regulations which are not inconsistent with the provisions of this chapter, which shall govern the keeping, collection, removal and disposal of garbage and rubbish within the City.

(Revised Ords. 1978, § 9-4-10)

**CHAPTER 19-5. STORAGE OF REFUSE**

**Sec. 19-5-1. Storage of Refuse Prohibited.**

(a) No person, firm or corporation shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance or collection of any junk, junk vehicles, or rubbish, on his own property or any property ~~if he~~ or they own or use under his or their control, or in any other place within the ~~municipality~~ City, City street and alley or right-of-way or otherwise, unless expressly provided by law.

(b) Any person, firm or corporation violating the provisions of this section shall, after notification of said violation by the City, remove, or cause to be removed, any junk, junk vehicles, and rubbish or have the same placed in an adequate enclosure or building, and in the event of failure he or they shall be deemed guilty of violating the provisions of this section.

(c) The fact that such premises are rented or leased by the owner to another party shall not relieve said owner from the responsibilities herein created.

(Revised Ords. 1978, § 9-5-1)

**CHAPTER 19-6. SOLID WASTE MANAGEMENT REGULATION**

**Sec. 19-6-1. Adoption of Salt Lake Valley Health Regulations.**

The health regulations promulgated by the Salt Lake Valley Health Department entitled SOLID WASTE MANAGEMENT, comprising Sections 1.0 through ~~13-0-3.1~~, are hereby adopted for use in Sandy City with the following modifications: Section 2.2 shall read as follows:

2.2 Jurisdiction.

All solid waste management as defined in this regulation shall be subject to the regulatory direction and control of the Department to the extent that such direction and control is supplemental to and compatible with rules and regulations previously adopted by Sandy City.

(Revised Ords. 1978, § 9-6-1)

PROOFS

Title ~~8-20~~**FIRE PREVENTION\***

\***State law reference**—Municipal fire prevention, U.C.A. 1953, §§ 11-7-1 et seq., 10-8-53 et seq.; state fire code, U.C.A. 1953, § 15A-5-101 et seq.

**CHAPTER 20-1. INTERNATIONAL FIRE CODE\***

\***State law reference**—State fire code, U.C.A. 1953, § 15A-5-101 et seq.

**Sec. 20-1-1. Adoption of International Fire Code.**

There is hereby adopted the current edition of the International Fire Code and future editions as are ~~published by the International Code Council, Inc. and~~ adopted by the State of Utah, except such portions as are deleted, modified, amended or added by this chapter. In addition, the following appendices ~~of the 2015 Edition~~ of the International Fire Code are adopted:

- (1) Appendix B.
- (2) Appendix C.

(Revised Ords. 1978, § 8-1-1)

**State law reference**—Adoption of International Fire Code, U.C.A. 1953, § 15A-5-103.

**Sec. 20-1-2. Enforcement.**

The International Fire Code and Appendices, as herein adopted, and such other portions of this chapter as adopted herein, shall be enforced by the Fire Department and Police Department of Sandy City.

(Revised Ords. 1978, § 8-1-2)

**Sec. 20-1-3. Amendments to Adopted Code.**

The International Fire Code, ~~2015 Edition~~ currently adopted edition, is hereby amended and changed by deleting those sections hereafter described or by substituting for the sections herein set forth such language as may thereafter follow:

- (1) Section 912.2 shall be amended to include the following paragraph after the existing paragraph:

The Fire Department connection on automatic fire sprinkler and stand-pipe systems shall be located at a maximum of 100 feet from a fire hydrant unless otherwise approved by the Fire Chief.

- (2) Section 903.2 shall be amended to include the following additional subsection:

- (i)  automatic sprinkler system shall be installed in accordance with NFPA 13 throughout the buildings containing all occupancies where fire flow exceeds 2,000 gallons per minute, based upon Table B105.1 of the 2015 International Fire Code. Exempt locations as indicated in Section 903.3.1.1.1 are allowed.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R Division 3, and Group U occupancies and buildings complying with the International Residential Code unless otherwise required by the International Fire Code, 2015 Edition.

- (3) Section B104.2 shall be amended to read:

Portions of buildings which are separated by two-hour masonry fire walls without openings constructed in accordance with the International Building Code, 2015 Edition, are allowed to be considered as separate fire-flow calculation areas.



(Revised Ords. 1978, § 8-1-3)

## **CHAPTER 20-2. FIRE REGULATIONS FOR DAY CARE CENTERS, PRESCHOOLS, AND HEALTH CARE OCCUPANCIES**

### **Sec. 20-2-1. Day Care, Day Care Centers and Preschools.**

R-710-008 Day Care Rules as adopted by the Utah State Fire Prevention Board are hereby adopted, along with all relevant references contained in said rule.

(Revised Ords. 1978, § 8-2-1)

### **Sec. 20-2-2. Residential Care Occupancies.**

R-710-003 Assisted Living Facilities as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references contained in said rule.

(Revised Ords. 1978, § 8-2-2)

## **CHAPTER 20-3. FIRE HYDRANT INSTALLATION**

### **Sec. 20-3-1. Fire Hydrants in Residential Subdivisions.**

Fire hydrants shall be installed at locations approved by the Sandy City Fire Department in all areas in which subdivisions are located according to the following rules and regulations which shall apply and govern ~~the~~ said installations and placement:

- (1) No dwelling unit in any development shall be located more than 200 feet from a fire hydrant, measured along a curb in front of each said fire hydrant. Guard rails or protective barricading shall be installed where necessary to protect fire hydrants from physical damage, but must not adversely affect or encumber their operation.
- (2) A copy of plot plans with the proposed hydrant location shall be filed with the Sandy City Fire Department for review, revisions, and approval. At least one copy of the approved plan shall be so filed for future reference.
- (3) No bond required hereunder shall be released until such time as the Fire Chief and City Engineer shall certify that all hydrants provided herewith are installed as per Sandy Public Utilities specifications, oriented correctly, in good working condition, caps are in place, and auxiliary valve and street boxes are installed and operational; further, the bond shall not be released until the Sandy City Fire Chief has accepted the facilities in writing as aforesaid.

(Revised Ords. 1978, § 8-3-1)

### **Sec. 20-3-2. Fire Hydrants Outside Residential Subdivisions.**

Fire hydrants shall be installed at locations approved by the Sandy City Fire Department in all areas in which commercial, industrial buildings, churches, schools, public buildings, multiple dwellings, rest homes, etc., and other such buildings are located. The following rules and regulations shall apply and govern ~~the~~ said installation and placement:

- (1) No building shall be more than 200 feet from a hydrant, the distance from hydrant to be measured along the street to the entrance of the property to the building.
- (2) A copy of plot plans with the proposed hydrant location shall be filed with the Sandy City Fire Department for review, revisions, and approval. At least one copy of the approved plan shall be so filed for future reference.
- (3) No bond required hereunder shall be released until such time as the Fire Chief and City Engineer shall certify that all hydrants provided herewith are installed as per Sandy Public Utilities specifications, oriented correctly, in good working condition, caps are in place, and auxiliary valve and street boxes are installed and operational; further, the bond shall not be released until the Sandy City Fire Chief has accepted the facilities in writing as aforesaid.

(Revised Ords. 1978, § 8-3-2)

**Sec. 20-3-3. Fire Hydrant Necessary.**

It shall be unlawful for any person to begin actual construction of any new building or building addition when said building is located on private property more than 200 feet from an approved and operating fire hydrant. No building permit shall be issued unless an accepted hydrant plan has been approved and filed with the Fire Chief.

(Revised Ords. 1978, § 8-3-3)

**Sec. 20-3-4. Location of Fire Hydrants and Water Mains.**

The water mains must be located in permanent easements. Sandy City is charged with perpetual maintenance of the mains and the hydrants. The water mains and fire hydrants shall be installed and approved for operation before any building in the subdivision may be framed or constructed further than foundations and concrete work.

(Revised Ords. 1978, § 8-3-4)

**Sec. 20-3-5. Penalty.**

Violation of any of the provisions of this chapter shall be considered a Class B misdemeanor and shall be punished accordingly.

(Revised Ords. 1978, § 8-3-5)

**CHAPTER 20-4. REGULATION OF FIRE LANES****Sec. 20-4-1. Fire Lanes.**

It shall be the duty of the City Fire Chief to designate, personally or through the City Fire Marshal, fire lanes where, in their judgment, the geographical, traffic, population density, and land use or any other relevant factors make such a designation desirable to protect life or property from fire or damage. Such fire lanes shall be established and designed to enable Fire Department personnel and equipment to have unimpaired and unobstructed and ready access to the subject premises for the purpose of firefighting and control. Said fire lanes may be designated on any premises, public or private, and power of designation shall include, but shall not be limited to, hospitals, schools, churches, theaters, restaurants, and shopping centers or malls.

(Revised Ords. 1978, § 8-4-1)

**Sec. 20-4-2. Establishing a Fire Lane.**

(a) In order to establish a fire lane, the Fire Department, through its Chief or Fire Marshal, shall give a written notice and order to the person, firm, or corporation in possession or control of the subject premises, setting forth:

- (1) The designation of a fire lane.
- (2) A general description of its location.
- (3) What signs, markings or warnings shall be required to physically establish ~~the~~ said fire lane or give notice to others of its existence and location.
- (4) The time within which said person, firm or corporation shall be required to comply with the written notice and order.

(b) All signs, markings and warning devices as required shall be installed and supplied at the sole cost of the owner or lessee of the subject premises within a reasonable time as designated and stated by the Fire Department in its written notice and order. It shall be unlawful to fail to comply with such written notice and order and any violation of this section shall be deemed an infraction. Each day that the person, firm or corporation fails to comply with the notice and order after the date of compliance shall have passed, ~~the~~ said person, firm or corporation shall be deemed to have committed a separate offense and violation.

(Revised Ords. 1978, § 8-4-2)

**Sec. 20-4-3. Fire Lanes Shall Be Unobstructed.**

A fire lane established and created pursuant to ~~these revised ordinances~~ this chapter shall be kept open and unobstructed at all times. It shall be unlawful for any person to stop, park, stand or in any way cause a designated

and properly marked fire lane to be blocked or obstructed by any vehicle or any obstruction. Any person failing to comply with the provisions of this section shall be deemed guilty of a Class B misdemeanor. Any vehicle left unattended in ~~the~~ said fire lane shall be towed away from ~~the~~ said fire lane and impounded and the owner thereof shall be responsible to pay all of the costs and charges related to such impoundment.

(Revised Ords. 1978, § 8-4-3)

## **CHAPTER 20-5. REGULATION OF FIREWORKS SALES AND DISTRIBUTION\***

\*State law reference—Fireworks, U.C.A. 1953, §§ 11-3-1 et seq., 53-7-220 et seq.

### **Sec. 20-5-1. Fireworks Authority and Purpose.**

(a) R710-002 Rules Pursuant to the Utah Fireworks Act, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(b) 53-7-201 Rules Pursuant to the Short Title, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(c) 53-7-202 Rules Pursuant to the Definitions, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(d) 53-7-221 Rules Pursuant to the Exceptions from Utah Fireworks Act, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(e) 53-7-222 Rules Pursuant to the Restrictions on Sale or Use of Fireworks, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(f) 57-7-223 Rules Pursuant to the State License for Display or Special Effects Operators - Permit - Fee - Division duties revocation, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(g) 53-7-225 Rules Pursuant to the Times for Sale and Discharge of Fireworks, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(h) 53-7-226 Rules Pursuant to the Violations - Misdemeanor, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(i) 11-3-1 thru 11-3-11 County and Municipal Fireworks Act, as adopted by the Utah State Fire Prevention Board, is hereby adopted, along with all relevant references in said rule.

(Revised Ords. 1978, § 8-5-1; Ord. No. 18-13, § 1 (exh. B, § 8-5-1), 5-8-2018)

### **Sec. 20-5-2. Enforcement.**

(a) Every officer charged with the enforcement of state and municipal laws, including all fire enforcement officials and the Division of Public Safety, is hereby charged with responsibility to enforce this chapter.

(b) Fireworks sold or offered for sale in violation of this chapter may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

(Revised Ords. 1978, § 8-5-3; Ord. No. 18-13, § 1 (exh. B, § 8-5-2), 5-8-2018)

### **Sec. 20-5-3. License Required.**

(a) No person shall engage in any type of retail, fireworks sales, storage or handling without first having submitted an application for and obtained a license to sell ~~fireworks~~ Class C common State-approved explosives from Sandy City.

(b) The license for ~~fireworks~~ Class C common State-approved explosives, issued by Sandy City, shall be available at the store or stand for presentation upon request to duly authorized public safety officials.

(c) Applications for a license shall be submitted to the Business License Officer and approval shall be governed by applicable provisions in this chapter, in Chapter 15-1 on business licensing and elsewhere in the Sandy City Ordinances.

(Revised Ords. 1978, § 8-5-4; Ord. No. 18-13, § 1 (exh. B, § 8-5-3), 5-8-2018)

**Sec. 20-5-4. License Application.**

All applications for a license to sell fireworks shall:

- (1) Be made in writing accompanied by a fee as per the current Sandy City fee schedule per stand, trailer or building. This fee shall apply to all business operations engaged in the retail sale, storage or handling of fireworks;
- (2) Set forth the proposed location for such operation, including, if the license application is for a temporary stand or trailer, a map indicating the position of such stand or trailer in relation to property lines and other structures in the immediate vicinity. (This requirement may be satisfied by materials submitted under temporary use permit requirements);
- (3) Include original insurance certificates evidencing Commercial General Liability, including Product Liability and Premises Liability coverage in favor of the applicant in the amount of \$2,000,000.00 per occurrence for bodily injury and \$1,000,000.00 property damage per occurrence, with a minimum aggregate limit of \$3,000,000.00 for multiple occurrences. Products Liability and Premises Liability coverage may be evidenced separately by an original Certificate of Insurance. Each certificate shall designate the City as an additional insured and be in a form, and with insurance companies that have an AM Best rating of A-IX or higher;
- (4) Include a statement that the applicant agrees to comply strictly with the terms of any license granted and to furnish any additional information upon request;
- (5) Include a copy of the Utah sales tax license;
- (6) Include a cash deposit, certificate of deposit, or surety bond as herein required;
- (7) Include written permission of the owner of the property on which the fireworks will be sold, if such owner is different from the licensee.

(Revised Ords. 1978, § 8-5-5; Ord. No. 18-13, § 1 (exh. B, § 8-5-4), 5-8-2018)

**Sec. 20-5-5. Notice of Approval or Denial of License.**

Applicants for a license shall be notified by the City of approval or denial of a license application no later than ten days after the application is originally made.

(Revised Ords. 1978, § 8-5-6; Ord. No. 18-13, § 1 (exh. B, § 8-5-5), 5-8-2018)

**Sec. 20-5-6. General Requirements.**

(a) Stands and trailers shall be removed no later than August 1 and January 8 and seven days after the Chinese New Year of each year.

(b) Each person seeking to operate a stand or trailer shall submit to the Sandy City Business License ~~Division~~ Section a cash deposit, certificate of deposit or surety bond made payable to the City in the amount of \$1,000.00 to assure compliance with the provisions of this section, including, but not limited to, the removal of the stand and the cleaning of the site. In the event the licensee does not comply or remove the stand or clean the site, the City may do so, or cause the same to be done by other persons, and the reasonable cost shall be a charge against the licensee and his deposit or surety bond.

(Revised Ords. 1978, § 8-5-7; Ord. No. 18-13, § 1 (exh. B, § 8-5-6), 5-8-2018)

**Sec. 20-5-7. Application.**

This chapter does not apply to the product inventories of fireworks manufacturers, importers, distributors or wholesalers designated for shipment directly out of the State.

(Revised Ords. 1978, § 8-5-8; Ord. No. 18-13, § 1 (exh. B, § 8-5-7), 5-8-2018)

**Sec. 20-5-8. Penalties.**

(a) Any person who sells retail fireworks other than those listed in Section 20-6-3, is guilty of a Class B misdemeanor.

(b) Any person violating this chapter is guilty of a Class B misdemeanor.

(Revised Ords. 1978, § 8-5-9; Ord. No. 18-13, § 1 (exh. B, § 8-5-8), 5-8-2018)

## **CHAPTER 20-6. REGULATION OF FIREWORK DISPLAYS AND DISCHARGE**

### **Sec. 20-6-1. Authority.**

This chapter is adopted pursuant to the authority granted municipalities in U.C.A. 1953, § 11-3-10 to regulate exhibitions of display fireworks.

(Revised Ords. 1978, § 8-6-1; Ord. No. 18-13, § 1 (exh. B, § 8-6-1), 5-8-2018)

### **Sec. 20-6-2. Permit Required.**

The display of fireworks otherwise prohibited by Chapter 20-5 is permitted if done pursuant to a permit issued and approved in writing by the Sandy City Fire Chief or his designee. The display of fireworks done in those prohibited areas, as defined in Section 20-6-4, is permitted by display operators and special effects operators to the extent allowed under the laws of the State of Utah and if done pursuant to a permit issued and approved in writing by the Sandy City Fire Chief or his designee.

(Revised Ords. 1978, § 8-6-2; Ord. No. 18-13, § 1 (exh. B, § 8-6-2), 5-8-2018)

### **Sec. 20-6-3. Application for Firework Displays.**

(a) Applications for permits for the display of fireworks under Section 20-6-2 shall be made in writing at least 20 days in advance of the date of the display. If such permit is granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(b) The permittee for the display shall post a bond with the City or furnish proof, acceptable to the City, of commercial general liability insurance in an amount no less than \$2,000,000.00 per occurrence, combined bodily injury and property damage coverage.

(1) All bonds shall meet at least one of the following requirements:

- a. The bond shall be posted by the permittee in cash or its equivalent; or
- b. The bond shall be posted by an institution regulated by the Utah Department of Financial Institutions, or by a financial institution regulated by the Federal Deposit Insurance Corporation and acceptable to the City, or by a surety holding a certificate or authority as acceptable surety on Federal bonds by the United States Department of the Treasury. In each case, the institution or surety shall be acceptable to the City and licensed to do business within the State of Utah.

(2) Sandy City shall be named insured on any insurance policy provided under this section, and the policy must be from an insurance company with a Best's Key Guide rating of "B+" or better.

(c) All displays of fireworks permitted under this chapter shall be operated in accordance with the standards established for the public display of fireworks by the National Fire Prevention Association.

(d) The Fire Chief or his authorized representative may at any time prior to or during a display of fireworks revoke a permit to display fireworks or terminate a display in progress because of winds, dryness, or other factors creating a risk of fire or injury.

(Revised Ords. 1978, § 8-6-3; Ord. No. 18-13, § 1 (exh. B, § 8-6-3), 5-8-2018)

### **Sec. 20-6-4. Discharge of Fireworks.**

Due to the presence of existing hazardous environmental conditions, the discharge of fireworks, as defined in U.C.A. 1953, § 53-7-202(14), is hereby prohibited within, into, or over the following areas:

- (1) Mountainous, brush-covered, forest-covered, or dry grass-covered areas;
- (2) Within 200 feet of waterways, trails, canyons, washes, ravines, vacant lots, or similar areas where natural or unmaintained vegetation is present; ~~and~~
- (3) The wildland urban interface area, which means the line, area, or zone where structures or other human

development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; and

- (4) Those areas of the City specifically described as prohibited in Exhibit "B" of ~~Sandy City Ordinance #18-13~~ of the ordinance from which this section is derived, copies of which ordinance and exhibit have been filed for use and examination by public in the office of the Sandy City Recorder.

(Ord. No. 18-13, § 1 (exh. B, § 8-6-4), 5-8-2018)

## **CHAPTER 20-7. NEW MATERIALS, PROCESSES, OR OCCUPANCIES**

### **Sec. 20-7-1. New Materials, Processes or Occupancies Which May Require Permits.**

The Chief Building Official and the Fire Chief or his authorized representative shall determine and specify, in conformance with such ordinances and regulations as may hereafter be adopted by the departments of Sandy City, any new materials, processes or occupancies which may require permits, in addition to those now enumerated in the International Fire Code, ~~2009 Edition~~. The Chief shall post such list, once adopted, in a conspicuous place in the City, distribute copies thereof to interested persons and publish such adopted list in conformance with ordinances hereinafter adopted by Sandy City.

(Revised Ords. 1978, § 8-7-1)

## **CHAPTER 20-8. APPEALS, PENALTIES AND CONFLICTS**

### **Sec. 20-8-1. Appeals.**

Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Sandy City Board of Appeals within 30 days from the date of the decision appealed.

(Revised Ords. 1978, § 8-8-1)

### **Sec. 20-8-2. Penalties.**

(a) Any person who shall violate any of the provisions of this Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a Class B misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions or shall not prevent the enforcement by Sandy City of any other remedy, civil or criminal, available for the protection of the health, welfare and safety of its citizens.

(Revised Ords. 1978, § 8-8-2)

### **Sec. 20-8-3. Conflicts.**

In the event that there are conflicts between requirements within this title, including the International Fire Code or Life Safety Code, currently adopted edition, the more restrictive requirements shall govern, except that, when conflicts arise between the provisions of the International Fire Code, ~~2012 Edition~~ as herein adopted and provisions established in this title independent from the International Fire Code, ~~2012 Edition~~, the independent provisions of this title shall govern.

(Revised Ords. 1978, § 8-8-3)

## **CHAPTER 20-9. COST RECOVERY FOR HAZARDOUS MATERIALS EMERGENCIES**

### **Sec. 20-9-1. Purpose.**

This chapter shall provide procedures for recovering costs incurred by the City for City assistance in hazardous materials emergencies pursuant to U.C.A. 1953, § 63-5-6(4).

(Revised Ords. 1978, § 8-9-1)

### **Sec. 20-9-2. Definitions.**

As used in this chapter: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Expenses* include the actual labor costs of government and volunteer personnel, including worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal and the cost of any contract labor and materials.
- (2) *Hazardous materials emergency* means a sudden and unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.

(Revised Ords. 1978, § 8-9-2)

### **Sec. 20-9-3. Recovery Authorization and Procedure.**

(a) The City is empowered to recover, from any person, corporation, partnership or other individual or entity whose negligent or intentional actions cause the hazardous material emergency, expenses incurred by City agencies directly associated with a response to a hazardous materials emergency, provided such expenses are consistent with the Hazardous Material Recovery Fees set by the City Council. Recoverable expenses for materials expended for cleanup shall be in addition to such hazardous material recovery fees.

- (b) Expenses shall be recovered pursuant to the following procedure:
  - (1) The City shall determine responsibility for the emergency and notify the responsible party by mail of the determination of responsibility and the costs to be recovered. In the alternative, the City may contract with qualified others for such services to be performed.
  - (2) The notice shall specify that the party determined responsible may appeal the City's decision, or the decision of such qualified other, before a Hearing Officer designated by the Mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than 15 days from the date of the notice.
  - (3) In the event the party determined responsible appeals the determination, the Hearing Officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions.
  - (4) The Hearing Officer shall, after the hearing, make a recommendation to the Mayor, who shall issue a decision assessing the responsibility and costs.

(Revised Ords. 1978, § 8-9-3)

### **Sec. 20-9-4. No Admission of Liability.**

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages.

(Revised Ords. 1978, § 8-9-4)

### **Sec. 20-9-5. Action to Recover Costs.**

In the event parties determined to be responsible for the repayment of hazardous material emergency costs fail to make payment to the City within 30 days after a determination of any appeal by the Mayor or 30 days from the deadline for appeal in the event no appeal is filed, the City may initiate legal action to recover from the parties determined responsible the costs determined to be owing, including the City's costs and reasonable attorneys' fees.

(Revised Ords. 1978, § 8-9-5)

## **CHAPTER 20-10. RAPID ACCESS KEY BOX**

### **Sec. 20-10-1. Applicability.**

(a) The City will be using the Knox Box brand of Lock Box, security pad locks and fire/standpipe security connection caps to allow entry to structures for fire and/or life safety purposes.

(b) The following structures shall be equipped with a rapid access key box ("Lock Box") within 12 months of the effective date of ~~this~~ the ordinance from which this chapter is derived:

- (1) Any commercial or industrial structure protected by an automatic suppression system (sprinkler or standpipe);
- (2) Any commercial or industrial structure protected by an automatic fire alarm system having a connection to a central monitoring station facility;
- (3) Any multifamily residential structure that possesses a common corridor for access to living units that also restricts building access by locking building entryway doors and/or has a common utility room for sprinkler or fire alarm appliances;
- (4) Any facility that is required to prepare and have readily available Material Safety Data Sheets and/or Hazardous Chemical Inventory as per Federal and State codes;
- (5) Other properties or structures where Fire Department or Police Department access would be delayed as determined by the Sandy City Fire Marshal ("Fire Marshal").

(c) All commercial buildings under construction must provide a temporary Lock Box for emergency access before construction begins.

(d) All newly constructed structures of the type described in Subsection ~~(1)~~ (b) of this section shall be equipped with a Lock Box prior to the issuance of a Certificate of Occupancy.

(e) Any commercial or industrial structure with an external audible fire alarm and or complex with perimeter fencing which limits emergency vehicle access is required to provide a Lock Box key or Knox Pad Lock.

(Revised Ords. 1978, § 8-10-1)

### **Sec. 20-10-2. Installation; Accountability.**

(a) Application for a Lock Box shall be obtained from the Fire Marshal.

(b) The owner or operator of a structure required to have a Lock Box is responsible for installation of the Lock Box. This box shall be a UL type approved by the Fire Marshal.

(c) The Lock Box shall be installed at a location as approved by the Fire Marshal.

(d) The size of the Lock Box that is required to be installed will be determined by the number of keys or units that the box will support at the property location as approved by the Fire Marshal.

(e) More than one Lock Box may be required to be installed as per the building size or complex size as per the Fire Marshal.

(f) A Lock Box tamper switch connected to the building's fire alarm system may be required.

(g) The Fire Marshal is responsible to ensure that each key to each Lock Box is properly accounted for and secure.

(Revised Ords. 1978, § 8-10-2)

### **Sec. 20-10-3. Contents of Lock Box.**

The contents of the Lock Box shall include the following:

- (1) Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings.
- (2) Keys to all mechanicals rooms.

- (3) Keys to all locked electrical rooms.
- (4) Keys to elevators and their control rooms.
- (5) Keys to fire alarm panels.
- (6) Keys (special) to re-set pull stations or other fire protective devices.
- (7) Keys to any other areas as requested by the Fire Marshal.
- (8) A card containing the names and telephone numbers of emergency contact people for such buildings or any code numbers associated with their fire protection systems. These contact persons must be available on a 24 hour basis.

Note: In lieu of having the interior keys in the exterior Lock Box, a second Lock Box may be located within the main lobby of the building to hold these keys.

(Revised Ords. 1978, § 8-10-3)

**Sec. 20-10-4. Maintenance.**

(a) The operator of the building shall immediately notify the Sandy City Fire or Police Departments and provide the new keys when a lock is changed or re-keyed. The key to such lock shall be secured in the Lock Box.

(b) The operator of the building shall be responsible for the Lock Box to be in proper working condition and to replace or make repairs as may be necessary.

(Revised Ords. 1978, § 8-10-4)

**Sec. 20-10-5. Temporary Key Lock Box during Times of Construction.**

(a) Before any work is started on any regulated building or property complex that would require the installation of a rapid access key box or Knox Pad Lock, it shall be the responsibility of its owner or operator to apply for a Lock Box or Knox Pad Lock.

(b) Application for this temporary Lock Box or Knox Pad Lock shall be made through the Fire Marshal.

(c) This temporary Lock Box or Knox Pad Lock will be supplied by the Fire Marshal and must be returned prior to issuance of any Certificate of Occupancy.

(d) The temporary Lock Box must be mounted and keys installed prior to securing the site or building in a location approved by the Fire Marshal.

(e) The fee for the temporary Lock Box shall be as determined by the Fire Marshal.

(Revised Ords. 1978, § 8-10-5)

**Sec. 20-10-6. Security Caps.**

When a building is protected by an automatic sprinkler system or standpipe system, the Fire Marshal shall require the Fire Department Connection to have a Fire Department Connection Security Cap installed. The Fire Department Connection Security Cap shall be a type approved by the Fire Marshal.

(Revised Ords. 1978, § 8-10-6)

**Sec. 20-10-7. Penalties for Violation of Chapter.**

(a) Failure to install a Fire Department Connection Security Cap, Lock Box, and Knox Pad Lock, or to provide a Lock Box within 30 days of the date required under the directions of this chapter, enables the City to install said device or equipment at the owner's expense.

(b) Any violation of this chapter by any owner or operator is hereby declared to be a Class B misdemeanor and, in addition, shall subject any such owner or operator a fine of \$500.00. Each day that such violation shall continue after notification shall be considered separate violations carrying an additional penalty of \$50.00 per day.

(Revised Ords. 1978, § 8-10-7)

**CHAPTER 20-11. INSPECTION RECORDS****Sec. 20-11-1. Records Reporting System.**

The Fire Chief shall require and enforce a records reporting system for submission and retention of fire inspection, testing and maintenance reports resulting from inspections, tests and maintenance of building fire protection and related systems, including, but not limited to, fire sprinkler systems; fire alarm systems; hood fire suppression systems; FM-200 systems; specialized fire suppression systems; spray booths; and fire pumps. The records reporting system may be provided by a single-point repository service vendor under contract with Sandy City.

(Ord. No. 17-20, exh. A(8-11-1), 7-25-2017)

**Sec. 20-11-2. Inspector and Owner Compliance.**

(a) Records of all required fire protection and related system inspections, tests and maintenance shall be maintained on the premises for a minimum of three years and shall be submitted as prescribed by the Fire Chief within five working days after the inspections, tests, or maintenance are completed.

(b) Any person who performs an inspection, testing, installation or maintenance on any fire protection or related system in any building shall use the required records reporting system, which may require reports to be submitted to an approved single-point repository service vendor in a format compatible with such service. Fees, as applicable, will be paid by the person who performed the inspection, test, installation or maintenance to the approved single-point repository service vendor.

(Ord. No. 17-20, exh. A(8-11-2), 7-25-2017)

PROOFS

Title ~~15A-21~~**UNIFIED DEVELOPMENT ORDINANCE****CHAPTER ~~15A-01-21-1~~. ORGANIZATION****Sec. 21-1-1. Short Title.**

This title shall be known as the Development Code of Sandy City 2008 (may be referred to hereinafter as ~~the Code~~ "this title") and may be so cited and pleaded.

(LDC 2008, § 15A-01-01)

**Sec. 21-1-2. Authority.**

This title is adopted pursuant to the provisions of the Utah Code Annotated, including the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.).

(LDC 2008, § 15A-01-02)

**Sec. 21-1-3. Purpose and Scope.**

(a) *Purpose.* ~~This Code is adopted~~ The ordinance from which this title is derived is adopted to implement the Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, and welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this ~~Code~~ title is established to promote the following purposes:

- (1) *General.*
  - a. To facilitate the orderly growth and development of Sandy City.
  - b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
  - c. To stabilize property values.
  - d. To enhance the economic well-being of Sandy City and its inhabitants.
- (2) *Implementation of General Plan.* To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
- (3) *Comprehensive, Consistent and Equitable Regulations.* To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
- (4) *Efficiently and Effectively Managed Procedures.*
  - a. To promote fair procedures that are efficient and effective in terms of time and expense.
  - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
  - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

(b) *Scope.* Consistent with the above purpose and intent, this ~~Code~~ title establishes land use classifications; creates zoning districts; establishes regulations, prohibitions, and restrictions on land use and development; governs the use of land for residential and nonresidential purposes; regulates the height and bulk of buildings and other structures; regulates lot occupancy and the size of yards and other open spaces; establishes standards of performance and design; adopts a map of the zoning districts; creates boards and commissions for land use and development decisions and defines the powers and duties of the administration, land use authority, and appeal authority;

prescribes procedures for changes of districts, conditional use permits, subdivision approvals, variances, special exceptions, appeals, and annexations; and prescribes penalties for violations of this title.

(LDC 2008, § 15A-01-03)

#### **Sec. 21-1-4. Relationship to General Plan.**

(a) The adoption of the ordinance from which this title is derived is consistent with, compatible with, and furthers the goals, policies, objectives, and programs of the General Plan. It is the intent of the City Council that regulatory decisions made pursuant to this title be consistent with the General Plan.

(b) For purposes of this title, the term "consistency with the General Plan" means not only consistency with the Plan's land use and density designations, but also consistency with all aspects of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources.

(LDC 2008, § 15A-01-04)

#### **Sec. 21-1-5. Effect on Previous Ordinances and Maps.**

~~Title 15 of the revised ordinances of Sandy City hereby known as the Development Code 2002, as amended, is hereby superseded and amended to read as set forth herein. Any maps previously adopted shall remain in affect pursuant to the Development Code this title. This ~~Code~~ title shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions of previous codes is included in this ~~Code~~ title, whether in the same or in different language. This Code shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes, to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.~~

(LDC 2008, § 15A-01-05)

#### **Sec. 21-1-6. Interpretation.**

Interpretation and application of the provisions and requirements contained herein are declared to be the minimum requirements for the purposes set forth, unless otherwise specifically stated. If in the course of administration hereof, a question arises as to the meaning of any phrase, section, or chapter, or zone district, the interpretation thereof shall be given by the Community Development Director (hereinafter referred to as the "Director") and shall be construed to be the official interpretation thereof. In the event that there is a need of further interpretation by any person, firm or corporation, or official of Sandy City, they shall submit the question to the Planning Commission, which, unless otherwise provided, is authorized to interpret the ~~ordinance~~ title and such interpretation shall be final.

(LDC 2008, § 15A-01-06)

#### **Sec. 21-1-7. Conflict.**

This ~~Code~~ title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws (which are not superseded by this ~~Code~~ title), but shall prevail when such provisions are less restrictive. In the event of a question between this ~~Code~~ title and the General Plan, this ~~Code~~ title shall prevail.

(LDC 2008, § 15A-01-07)

#### **~~Sec. 15A-01-08. How to Use the Land Development Code~~**

~~The Sandy City Land Development Code governs land use and development within the incorporated limits of Sandy City. The eight sections of the Code and Appendix are used together in the review of land use and development applications, enforcement of zoning and land use regulations, and implementation of the Sandy City General Plan. They are organized as follows:~~

- ~~A. Section 1 — Introduction and General Provisions. Section 1 provides information on the legal construction of the Code, enforcement, general provisions, and information on City officers, boards, and commissions.~~
- ~~B. Section 2 — Establish Zone Districts. Section 2 identifies the City's Zoning (land use) Districts. Every parcel, lot, and tract of land within the City's incorporated boundaries is located within a zoning district, as depicted on the Sandy City Zoning Map. This section also includes information on amendments to the~~

~~Zoning Map and the Development Code.~~

- ~~C. Section 3 Land Use Districts. Section 3 indicates the land uses that are permitted within each zoning district. The Code is intended to implement the vision and policies of the Sandy City General Plan by reserving land for planned land uses, providing compatibility between different types of uses, and integrating land use and transportation planning.~~
- ~~D. Section 4 Overlay Zones. Section 4 contains the City's overlay zones.~~
- ~~E. Section 5 SD Districts. Section 5 contains the City's SD (Special Development) Districts.~~
- ~~F. Section 6 Development Standards. Section 6 provides standards for housing density, design, building height, bulk and setbacks, vehicle and bicycle parking, landscapes, access and circulation for pedestrians and vehicles, signs, lighting, and transportation demand management.~~
- ~~G. Section 7 Applications and Review Procedures. Section 7 provides all of the requirements for obtaining approvals required by this Code.~~
- ~~H. Section 8 Definitions. Section 8 provides definitions for certain terms and words used in this Code.~~
- ~~I. Appendix. The Appendix contains various administrative rules and guidelines, as may be adopted and updated from time to time by City departments and divisions. The administrative rules and guidelines provide guidance and direction to applications, property owners, and City staff. They are not Code standards, although Code standards and approval criteria may refer to these rules and guidelines.~~

(LDC 2008, § 15A-01-08)

## ~~CHAPTER 15A-02-21-2. GENERAL PROVISIONS~~

### **Sec. 21-2-1. Violations and Penalties.**

(a) *Violations.* It is unlawful to construct, erect, install, alter, change, maintain, use, or permit the construction, erection, installation, alteration, change, maintenance or use of any house, building, structure, sign, landscape area, parking lot, fenced lot or other land contrary to any of the provisions of this ~~Code title~~. Any land use that is specifically prohibited by this ~~Code title~~ or is unspecified and not classified by the Director is prohibited in any district.

(b) *Property Owner is Responsible Party.* The owner and/or the person in possession of any property used in violation of this ~~Code title~~ shall be responsible for any violation thereof, whether or not he or his agent has committed the prohibited acts or has neglected to prevent the performance of the prohibited acts by another person.

(c) *Penalty.* Any person, firm, or corporation violating any of the provisions of this ~~Code title~~ (and any amendments hereto, or of any adopted subdivisions, official maps, major street plan ordinance, or regulations) shall, upon conviction, be punishable as a Class C misdemeanor.

(d) *Number of Offenses.* Every person, firm, or corporation shall be deemed responsible or guilty of a separate offense for each and every day during ~~that~~ which any violation is committed or continued.

(e) *Remedy.*

(1) The City, or any adversely affected owner of real estate within the City in which violations of this ~~Code title~~ occur or are about to occur, may, in addition to other remedies provided by law, institute:

- a. Injunctions, mandamus, abatement, or any other appropriate action.
- b. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(2) The City need only establish the violation to obtain the injunction.

(3) The City may, in addition to other remedies provided by law, enforce the ordinance by:

- a. Withholding building permits; or
- b. Taking action to cancel any permit or approval for failure to comply fully with the terms of any permit or approval, including, but not limited to, a conditional use permit, site plan review, building permit, variance, or special exception. The authority that issued the permit or approval shall

consider the matter at a public hearing preceded by at least ten days' notice to the licensee/permittee. Cancellation or revocation of a permit or approval may be appealed in the same manner as the original action.

(f) *Nuisance and Abatement.* Any required fencing, landscaping, parking lot, lighting, or other required site plan elements, building or structure erected, constructed, altered, enlarged, converted, moved, removed, or maintained contrary to the provisions of this ~~Code title~~, and any use of any conditional use permit, approved site plan, other approved development plans and permits, land, building, or premises established, conducted, or maintained contrary to the provisions of this ~~Code title~~ shall be, and the same hereby is declared to be, unlawful and a public nuisance. In addition to other remedies provided by ~~the law~~, the City Attorney, upon request of the Director, may immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building use or structure, and restrain and enjoin any person, firm, or corporation from erecting, building, maintaining, or using any such building, structure, or property contrary to the provisions of this ~~Code title~~. The remedies provided for herein shall be cumulative and not exclusive.

(LDC 2008, § 15A-02-01)

### **Sec. 21-2-2. Severability.**

Should any ~~article chapter~~, section, clause, or provision of this ~~Code title~~ be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ~~Code title~~ as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(LDC 2008, § 15A-02-02)

### **Sec. 21-2-3. Compliance and Scope.**

(a) *Use of Land, Buildings, and Structures.* No land shall be used or occupied and no building or structure shall be designed, erected, altered, used, or occupied for any use except those uses specifically permitted on the land upon which the building or structure is located or erected or use established as permitted in the regulations for the district in which said land is located. Storage of any kind on a vacant lot is prohibited.

(b) *Development to be in Accordance with Terms of Licenses, Permits, or Approvals.*

(1) All construction, operations, and occupancy shall be in accordance to approved building permits, conditional use permits, approved site plans, business licenses, and other permits which may be required. No deviance from said permits or approvals shall be made unless the proper variances, special exceptions, or appeals have been granted as per this ~~Code title~~.

(2) No building permit shall be issued until all permits, reviews, or approvals required by this ~~Code title~~ have been secured. Grading permits may be issued by the Building and Safety Division prior to the issuance of a building permit with the approval of the Sandy City Engineer and Director, accompanied by a bond (amount to be determined by the Sandy City Engineer). Except as specifically provided herein, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required by this ~~Code title~~.

(c) *Conformance to Ordinance Provisions.* All City officials who are vested with the duty or authority to issue permits shall conform to the provisions of this ~~Code title~~ and shall issue no permit, certificate, license for uses, buildings, or purposes in conflict with the provisions of this ~~Code title~~. Any such permit, certificate or license issued in conflict with the provisions of this ~~Code title~~, intentionally or otherwise, shall be null and void.

(d) *Inspection of Property.*

(1) *Inspection of Buildings, Structures, and Land Uses.* The Director is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this ~~Code title~~; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification, or repair of any building or structure unless otherwise provided herein or elsewhere in the ordinances of Sandy City.

(2) *Right of Entry.* The Director or any authorized employee shall have the right to enter any building for

the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this ~~Code title~~, provided such right of entry shall be exercised only at a reasonable hour and in no case shall entry be made to any building in the absence of the owner or tenant thereof without their consent or a written order of a court of competent jurisdiction.

(LDC 2008, § 15A-02-03)

**Sec. 21-2-4. Fees.**

A fee shall be paid for certain reviews and permits as established by the City Council. No such fee ~~approved and listed in the Sandy City budget~~ shall be returnable in the event that the permit or approval applied for is denied.

(LDC 2008, § 15A-02-04)

**Sec. 21-2-5. Administrative Reviews and Permits.**

(a) *Review for Building Permits.* The Chief Building Official shall submit all applications for building permits to the Director for review. Such review shall determine compliance with the regulations of this ~~Code title~~. The requirements for a building permit shall be established by the Director. The Chief Building Official shall issue no building permit until the application is approved for zoning compliance by the Director.

(b) *Review for Business Licenses and Home Occupations.* All applications for business licenses, home occupations, or renewal of such licenses shall be submitted to the Director for review to determine compliance with this ~~Code title~~.

(c) *Site Plan Review.* All applications for site plan review as provided for in this ~~Code title~~ shall be submitted to the Director. The Director shall receive all submittals to ensure completeness and prepare submittals for review.

(d) *Conditional Use Permit.* All applications for a conditional use permit shall be submitted to the Director as provided for in this ~~Code title~~. The Director shall receive all submittals, ensure completeness of submittals, and prepare submittals for review by the Planning Commission.

(e) *Temporary Use Permit.* All applications for a temporary use permit shall be received by the Director and follow the procedure as described in this Code.

(f) *Amendments.* All requests for amendments or changes to the ~~Development Code this title~~ or Zone District Map shall be initiated with the Director. The amendment process shall proceed as provided for in this ~~Code title~~.

(g) *Sign Permit.* As provided in this ~~Code title~~, the Director shall be responsible for issuance of permits for signs and for enforcement of sign regulations.

(h) *Grading Permit.* As provided in this ~~Code title~~, the Building and Safety Division shall be responsible for issuance of permits for grading and for enforcement of grading regulations.

(LDC 2008, § 15A-02-05)

**Sec. 21-2-6. Expiration of Licenses, Permits and Approvals.**

Each license, permit, or approval issued, as set forth herein, shall expire after 180 days if no construction is undertaken or no work is done, unless a different time period is specifically set forth at the time of issuance of the license or permit or in this ~~Code title~~, or unless an extension is granted by the issuing agency prior to expiration.

(LDC 2008, § 15A-02-06)

**Sec. 21-2-7. Lot Standards.**

Except for more flexible requirements, as those pertaining to planned unit developments or as may be otherwise provided in this ~~Code title~~, every lot within the City shall have such area as is required by this ~~Code title~~ and shall have the required frontage upon a dedicated or publicly-approved street before a building permit may be issued.

(LDC 2008, § 15A-02-07)

**Sec. 21-2-8. Substandard Lots.**

The requirements of this ~~Code title~~ as to minimum lot area or lot width shall not be construed to prevent the

use for a single unit dwelling of any lot or parcel of land in the event that such lot has been held in separate ownership prior to and continuing since the adoption of ~~this Code~~ the ordinance from which this title is derived and zoning regulations in effect prior to the adoption of ~~this Code~~ the ordinance from which this title is derived.

(LDC 2008, § 15A-02-08)

#### **Sec. 21-2-9. Every Dwelling on a Lot.**

Unless otherwise permitted by this ~~Code~~ title, every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth, frontage, and public improvements required by this ~~Code~~ title for the zone district in which the dwelling structure is located, except group dwelling complexes under single ownership and management which are permitted by this ~~Code~~ title may occupy one lot for each such multi-structure complex. No recreational vehicle as herein defined shall be located, placed, used, or occupied for residential purposes in any zone district.

(LDC 2008, § 15A-02-09; Ord. No. 13-13, 6-5-2013)

#### **Sec. 21-2-10. Yard Space for One Building Only.**

No required yard or other open space around a building, or which is hereafter provided around any building, for the purpose of complying with the provisions of this ~~Code~~ 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 a lot whereon a building is to be erected or established.

(LDC 2008, § 15A-02-10)

#### **Sec. 21-2-11. Yard to Be Unobstructed, Exceptions.**

Every part of a required yard shall be open to the sky and unobstructed, except for accessory buildings in a rear or side yard and for the ordinary projections of skylights, sills, cornices, chimneys, flues, other ornamental features which project into a yard not more than two feet, and fire escape structures projecting into a yard not more than five feet.

(LDC 2008, § 15A-02-11)

#### **Sec. 21-2-12. Clear View of Intersecting Streets.**

(a) In all districts or uses for which a front yard is required, no opaque obstruction to view in excess of three feet high (above top back of curb) shall be placed on any corner lot within a triangular area formed by the intersection of straight lines extended from the back of the curb (or future curb) and a line connecting them at points 60 feet from the intersection of the curb line, except a reasonable number of trees pruned to permit unobstructed views to automobile drivers.

[GRAPHIC]

(b) Deviations from these requirements must be reviewed by the Transportation Engineer to determine if there is an acceptable degree of safety.

(LDC 2008, § 15A-02-12)

#### **Sec. 21-2-13. Sale or Lease of Required Space.**

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this ~~Code~~ title for a lot or building may be sold or leased apart from such lot or building.

(LDC 2008, § 15A-02-13)

#### **Sec. 21-2-14. Division of Lots Below Minimum Space Requirements.**

No parcel of land which has less than the minimum width and area requirements for the zone district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of a building or development as a lot.

(LDC 2008, § 15A-02-14)

#### **Sec. 21-2-15. Conservation of Values.**

It shall be the responsibility of each property owner to maintain their property in a good, clean condition, making necessary repairs to the home, accessory structures (e.g., fencing, yard lights, and other appurtenances) and landscaping. Good condition shall mean properly painted structures, fences in an upright and stable position, landscaping free of weeds, dead materials (e.g., dead trees or shrubs), as well as generally accepted maintenance practices for residential property, as more specifically addressed within ~~the Sandy City Property Maintenance Ordinance~~ Title 19.

(LDC 2008, § 15A-02-15)

**Sec. 21-2-16. Guarantee for Improvements.**

(a) *Definitions.* ~~As used in this part.~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *City* means Sandy City and its employees and contractors.
- (2) *Cost of construction* means the full, or 100 percent, value of the estimated cost of installing the improvements, as determined by the City Engineer.
- (3) *Director* means the Community Development Director.
- (4) *Documents* means approved site plans, Sandy City Standard Specifications and Details, building and/or grading permits, City ordinances, and other drawings and documents pertinent to the project.
- (5) *Estimate* means the document, prepared by the City Engineer, showing the dollar amount which the City will require the owner to post as the guarantee for improvements. The dollar amount is based on the reasonable cost of construction as determined by the City Engineer of each required improvement.
- (6) *Guarantee* or *guarantee for improvements* means a cash bond, escrow bond or letter of credit provided by the owner as further defined in Subsection (q) of this section. The term "guarantee" also means the dollar amount posted by the owner.
- (7) *Improvement* means infrastructure that an owner is required by the documents to install as a condition to recording a subdivision plat or developing a commercial, office, industrial, mixed use, or multifamily project. Improvements can be either public or private and are further defined in Subsection (c) of this section.
- (8) *Owner* means owners, developers, contractors and/or land use applicants.

(b) *Owner is Responsible for Performing All Improvements.* The installation of all improvements is the responsibility of the owner, unless otherwise approved by the City Engineer.

(c) *Improvements.* Improvements are listed below, and shall be designated throughout this ~~part~~ section by their respective numbers, 1 through 17.

Public Improvements:

1. Any water system facilities proposed to be maintained by the City, such as water main lines, service laterals, meter boxes, fire hydrants, back-flow prevention devices, and other appurtenances.
2. Any irrigation and flood control systems proposed to be maintained by the City.
3. Any roadway improvements proposed to be maintained by the City, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, street signs, etc.
4. Retaining walls that support public roads.
5. Street lights.
6. Public streetscape (trees, benches, grass, etc.).
7. Survey monuments and rivets.

Private Improvements:

8. Water system facilities proposed to be privately-maintained, such as water main lines, service laterals, meter boxes, fire hydrants, back-flow prevention devices, and other appurtenances.
9. Private irrigation and flood control systems.
10. Any roadway or parking lot improvements proposed to be privately-maintained, to include privately maintained curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, parking lot lights, etc.
11. Retaining walls that do not support public roads.
12. Dumpster enclosures.
13. Roof screening.
14. Fencing and walls (not retaining walls).
15. Landscaping and sprinkling systems in designated common areas.
16. Any other reasonably required improvements determined by the City Engineer and Director in order to meet the intent of this ~~Code~~ title.
17. In PUDs and HSDs, required landscaping and sprinkling systems for a yard or lot for an individual home.

(d) *Guarantee for Improvements.* Owners proposing new or substantially modified commercial, office, industrial, multifamily, or single-family residential projects, with required on-site or off-site improvements in the City, are required to post a guarantee for improvements on forms acceptable to the City, prior to City approval for construction of the project. The dollar amount of the guarantee shall be based on the reasonable cost of construction as determined by the City Engineer or Director (or designee).

(e) *City Engineer's Estimate.* The City Engineer or his representative shall prepare one or more estimates, the number of which shall be determined by the City Engineer. The sum of these estimates shall be the total dollar amount required for the guarantee.

(f) *Separate Estimates.*

(1) The City Engineer may provide separate estimates, grouping certain improvements on each estimate, with the intent to provide the owner the opportunity to install each grouping of improvements completely and then apply for release of the guarantee amount associated with that estimate. Generally, there may be up to four estimates as determined by the City Engineer, with suggested groupings of improvements as follows:

- a. Estimate containing improvements 1 and 8;
- b. Estimate containing improvements 2 through 4, 9 and 10;
- c. Estimate containing improvements 5, 7, and 11 through 14;
- d. Estimate containing improvements 6 and 15.

(2) Other groupings of improvements may be approved by the City Engineer.

(3) All improvements included with each separate estimate, as well as all other items required by the City Engineer and Director, shall be installed to the satisfaction of City Engineer before any portion of the guarantee amount associated with that separate estimate will be released.

(g) *Amount of the Guarantee.* The following percentages refer to the dollar amounts of the cost of construction as determined by the City Engineer:

- (1) 100 percent for improvements 1 through 7 shall be provided prior to approval.
- (2) 50 percent for improvements 8 and 9 shall be provided prior to approval.
- (3) Ten percent for improvements 10 through 15 may be required prior to approval, as determined by the City Engineer.
- (4) 100 percent or ten percent for improvement 16 may be required prior to approval, as determined by the

City Engineer.

- (5) \$3,500.00 for improvement 17 shall be provided at the time of issuance of the building permit.
- (6) The City Engineer reserves the right to add an additional dollar amount to an estimate in order to reach an amount equal to the cost of construction.

(h) *Installation of Improvements Prior to Site Occupancy.* Improvements 1 through 4 and 8 through 11 shall be installed to the satisfaction of the City Engineer prior to the issuance of any occupancy permit for the development, unless otherwise approved by the Director (or designee) and the City Engineer.

(i) *Time Period for Installation of Improvements.* All improvements shall be installed to the satisfaction of the City Engineer within one year from the date the guarantee is posted with the City, unless otherwise approved by the Director (or designee) and City Engineer.

(j) *Specified Sequence.* To protect the health, safety and welfare of the City and its residents from traffic, flood, drainage or other hazards, the City Engineer may require that the improvements, including those found damaged or defective prior to 100 percent release of the guarantee, be installed or repaired in a specified sequence and/or within a specified period of time, which may be less than one year. The City Engineer will notify the owner in writing of that requirement, if the City Engineer deems such action appropriate. If the owner fails to install the specified improvements or repairs as required by the City Engineer, the City may take whatever action it deems appropriate to install the improvements or make the repairs, including foreclosure on the guarantee.

(k) *Release of Guarantee.* The individual estimate shall be the document that governs what dollar amounts can be released at any given time, upon approval by the City Engineer. A portion of the guarantee monies shown on an estimate may be released when all the improvements on an estimate have been installed and approved.

(l) *Initiating Inspections for Release of Guarantee.* Inspections will be scheduled upon the owner's written request. Said request shall contain a statement affirming that all improvements are complete and that there are no material or workmanship liens filed against the project.

(m) *80 Percent Release of Water System.* Upon 100 percent completion of improvements 1 and 8, or as otherwise approved by the City Engineer, the City may release a dollar amount that leaves a guarantee with the City that is equal to no less than 20 percent of the cost of construction for improvements 1 and 8.

(n) *90 Percent Release of Guarantee.* Upon 100 percent completion of improvements 1 through 15 (and, in some cases, 16) or as otherwise approved by the City Engineer:

- (1) The City may release an additional dollar amount that leaves a guarantee with the City that is no less than ten percent of the cost of construction for improvements 1 and 8, if Subsection (m) of this section applies, and all work on improvements 1, 3, and 10 has been completed;
- (2) The City may release a dollar amount that leaves a guarantee with the City that is no less than ten percent of the cost of construction for improvements 2 through 7 and 9 (and, in some cases, 16);
- (3) No portion of the guarantee for improvements 10 through 15 (and, in some cases, 16) will be released until the City has approved a 100 percent release, as provided in Subsection (p) of this section, if those items were initially guaranteed at ten percent according to Subsection (g) of this section.

Subsections (n)(1) and (2) constitute a 90 percent release of guarantee.

(o) *One-Year Warranty Period.* Upon 100 percent completion of the improvements listed on each separate estimate, and upon the 90 percent release of guarantee for that estimate, as set forth in Subsection (n) of this section, the one-year warranty period will begin for the improvements on that estimate.

(p) *100 Percent Release of Guarantee.* At the end of the one-year warranty period, and after any needed repairs of improvements are made, inspections will be scheduled, upon the owner's request to the City. Any deficiencies noted by City inspectors shall be corrected by the owner within 30 days from the time the inspector notifies the owner. If the deficiencies are not corrected within 30 days, the City has the right to foreclose on the guarantee and correct the deficiencies using the guarantee monies and/or take other action the City deems appropriate. Upon approval by the City Engineer, the City may release all remaining portions of the guarantee. This constitutes a 100 percent release of guarantee.

(q) *Type of Guarantee.* Guarantees shall be approved by the City and may be either:

- (1) An irrevocable letter of credit from a bank or credit union, chartered under the laws of the State of Utah or the United States of America, licensed and regulated by the Department of Financial Institutions of the State of Utah or its successor, insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund, and having an office in the State of Utah. The letter of credit shall be signed by the guarantor, with the signature notarized and attested.
- (2) An escrow bond having as a guarantor an organization licensed and regulated by the Department of Financial Institutions of the State of Utah, or its successor, having an office in the State of Utah, and which is insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund. Escrow bonds shall be submitted on forms provided by the City and shall consist of a letter of commitment, signed by both the guarantor and the owner, with the signatures notarized and attested.
- (3) A cash bond, submitted on forms provided by the City and signed by the owner, with the signature notarized and attested.

(r) *Guarantee Form.* The following conditions apply to all types of guarantees and may be required as a statement or included on the guarantee form:

- (1) The City Engineer's estimates of required improvements.
- (2) A statement that, upon completion, inspection and approval of all improvements, a portion of the guarantee may be released and a portion of the original estimate amount will be withheld for one year after inspection, as set forth in this ~~part-section~~. Said withheld amount will be available for use by the City as a guarantee in case of defective or faulty workmanship, deterioration, failure, faulty design and all other situations that do not conform to the applicable City specifications and approved drawings. After inspection and authorization from the City, and following the one-year warranty period, this withheld amount may be released.
- (3) A statement signed by the owner and filed with the City Engineer certifying that no material liens or mechanic (workmanship) liens exist with regard to the improvements related to any part of the guarantee.
- (4) Upon the request of the City Engineer, the guarantor of an escrow bond shall certify the amount existing in the escrow account pertaining to the guarantee, noting the amount of the current balance and amounts released and the date of such releases.
- (5) The guarantees shall be issued in the name of the party signing the Improvement Agreement document, Agreement to Conditions document and all other binding documents relating to the specific development.
- (6) The owner may be required to sign a statement that certifies that he/~~she~~ has or will notify all subcontractors that the City will not release any portion of the guarantee until all improvements are installed and the work has been inspected and accepted by the City, at which time the City may release no more than the portions allowed under this ~~part-section~~.

(s) *Duration, Terms, Extensions.* Every guarantee shall run to the benefit of the City and have an express term of at least three years from the date the guarantee is posted for any improvement to which it applies. Further, such guarantee shall contain language that ensures performance of the improvements by the owner and a provision for unconditional payment of the face amount of the guarantee within ten days from any declaration of default or forfeiture. Guarantee extensions beyond three years may be allowed under special circumstances upon written request by the owner and with written approval by the City Engineer. The guaranteeing institution shall provide a written extension of the guarantee if it is not already within the express terms of the guarantee.

(t) *Default.* If the owner is in default or fails or neglects to satisfactorily install the improvements or satisfactorily complete any other development approval as required by the City, within one year from the date of posting the guarantee, or earlier time as established by this ~~part-section~~, the City may, in its sole discretion, declare the guarantee forfeited and use the proceeds of the guarantee to install the required improvements. The City may deduct its administrative overhead and any other appropriate costs from the guarantee. If the guarantee is insufficient to install the improvements or collect the aforementioned costs, the City may take any other action it deems

applicable to collect on the guarantee, which may include liens, or any other civil or criminal remedies allowable by law.

(u) *Utility Systems Connection Protection Guarantee.* The owner may have the option of posting a Utility Systems Connection Protection Guarantee, in the amount of \$25,000.00 (or other amount as determined by the Public Utilities Director, based upon the size, scope and potential impact of the development activity upon the existing utility system), in lieu of the guarantee described in Subsections (d) through (g) of this section. The City will not allow the use of this pre-installation of required infrastructure improvements alternative unless it is anticipated that a building permit will be issued or that a subdivision plat will be recorded.

- (1) After posting the Utility Systems Connection Protection Guarantee, the owner may install all improvements, except for any buildings, if the following have been completed to the satisfaction of the City Engineer and the Director:
  - a. Final subdivision or site plan review approval has been granted by the City and all final project plans, designs, construction drawings, plan and profile drawings, specification and requirements of project plan approvals have been granted by the City and all required fees have been paid to the City.
  - b. The City Engineer has finalized his estimates and calculated the total dollar amounts of the cost of construction of all of the improvements.
  - c. The owner has obtained all required road cut permits from the U.D.O.T., Salt Lake County or the City, as appropriate.
  - d. The owner has obtained all required permits and approvals from all affected utility providers, local districts, culinary water authorities, canal companies or canal operators or other affected entities.
  - e. The owner has posted the necessary acceptable minimum amount (as determined by the City Risk Manager) of contractor liability insurance, naming Sandy City as an additional insured on the project.
- (2) When the owner has completed the construction and installation of the required or proposed improvements, or the owner has need of recording the subdivision plat or desires a building permit, the owner shall notify the City. The City will perform detailed inspections on the improvements that have been installed.
  - a. Based on the results of those inspections:
    1. The City Engineer shall create a City Engineer's Estimate according to Subsection (g) of this section, as described in this section, for all improvements related to a particular improvement system (the term "improvement system" means a group of improvements that work together to perform a certain function. Examples of improvement systems include water systems, flood-control systems, ~~and~~ road systems, etc.) which are not 100 percent complete at the time of inspection; and
    2. The City Engineer shall create a City Engineer's Estimate for those groups of improvements that are eligible for the one-year warranty period, according to Subsections (n) and (o) of this section.
  - b. The owner shall post a guarantee, according to Subsections (u)(2)a.1 and 2 of this section.
- (3) The City will then formalize its land use activity approval by allowing the recording of the subdivision plat or the issuance of the building permit for on-site structures.

(LDC 2008, § 15A-02-16; Ord. No. 11-15, 9-9-2011; Ord. No. 12-04, 1-27-2012; Ord. No. 16-02, 1-14-2016)

### **Sec. 21-2-17. Nonconforming Use Provisions; Purpose.**

It is the purpose of these regulations to control and gradually eliminate those uses of land or buildings which, although legal at the time of their establishment, do not now conform to the use regulations of the district within which they are situated. Such uses shall be deemed nonconforming uses. Likewise, these regulations are intended to control and gradually eliminate buildings which, although legal at the time of their erection, do not now conform

to the height, bulk, and location regulations of the zone district within which they are situated. Such buildings shall be deemed to be nonconforming buildings. Any building or use which was permitted prior to enactment of ~~this Code~~ the ordinance from which this title is derived, but which is designated by this ~~Code~~ title as a conditional use, shall not be considered nonconforming and shall not be subject to the provisions of this chapter. This chapter is also established to control and gradually eliminate sites and lots which were legal at the time of their establishment, but no longer meet the regulations of the district within which they are located. Such sites and lots shall be designated as nonconforming sites and lots.

(LDC 2008, § 15A-02-17)

**State law reference**—Nonconforming uses, U.C.A. 1953, § 10-9a-511.

#### **Sec. 21-2-18. Continuing Existing Uses.**

Except as hereinafter specified, any use, building, or structure lawfully existing at the time of the enactment or subsequent amendment of ~~this Code~~ this title, may be continued, even though such use, building, or structure does not conform with the provisions of this ~~Code~~ title for the district in which it is located. Except as otherwise provided by law, nothing in this ~~Code~~ title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(LDC 2008, § 15A-02-18)

#### **Sec. 21-2-19. Construction Approved Prior to ~~Ordinance~~ Title.**

A building, structure, or part thereof which does not conform to the regulations of the district in which it is situated, but for which a building permit was legally issued and construction started prior to the enactment of ~~this Code~~ the ordinance from which this title is derived, may be completed in accordance with such plans providing work has progressed continuously and without delay. Such building or structure shall be deemed to be nonconforming and shall be subject to the regulations set forth herein.

(LDC 2008, § 15A-02-19)

#### **Sec. 21-2-20. Nonconforming Structures.**

(a) *Director Review.* The Director may approve repairs and/or changes to a nonconforming structure under the following conditions:

- (1) The structure is legally nonconforming.
- (2) The alteration, movement, enlargement or addition is in keeping with the intent of this ~~Code~~ title.
- (3) The proposed alteration, movement, enlargement or addition will not impose undue burden upon the lands located in the vicinity of the nonconforming structure.
- (4) The structure does not encroach further into the required setbacks beyond which has previously legally been approved.
- (5) Any applicable development standards for parking, landscaping, screening, etc., are still met or not made less conforming with the expansion.
- (6) No additional dwelling units are added to the building or structure.

(b) *Damaged or Destroyed Structures.* A noncomplying structure that is involuntarily damaged or destroyed, in whole or in part, by fire or other calamity may be restored or rebuilt, provided that such restoration is started within a period of one year and is diligently pursued to completion and the noncompliance is not increased. A noncomplying structure shall not be rebuilt or restored if:

- (1) The structure is allowed to deteriorate to a condition that the building is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the right to rebuild or restore such noncomplying structure will be lost if the structure is not repaired or restored within six months; or
- (2) The property owner has voluntarily demolished or removed a majority of the noncomplying structure.

(LDC 2008, § 15A-02-20; Ord. No. 12-04, 1-27-2012; Ord. No. 13-15, 6-11-2013)

**State law reference**—Nonconforming structures, U.C.A. 1953, § 10-9a-511.

**Sec. 21-2-21. Nonconforming Uses.**

(a) A nonconforming use may be changed to a conforming use.

(b) Any nonconforming use which has been changed to a conforming use shall not thereafter be changed back to a nonconforming use.

(c) A vacant building or structure may be occupied by a use for which the building or structure is designed or intended if so occupied within a period of one year after the use became nonconforming.

(d) Cessation of Use. A use shall be deemed to have ceased when it has been discontinued for a period of one year or more, whether or not the intent is to abandon said use.

(LDC 2008, § 15A-02-21; Ord. No. 13-15, 6-11-2013)

**State law reference**—Nonconforming uses, U.C.A. 1953, § 10-9a-511.

**Sec. 21-2-22. Amortization of Nonconforming Uses.**

In order to respond to exceptional or unusual circumstances involving the termination of nonconforming uses, the City Council may approve an amortization formula for the termination of such uses over a period of time to be agreed upon with the owner of the property, subject to reasonable regulations with respect to the continuation of the nonconforming use during the amortization period.

(LDC 2008, § 15A-02-22)

**State law reference**—Nonconforming uses, U.C.A. 1953, § 10-9a-511.

**Sec. 21-2-23. Water Drainage.**

Drainage shall not be allowed to flow onto adjoining lots unless an easement for such purpose has been granted by the owner of the lot on which the water flows.

(LDC 2008, § 15A-02-23; Ord. No. 16-33, 10-29-2016)

**Sec. 21-2-24. Sandy City Standard Specifications and Details for Municipal Construction.**

(a) *Adoption of Standard Specifications and Details.* The City Council, after receiving a recommendation from the Planning Commission, shall adopt, by ordinance, Standard Specifications and Details for Municipal Construction not inconsistent with the provisions of this title. The Standard Specifications and Details for Municipal Construction may be temporarily changed, altered or amended from time to time by the City Engineer as necessary, provided that such change, alteration or amendment does not materially:

- (1) Increase a land use applicant's cost of development compared to the existing specifications; or
- (2) Impact a land use applicant's use of land.

(b) *Adoption of Temporary Specifications.* The City Engineer shall present temporary changes, alterations and amendments of the Standard Specifications and Details for Municipal Construction to the Planning Commission and City Council for review, consideration and adoption on an annual basis. Adoption of such amendments shall comply with the requirements set forth in this ~~section~~ title.

(c) *Notice and Hearing.* Notice and hearing requirements shall be the same as required for proposed land use regulations in accordance with ~~the Development Code of Sandy City~~ this title and applicable state laws.

(d) *Compliance with the Standard Specifications and Details for Municipal Construction.* Compliance with the Standard Specifications and Details for Municipal Construction, as amended, shall be required as a condition of development approval, issuance of a building permit, and issuance of related permits and approvals.

(Ord. No. 18-01, § 1, 1-23-2018)

**CHAPTER ~~15A-04-21-3.~~ OFFICERS, BOARDS AND COMMISSIONS**

**Sec. 21-3-1. Purpose.**

This chapter sets forth the purpose, duties, organization, and powers of City boards, commissions, and other

bodies charged in making decisions and recommendations under this ~~Code title~~.

(LDC 2008, § 15A-03-01)

**Sec. 21-3-2. Community Development Director.**

The Community Development Director, hereinafter referred to as the "Director," in addition to duties described in Title 4, ~~Sandy Administrative Code~~, and elsewhere in this title, is charged with the responsibility of interpretation and enforcement of this ~~Code title~~. Interpretation of this ~~Code title~~ includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this ~~Code title~~, the delegation of processing procedures and requirements, and enforcement of ~~Code title~~ provisions. The specific duties of the Director shall include the following:

- (1) *Reviews and Decisions.* The Director shall be authorized to undertake reviews, recommendations and decisions as described in this ~~Code title~~. The Director shall be governed by the standards and procedures as set forth in this ~~Code title~~ for the specific review, determination, or appeal which has been delegated to him.
- (2) *General Plan.* The Director shall assist the Planning Commission and City Council in the development and implementation of the General Plan for the physical and economic growth of Sandy City and shall prepare population and growth studies in support of the General Plan.
- (3) *Administrative Staff Assistance and Technical Advice.* The Director shall provide staff, including secretarial assistance, to the Planning Commission and Board of Adjustment. Staff assistance shall include attendance at regularly scheduled meetings and the preparation and publication of agendas. The Director shall act as technical advisor to the Mayor, City Council, other City departments upon request, and other committees and commissions as the Mayor may designate.
- (4) *Code Compliance Officer.* The Director is hereby designated and authorized as the officer charged with the enforcement of this ~~Code title~~. He shall enforce all the provisions of this ~~Code title~~, including court action, when necessary, and his failure to do so shall not legalize any violation of such provisions.
- (5) *Delegate Responsibility.* The Director may appoint authorized representatives to execute the responsibilities as described herein.

(LDC 2008, § 15A-03-02)

**Sec. 21-3-3. Land Use Authorities.**

- (a) *Planning Commission.*
  - (1) *Purpose.* The Planning Commission shall make recommendations to the Mayor and the City Council as more specifically set forth herein and make determinations as specifically delegated to it as set forth in this ~~Code title~~. This does not include policy making powers of the City that remain under the control of elected officials.
  - (2) *Creation and Membership.*
    - a. *Membership and Alternates.* There is hereby created a Planning Commission for Sandy City, Utah, to be known as the Sandy City Planning Commission. Said Commission shall consist of seven members and two alternates to be appointed by the Mayor, with the advice and consent of the City Council. The alternates shall attend all meetings, but shall not vote on Commission decisions unless serving in the place of a regular member. When an alternate is needed to fill the place of a regular member, the two alternate members shall rotate the responsibility. Funding for the Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.
    - b. *Terms for Members.* The terms of office for the members of the Planning Commission shall be four years, commencing at 12:00 noon on March 31 of the year in which the appointment is made. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity. Vacancies for the term of any member whose term is not complete shall be filled for the unexpired portion of the term in the manner provided for in this section. A member whose term has

- expired shall continue to serve until his successor has been appointed and approved. Members of the Planning Commission may be removed as established by the City's Administrative and Legislative Codes.
- c. *Selection of Members.* Members of the Planning Commission shall be selected from residents of the City with experience in related fields, including planning, architecture, real estate, law, engineering, land development, contracting, or substantial community involvement. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
- (3) *Procedures.* The Planning Commission shall select a chairperson every six months from its membership and may adopt bylaws, policies, and procedures for the conduct of its meetings for the processing of applications, and any other purposes considered necessary for the functioning of the Commission. Four members of the Commission shall constitute a quorum for the conduct of Commission business, and no act of the Commission shall be effective unless at least four members concur in respect to it.
- (4) *Powers and Duties.*
- a. *Recommendations to the City Council.* The Planning Commission shall prepare and make a recommendation to the City Council for:
1. A General Plan and amendments to the General Plan.
  2. Land use ordinances, zoning maps, official maps and amendments regulations.
  3. Subdivision regulations and amendments.
  4. An appropriate delegation of power to at least one designated land use authority to hear and act on a land use application.
  5. An appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority.
  6. Application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and processes that protect the right of each applicant and third party to require formal consideration of any application by a land use authority; the right of each applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and the right of each participant to be heard in each public hearing on a contested application.
  7. Annexation and zoning of property into the City.
  8. Vacation of an entire subdivision plat.
  9. Vacating, closing, or altering any portion of a street or alley.
  10. Other matters as established by the City Council.
- b. *Recommendation to Mayor.* The Planning Commission shall consider and provide a recommendation to the Mayor for:
1. Subdivision plats.
  2. Other matters as established by the City Council.
- c. *Reviews and Decisions.* The Planning Commission shall review and decide the following:
1. Conditional use permits.
  2. Expansion or alteration of a nonconforming structure or use after determination by the Director.
  3. Site plans delegated to it in this ~~Code title~~ or by the Director.
  4. Special exceptions delegated to it in this ~~Code title~~ or by the Director.

5. Reasonable accommodation.
  6. Other matters as established by the City Council.
- d. *Special Exceptions.* The Planning Commission may review and decide special exceptions to the terms of ~~the Sandy City Development Code this title~~, provided that such special exceptions on which the Planning Commission shall be authorized to pass shall be limited to the following:
1. Permit the building on a nonconforming lot, where it can be shown by the applicant that:
    - (i) The lot is legally nonconforming.
    - (ii) The construction of a building upon the nonconforming lot will be in harmony with one or more of the purposes of this title as stated in Section 21-1-3 ~~hereof~~ and shall be in keeping with the intent of this ~~ordinance title~~.
    - (iii) The proposed building will not impose undue burden upon the lands located in the vicinity of the nonconforming lot.
  2. Where a parcel of land was at least 1 1/2 times as wide and 1 1/2 times as large in area as required for a lot in the district at the time ~~this Code the ordinance from which this title is derived~~ was adopted, permit the division of the parcel into two lots. The person requesting the special exception must show that the land in question qualifies for this exception.
  3. Where a zone boundary line divides a lot which was in single ownership at the time of passage of ~~this Code the ordinance from which this title is derived~~, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
  4. Permit the installation of an electrical transmission line above ground, provided the Planning Commission finds that exposure to electrical magnetic fields and other risks and adverse impact to land value and aesthetics will be reasonably mitigated by prudent avoidances measures.
    - (i) The term "prudent avoidance" shall refer to those practices and standards which serve to minimize degradation of community aesthetics and real property values, and avoid exposure to electrical and magnetic fields and other public risks. Such practices and standards include, but are not limited to, purchasing additional rights-of-way, altering line configuration, selection of alternative routes, utilizing or enlarging capacity in existing substations or transmission facilities, undergrounding, shielding, public education, research and testing, and discouraging siting near sensitive areas and structures such as residences, hospitals, churches, libraries, parks, child care centers, and schools.
    - (ii) The person or entity proposing to install transmission lines shall bear the burden of showing reasonable mitigation by prudent avoidance.
  5. (i) Permit a structure which is attached to the dwelling structure ("attached structure") to extend into the required side yard setback, provided the owner/applicant complies with the following:
    - A. Establishes that the attached structure existed at the time of the adoption of the ordinance from which this section is derived (May 21, 1996);
    - B. The attached structure complies with all other requirements of this ~~Development Code title~~, the International Building Code (IBC), the International Fire Code (IFC), and other applicable City, state or federal laws;
    - C. The attached structure conforms and is aesthetically compatible with the design, color and materials of the dwelling structure to which it is attached;
    - D. The current owner/applicant purchases a building permit which will provide that all appropriate inspections will be made; and

- E. The current owner/applicant complies with all requirements, established pursuant to the inspections or by law, necessary to comply with the IBC, IFC and other City, state or federal laws.
  - (ii) Extension of an attached structure into the side yard setback will be allowed on one side of the dwelling only. In order to obtain approval for an attached structure to extend into one side yard setback, all structures encroaching into the other side setback must be removed and the setback maintained free of obstructions (exclusive of fencing) for fire access into the rear of the dwelling.
  - (iii) After issuance of a permit for an attached structure hereunder, the dwelling structure may not be altered, enlarged, added to or moved unless and until the attached structure is removed and all structures on the property thereafter comply with the side yard setback regulations.
  - (iv) After issuance of a permit hereunder, the attached structure shall not be altered, enlarged, added to, moved or its use changed. If such enlargement, alteration, addition, movement or change of use occurs, the attached structure must be restored to the configuration and use upon which the permit was issued or it must be removed entirely.
  - (v) A photograph of the dwelling structure and its attached structure shall be submitted with the application for a special exception.
  - (vi) After approval of a special exception and issuance of a building permit and after inspections are made and all requirements complied with, the City will issue a Notice of Compliance which will set forth the conditions under which the approval and permit were issued. The Notice of Compliance must be filed with the County Recorder and proof of that filing must be submitted to the Department.
- 6. Before taking action on any special exception request, the Planning Commission shall review it at a public meeting. In the event that the Planning Commission decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.
- e. *Other Powers.* The Planning Commission may exercise any other powers:
  - 1. Necessary to enable it to perform the functions delegated to it in this Code; or
  - 2. ~~Other matters~~—As established by the City Council.
- (b) *Administrative Officer.* The Director is hereby designated to review and decide the following:
  - (1) Special exceptions as specifically set forth in this ~~Code title~~, including those in the land use matrices.
  - (2) Applications for site plan review and approval as delegated in this ~~Code title~~.
  - (3) Determination of the nonconforming status of a building, structure, or use.
  - (4) ~~Approve~~ Approval of a building permit for a nonconforming structure addition or alteration as allowed within this title.
  - (5) Routine and uncontested matters as delegated in this ~~Code title~~.
  - (6) Property line adjustments.
  - (7) Other matters as established by the City Council.

(LDC 2008, § 15A-03-03; Ord. No. 09-02, 1-26-2009; Ord. No. 10-41, 12-14-2010; Ord. No. 13-15, 6-11-2013; Ord. No. 17-10, exh. A(15A-03-03), 3-14-2017)

**State law reference**—Planning commissions, U.C.A. 1953, § 10-9a-301 et seq.

#### **Sec. 21-3-4. Appeal Authorities.**

- (a) *Board of Adjustment.*

- (1) *Purpose.* In order to provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Board of Adjustment has been created to exercise the powers and duties provided hereafter.
- (2) *Creation and Membership.* The Board of Adjustment shall consist of five regular members and two alternate members.
  - a. The Mayor shall appoint the members and alternate members with the advice and consent of the City Council for a term of five years.
  - b. The Mayor shall appoint regular members of the Board of Adjustment to terms so that the term of one member expires each year. The Mayor shall appoint alternate members in such a manner that at least a 2 1/2-year gap will exist between term expirations.
  - c. One member of the Planning Commission shall be appointed semi-annually by the Commission to serve as the Commission's liaison to the Board of Adjustment. Such Planning Commission member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions, but shall not vote on the Board of Adjustment decisions. Notwithstanding, the Commission's liaison to the Board of Adjustment shall not take part in discussions or decisions on conditional use permit appeals.
  - d. One member of the City Council shall be appointed semi-annually by the Planning Commission to serve as the Council's liaison to the Board of Adjustment. Such Council member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions, but shall not vote on the Board of Adjustment decisions.
  - e. All members and alternate members of the Board of Adjustment shall be residents of the City. Any member or alternate member of the Board of Adjustment relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
  - f. Alternate members are to serve in the absence of members of the Board of Adjustment upon request of the chairperson. Alternate members are to attend all meetings of the Board of Adjustment. The chairperson shall establish a service rotation system which provides that alternate members serve on the Board approximately the same amount.
  - g. Members of the Board of Adjustment may be removed as established by the City's Administrative and Legislative Codes.
  - h. Vacancy on the Board of Adjustment.
    1. The Mayor, with the advice and consent of the City Council, shall fill any vacancy.
    2. The person appointed shall serve for the unexpired term of the member or alternate member whose seat was vacated.
- (3) *Procedures.*
  - a. Organize and elect a chairperson.
  - b. Adopt rules that comply with all applicable state statutes and City ordinances.
  - c. Meet at the call of the chair and at any other times that the Board of Adjustment determines.
  - d. Have the chairperson, or in the absence of the chairperson, the acting chair, ~~may~~ administer oaths and compel the attendance of witnesses.
  - e. Conduct its meetings in compliance with the requirements of state statutes and City ordinances concerning the keeping of minutes, recording of votes, and absences.
  - f. Hear a request for a variance or appeal. Three members constitute a quorum of the Board of Adjustment and a concurring vote is necessary to grant a variance or to overturn a decision on an appeal.
  - g. Make decisions on scheduled agenda items. Decisions of the Board of Adjustment become effective

at the meeting in which the decision is made unless a different time is designated in the Board's rules or at the time the decision is made.

(4) *Powers and Duties.* The Board of Adjustment shall hear and decide:

- a. Requests for variances from the terms of the land use ordinance as specifically delegated to it by this ~~Code title~~ or referred to it by the Director.
- b. Appeals from decisions applying to the land use ordinance, except those appeals specifically delegated in this ~~Code title~~ to be heard by an alternate appeal authority.
- c. Other matters as established by the City Council.

(b) *Administrative Officer.* The Director is designated as an appeal authority for the purpose of reviewing and deciding:

- (1) Requests for minor variances.
- (2) Other matters as established by the City Council.

(c) *Hearing Officer.* A Hearing Officer, as appointed by the Mayor, is designated as an appeal authority for the purpose of reviewing and deciding requests for reasonable accommodations.

(LDC 2008, § 15A-03-04; Ord. No. 16-15, 3-28-2016; Ord. No. 17-10, exh. A(15A-03-04), 3-14-2017; Ord. No. 17-14, exh. A(15A-03-04), 6-13-2017)

**State law reference**—Appeal authority and variances, U.C.A. 1953, § 10-9a-701 et seq.

#### **CHAPTER ~~15A-04-21-4.~~ ZONE DISTRICTS\***

**\*State law reference**—Zoning districts authorized, U.C.A. 1953, § 10-9a-505.

##### **Sec. 21-4-1. Purpose.**

The City designates land use zone districts to promote compatibility between land uses, buildings and structures, efficient use of land, transportation options and accessibility, and crime prevention and safety. The districts classify, regulate, and restrict uses, as well as combine uses and encourage the location of compatible land uses close to one another. The district regulations provide development standards pertaining to the intensity of land uses and development, density, height, bulk of buildings and structures, area of yards, and other open areas between buildings and structures.

(LDC 2008, § 15A-04-01)

##### **Sec. 21-4-2. Table of Minimum Areas for Establishment of Nonresidential Districts.**

<i>District Classification</i>	<i>Minimum Area Required to Establish District</i>	<i>Special Conditions</i>
CBD District	1 acre	--
Automall District	1 acre	--
RC District	2 acres	Shall be adjacent to the State Street, Interstate 15, and 9000 South commercial corridors
CC District	5 acres	Shall be located on an arterial or major collector street, preferably at an intersection of such streets
CN District	3 acres	Shall be located on at least a major collector street and in a location that is conveniently accessible from its service area
CN(HSN)	10 acres	Shall be located within or bordering the

District		State Street, 9000 South, and 700 East commercial areas of the Historic Sandy Neighborhood
BC District	1 acre	Shall be limited to 700 East corridor from the northern City boundary to 9000 South. When an arterial or collector street, or portion thereof, is designated for BC District zoning, all commercial zoning for parcels that front on such street shall be BC. If a parcel has additional frontage on another street, the BC regulations shall apply
CvC <u>District</u>	2 acres	Shall be located on a minor collector or larger street
HBD <u>District</u>	1 acre	Shall be limited to the original square mile within the traditional business district area, as located on Main Street and Center Street
LC <u>District</u>	2 acres	--
PO <u>District</u>	1 acre	--
ID <u>District</u>	1 acre	--
TC (Transit Corridor) <u>District</u>	1 acre	--
RD District	1 acre	--
SD District	1 acre	--
MU District	--	--

(LDC 2008, § 15A-04-02)

**Sec. 21-4-3. Residential Districts.**

(a) *Agricultural.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
A-1	Residential/Agricultural District A-1

(b) *Single-Family Residential.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
R-1-40	Residential District R-1-40
R-1-30	Residential District R-1-30
R-1-20	Residential District R-1-20
R-1-15	Residential District R-1-15
R-1-12	Residential District R-1-12
R-1-10	Residential District R-1-10

R-1-9	Residential District R-1-9
R-1-8	Residential District R-1-8
R-1-8(INF)	Residential District R-1-8 Infill
R-1-7.5(HS)	Residential District R-1-7.5 Historic Sandy
R-1-6	Residential District R-1-6
MH	Mobile Home District

(c) *Single-Family Residential in a Planned Unit Development or Special Development District.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
PUD	Planned Unit Development PUD (density per acre)
RD	Research Development District
SD(Smart Dairy)	Special Development District Smart Dairy
SD(R3.75)	Special Development District Residential SD(R3.75)
SD(R2.3)	Special Development District Residential SD(R2.3)
SD(R2.0)	Special Development District Residential SD(R2.0)
SD(R-1-15)	Special Development District Residential SD(R-1-15)
SD(R-1-10)	Special Development District Residential SD(R-1-10)
SD(R-1-9)	Special Development District Residential SD(R-1-9)
SD(R-1-8/PUD)	Special Development District Residential SD(R-1-8/PUD)
SD(R-1-7)	Special Development District Residential SD(R-1-7)
SD(R-2-A)	Special Development District Residential SD(R-2-A)
SD(PO/R)	Special Development District Professional Office/Residential
SD(CC/PUD/R)	Special Development District Magna Development SD(CC/PUD/R)
<u>SD(Magna)(4.25)</u>	
<u>SD(R-1-10)(Hegessey)</u>	
<u>SD(R3.25)(Keller)</u>	
<u>SD(Smart Dairy)(R-1-7)</u>	
<u>SD(Magna)(3.75)</u>	
<u>SD(R-1-10)(Thomas)</u>	
<u>SD(PO/R)(Library)</u>	
<u>SD(R)3.75</u>	
<u>SD(R-1-8)(11800 S)</u>	
<u>SD(R-2-A)(Fluckiger)</u>	
<u>SD(R-1-15)(Scandia)</u>	

(d) *Multi-Family Residential.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
RM	Residential Multi-Family District
PUD	Planned Unit Development (density per acre)

(e) *Two-Family Residential.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
R-2-8	Two-Family Residential
R-2-10	Two-Family Residential

(LDC 2008, § 15A-04-03)

**Sec. 21-4-4. Commercial Districts.**

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
CBD	Commercial--Central Business District
CBD-P	Commercial--Central Business District--Parkway Subdistrict
CBD-0	Commercial--Central Business District--Office Subdistrict
CBD-A&C	Commercial--Central Business District--Arts and Culture Subdistrict
AM	Commercial--Automall
RC	Regional Commercial District
CR-PUD	Planned Unit Development--Commercial
CC	Planned Center--Community District
CN	Planned Center--Neighborhood District
CN(HSN)	Planned Center--Neighborhood District Historic Sandy Neighborhood
BC	Boulevard Commercial District
CvC	Planned Center--Convenience District
CV	Village Commercial District
LC	Commercial--Limited Commercial District
SD(Harada)	Special Development District Harada
SD(Smart Dairy)	Special Development District Smart Dairy
SD(CC/PUD/R)	Special Development District Magna Development SD(CC/PUD/R)
SD(C)	Special Development District Professional Office SD(C)
SD(CN)	Special Development District Commercial SD(CN)

SD(CvC)	Special Development District Commercial SD(CvC)
SD(Union Heights)	Special Development District Union Heights
SD(The Gardens)	Special Development District The Gardens

(LDC 2008, § 15A-04-04)

**Sec. 21-4-5. Mixed Use Districts.**

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
SD(MU)	Special Development District Multi-Use
SD(X)	Special Development District Ski Connection Commercial
SD(JHS)(Miller)	Special Development District Jordan H.S./Miller Development
MU	Mixed Use District

(LDC 2008, § 15A-04-05)

**Sec. 21-4-6. Office/Industrial Districts.**

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
PO	Professional Office District
CBD-O	Commercial--Central Business District--Office Subdistrict
ID	Industrial Development District
RD	Research Development District
SD(PO-Alvey)	Special Development District Professional Office SD(PO-ALVEY)
SD(PO/MF)	Special Development District Professional Office/Multifamily
SD(PO/R)	Special Development District Professional Office/Residential
SD(P)	Special Development District Professional Office SD(P)

(LDC 2008, § 15A-04-06)

**Sec. 21-4-7. Open Space/Institutional Districts.**

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
IC	Institutional Care District
H	Hospital District
OS	Open Space District
SD(OS)	Special Development District Open Space
SD(EH)	Special Development District Elderly Housing
SD(H)	Special Development District Hospital

(LDC 2008, § 15A-04-07)

**Sec. 21-4-8. Overlay Districts.**

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
TND	Traditional Neighborhood Overlay District
RCD	Residential Conservation Overlay District
SCD	Storefront Conservation Overlay District
<u>HSD</u>	<u>Historic Sandy Development Overlay Zone</u>
---	<u>Sensitive Area Overlay Zone</u>
---	<u>Flood Plain Overlap Zone</u>
---	<u>Drinking Water Source Protection Overlay Zone</u>
---	<u>Historic Resources Overlay Zone</u>
---	<u>Sports and Recreation Overlay Zone</u>

(LDC 2008, § 15A-04-08)

**Sec. 21-4-9. Location and Boundaries of Districts.**

The locations and boundaries of the zone districts are established as they are shown on the map entitled "Zoning Map, Sandy City, Utah." Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (1) *Roads, Streets, Highways, or Alleys.* Boundaries indicated as approximately following the centerlines of roads, streets, highways, or alleys shall be construed to follow such centerlines.
- (2) *Platted Lot Lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) *City Limits.* Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- (4) *Streams or Canals.* Boundaries indicated as approximately following centerlines of streams or canals shall be construed to follow such centerlines.
- (5) *Extensions and Distances.* Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (4) of this section shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(LDC 2008, § 15A-04-09)

**Sec. 21-4-10. Boundary Interpretation.**

Where physical or cultural features existing on the ground are different than shown on the Zoning Map, or in other circumstances not covered by Section 21-4-9(1) through (4), the Director shall interpret the district boundaries. Any appeal of boundary interpretation shall be made to the Board of Adjustment.

(LDC 2008, § 15A-04-10)

**Sec. 21-4-11. Applicability of Zoning Districts.**

The standard commercial, office, and industrial districts are defined as follows:

- (1) *Central Business District (CBD).* This district is established to stimulate economic development by providing a unique planning environment for large scale regional commercial, office development, and mixed use development including residential adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses within planned commercial centers which will serve the south valley area.
  - a. *Central Business District--Parkway Subdistrict (CBD-P).* This district is established as a subdistrict

- within the CBD District to encourage "main street" type development along the Centennial Parkway corridor between 10000 South and the ring road of the South Towne Mall. This district extends east and west of the Centennial Parkway right-of-way for approximately 100 feet.
- b. *Central Business District--Office Subdistrict (CBD-O)*. This district is established as a subdistrict within the CBD District to encourage office, hotel, and regional governmental uses.
  - c. *Central Business District--Arts and Culture Subdistrict (CBD-A&C)*. This district is within the CBD Zone to create an environment wherein arts, entertainment and recreational uses may be integrated into mixed use developments using standards which are designed to be pedestrian friendly.
- (2) *Automall District*. This district is established to provide standards for the development of land parcels within the Automall Development Area Master Plan.
    - a. *Dealership Subdistrict (AM-D)*. This subdistrict is established to provide standards for the development of land parcels within the Automall District--Dealership Subdistrict for car dealerships.
    - b. *Commercial Area Subdistrict (AM-C)*. This subdistrict is established to provide standards for the development of land parcels within the Automall District--Commercial Area Subdistrict for commercial uses (including car dealerships and other commercial uses).
  - (3) *Regional Commercial District (RC)*. This district is established to stimulate economic development by allowing for a diversity of land uses in areas of the City that are accessible to regional transportation facilities and developed within planned commercial centers. This district is intended to stimulate creative development and site design for highway commercial uses.
  - (4) *Regional Commercial--Planned Unit Development District (CR-PUD)*. This district is established to provide for an area of diverse but integrated commercial and industrial uses. Emphasis is placed on achieving an aesthetically attractive, functional area of wide-ranging commercial and industrial activity.
  - (5) *Community Commercial District (CC)*. This district is established to allow for retail businesses and related uses to be grouped together into well-planned and well-designed planned commercial centers serving an area of one or more of Sandy planning quadrants and/or areas that may extend beyond Sandy City.
  - (6) *Neighborhood Commercial District (CN)*. This district is established to allow for the creation of commercial centers to serve the convenience shopping and service needs of neighborhood areas of Sandy City within planned commercial centers. The Neighborhood Commercial District designation is intended for commercial developments that will relate to residential neighborhoods and will be compatible with residential character.
  - (7) *Neighborhood Commercial--Historic Sandy Neighborhood District (CN(HSN))*. This district is established to provide a viable commercial zoning district for those commercial areas which border the Historic Sandy Neighborhood. The zone is created to provide the convenience shopping and service needs of the surrounding neighborhood area, while at the same time providing guidelines for development to recognize and maintain the neighborhood's unique characteristics.
  - (8) *Historic Business District (HBD)*. This district is established to address the unique characteristics of the Main Street/Center Street historical commercial area and those properties that are associated, through location or character, with the historic Main Street/Center Street commercial area of Sandy City.
  - (9) *Boulevard Commercial District (BC)*. This district is established to provide guidelines for the development of properties fronting on 700 East north of 9000 South. Regulations are intended to allow a selective variety of uses within planned commercial centers in a manner that will contribute to efficient traffic flow and architectural elements compatible with adjoining residential neighborhoods.
  - (10) *Limited Commercial District (LC)*. This district is established for the development of well-designed planned commercial centers and professional office developments that compliment each other and act as buffers to adjacent residential districts. It is intended that businesses in this zone will both enhance and

blend into surrounding residential neighborhoods through creative architectural, development, and site designs.

- (11) *Convenience Commercial District (CvC)*. This district is established to allow for the development of well-designed storefront commercial centers, which are developments with clustered buildings oriented to the street (no parking in front setback), as opposed to stand-alone buildings. Transit oriented uses are highly encouraged.
- (12) *Professional Office District (PO)*. This district is established to provide an area for professional and business offices, non-retail services, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. Developments adjacent to residential areas shall have a residential look to enhance compatibility. Developments adjacent to commercial zones shall act to buffer less dense residential developments or districts.
- (13) *Industrial District (ID)*. This district is established to provide for an area of diverse but integrated industrial and commercial uses. Emphasis is placed on achieving an aesthetically attractive, functional area of wide-ranging industrial and commercial activity.
- (14) *Mixed Use District (MU)*.
  - a. This district is established to provide a zone to be used near City transportation corridors that allows a mix of specific land uses that are typically found separately in mutually exclusive zoning districts. Mixed use represents a departure from characteristic zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible.
  - b. The intent of these zones is to create self-sustaining villages that become walkable neighborhoods in which residents may walk to work, to shopping, to recreational facilities, and have access to mass transit. These neighborhoods are to provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. They shall provide convenient pedestrian commercial services, employment opportunities and shall be located in areas with existing, or probable future, multiple transportation choices. Design standards include requirements that help provide a true neighborhood by stipulating various mix of uses, build to lines, compact building design, preservation of open space, pedestrian-friendly streets and streetscape, parking concealment, architectural control, and maintenance. Proposed developments with increased land intensity and housing density but without the above walkable elements are unacceptable and will not be approved.
- (15) *Transit Corridor District (TC)*. This district is established to provide a means by which the Utah Transit Authority (or its successors) may develop and operate a public transportation system under consistent regulations. It is not the intent, nor the purpose of this zone to exempt the operators of the public transportation service from Federal or State regulatory requirements governing rail service or other public transit regulations.
  - a. *Location*. The Transit Corridor District shall be located within the following described areas:
    1. The main line corridor right-of-way of the Provo Subdivision Line of Union Pacific Railroad Company (formerly Oregon Short Line Railroad) as said line extends in a southerly direction from 10600 South of Sandy City, Utah, M.P. 786.10 of said subdivision, to the south boundary line of Sandy City.
    2. The approximate 40 feet of the main line corridor right-of-way of the Provo Subdivision of Union Pacific Railroad Company (formerly the Denver and Rio Grande Western Railroad Company) as said line extends through Sandy City.
  - b. *Previous Agreements, Permits and Approvals Remain in Effect*. All previous agreements, permits, conditional use permits and other approvals entered into between Sandy City and the Utah Transit Authority for activities occurring within the existing Transit Corridor remain in effect and shall be enforced.
  - c. *Governing Regulatory Bodies for Transit Corridor*. The Utah Transit Authority or its successors

are required to comply with all applicable regulations, requirements, laws, and obligations as specified by the following Federal and State agencies:

<i>Acronym</i>	<i>Agency Name</i>
FRA	Federal Railroad Administration
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
EPA	Environmental Protection Agency
UDEQ	Utah Department of Environmental Quality
UDOT	Utah Department of Transportation
WFRC	Wasatch Front Regional Council
MAG	Mountainland Association of Governments

d. *Development of Public Transit.* The Utah Transit Authority or its successors shall be permitted to develop a public transit system within the Transit Corridor District consistent with the interlocal agreement. Development of a Public Transit System shall include the following activities:

1. Public Transit System. The term "system" means a surface public transportation facility that occupies a separate railroad right-of-way exclusively for public transportation or a shared railroad right-of-way with access rights for public transportation, including, by way of example, light rail, commuter rail, trolleys, guided bus ways, or similar technology for surface transportation purposes.
2. The term "system" includes all things necessary to construct and/or operate a public transportation facility within the Transit Corridor, including all rails, fastenings, switches, switch mechanisms and frogs with associated materials, ties, ballast, signals, and communications devices (and associated equipment), passenger facilities, platforms, drainage facilities, automatic warning devices, traction power substations, overhead catenary systems, bumpers, roadbed, embankments, bridges, trestles, culverts, or any other structures or things necessary for the support thereof and, if any portion thereof is located in a thoroughfare, the term "system" includes pavement, crossing planks and other similar materials or facilities used in lieu of pavement or other street surfacing materials at vehicular and pedestrian crossings of tracks, and any and all structures and facilities required by lawful authority in connection with the construction, renewal, maintenance and operation of any of the foregoing.
3. The term "system" does not include transportation facilities such as passenger terminals, park and ride facilities, maintenance facilities, or other auxiliary facilities, nor does the term "system" include development and use of facilities by the Utah Transit Authority within a corridor for purposes other than public transportation such as billboards, telecommunication towers, and signage, provided any regulation of such facilities would not interfere with the operation of the system.

(16) *Research and Development District (RD).*

- a. This district is established to provide locations for commerce, service, research and employment activities. Such locations and site improvements shall project a desirable appearance toward public streets and maintain compatibility with adjacent land uses.
- b. Except for limited accessory and ancillary uses, and planned developments for areas east of Interstate 15, the RD District provides for employment locations which are characterized by office and compatible research, corporate headquarters, and campus-like development with substantial

visual amenities which can function in areas close to residential areas as well as other similar uses within the RD District.

- (17) *Special Development (SD)*. This district is established in order to allow the most efficient and creative development of lands that have unique or unusual characteristics. The SD District is intended to be used for development when it can be shown that no other zone classification would be adequate or appropriate for reasonable development.

(LDC 2008, § 15A-04-11)

**CHAPTER ~~15A-05~~ 21-5. ENACTMENT OF OR AMENDMENT TO ~~DEVELOPMENT CODE~~ TITLE  
AND ZONING MAP\***

**Sec. 21-5-1. Purpose.**

The City Council may enact and amend land use ordinances and a Zoning Map consistent with the purposes set forth in this ~~Code title~~, the General Plan and the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.). This chapter sets forth the procedure and responsibilities of the Planning Commission and City Council in making decisions relating to the amendment of ~~the Development Code~~ this title and the Zoning Map.

(LDC 2008, § 15A-05-01)

**Sec. 21-5-2. Amendments and Corrections to the Zoning Map and ~~Development Code~~ Title.**

(a) *Amendments to the Zoning Map*. Amendments to the Zoning Map shall be made in accordance with the provisions of this chapter and the Utah Code. After the amendment has been approved by the City Council, the Zoning Map, reflecting such amendment, shall be forwarded, at least bi-annually, to the City Recorder by the Director after he has modified the zone boundary lines as approved by the City Council and placing the date of revision thereon.

(b) *Corrections to the Zoning Map*. The Director may make corrections to the Zoning Map if it is determined that the original boundary line or other information was not properly transferred to the Zoning Map after review of the official record and ordinance adopting that boundary location. When making such a correction, the Director shall place the correct information on the Zoning Map and the date of revision thereon. The Director shall forward the corrected Zoning Map to the City Recorder, together with all supporting documentation.

(c) *Initiating Amendments and Corrections*. The Planning Commission, City Council, or the Director may initiate proposals for change or modification of any chapter or regulation of this ~~Code title~~.

(d) *Application*. In addition, any person seeking an amendment of ~~the Development Code~~ this title or the Zoning Map shall submit a written petition designating the change desired to the Director and shall include reasons wherein the proposed amendment would further promote the objectives and purposes of ~~the Development Code~~ this title and the General Plan and shall include the required fee as required in the application form.

(LDC 2008, § 15A-05-02)

**Sec. 21-5-3. Planning Commission and City Council Review.**

(a) *Planning Commission*. The Planning Commission shall:

- (1) Recommend to the City Council a land use ordinance and Zoning Map or any amendment to either regulate the use and development of land within all or any part of the area of the City.
- (2) Hold a public hearing on a proposed land use ordinance or Zoning Map amendment.

(b) *City Council*. The City Council:

- (1) May adopt or amend:
  - a. The number, shape, boundaries, or area of any zoning district;
  - b. Any regulation of or within the zoning district; or
  - c. Any other provision of ~~the Development Code~~ this title.

- (2) Shall consider at a public meeting each proposed amendment recommended to it by the Planning Commission and may adopt or reject the amendment either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.

(LDC 2008, § 15A-05-03)

**Sec. 21-5-4. Resubmission of the ~~Development Code~~ Title or Zoning Map Amendment Request.**

If an application for amendment is denied by the City Council, resubmission of an application for the same amendment shall not be allowed for a period of 12 months unless significant new facts or information are presented.

(LDC 2008, § 15A-05-04)

**CHAPTER 15A-06-21-6. GENERAL PLAN\***

\*State law reference—General plan, U.C.A. 1953, § 10-9a-401 et seq.

**Sec. 21-6-1. Purpose and Scope.**

The City shall prepare and adopt a comprehensive, long-range General Plan for the present and future needs of the City and for the general purpose of guiding and accomplishing coordinated, efficient and harmonious growth, and development of all or any part of the land within the City, including any areas outside of its boundaries, that, in the City's judgment, bear relation to the planning of the City. Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when considering territory outside the boundaries of the City, action may be taken only with the concurrence of the county or other municipalities affected. The General Plan may provide for:

- (1) Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics and recreational, educational, and cultural opportunities;
- (2) The reduction of waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (3) The efficient and economical use, conservation, and production of the supply of:
  - a. Food and water; and
  - b. Drainage sanitation and other facilities and resources;
- (4) The use of energy conservation and solar and renewable resources;
- (5) The protection of urban development;
- (6) The protection and promotion of housing, including moderate income housing;
- (7) The protection and promotion of air quality;
- (8) The protection of open space and natural areas;
- (9) Historic preservation;
- (10) Identification of uses of land that are likely to require an expansion or significant modification of services or facilities provided by affected entities;
- (11) The protection and promotion of economic growth and development; and
- (12) An Official Street Map.

(LDC 2008, § 15A-06-01)

**Sec. 21-6-2. Plan Elements.**

The General Plan shall address and include at least the following:

- (1) *Goals and Policies Element.* This element describes the community's goals for its future and carries the goals through an analysis of the community to the policies and programs for goal implementation. Goals are the ultimate accomplishment towards which the City's actions should be directed. Policies are statements of the City's general intention and serve as a continuing guide to implementing goals.

- (2) *Growth, Community Identity, and Land Use Element.* This element designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the General Plan.
- (3) *Commercial/Industrial Element.* This element describes a hierarchy of commercial development levels that have been identified for Sandy City and have been generally assigned to geographic areas. This is a very broad classification system that can help provide adequate and accessible commercial services to maximize the compatibility of commercial and residential uses and to increase the employment opportunities within the City.
- (4) *Transportation and Traffic Circulation Element.* This element consists of the general location and extent of existing and proposed freeways, arterial and collector streets, bicycle and pedestrian ways, trails, mass transit, and any other modes of transportation that the Planning Commission and City Council considers appropriate, all correlated with the population projections and the proposed land use element of the General Plan.
- (5) *Housing Element.* This element includes goals and policies addressing the housing needs in the City. These needs include a variety of housing types and choices. The housing element not only addresses single-family subdivisions but also includes mixed use development, planned unit development, apartment complex development, or mobile home park development. Moderate income housing is also addressed and includes goals and policies to facilitate it.
- (6) *Environmental Hazards Element.* This element addresses the protection, conservation, development, and use of natural resources, including the quality of air, forest, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.
- (7) *Public Services and Facilities Element.* This element shows general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services. It addresses the City's community facilities, schools, libraries, multipurpose centers, Federal facilities, health facilities, and financing of community facilities.
- (8) *Economic Element.* This element may be composed of appropriate studies and forecasts, as well as an Economic Development Plan, that may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.
- (9) *Parks, Recreation, and Trails Element.* This element covers a broad range of recreational and cultural activities that are important to the City's quality of life, including parks, recreation, open space, urban forestry, multi-use trails, arts and entertainment, and cultural resources. It reviews and summarizes key issues and policies addressed in detail in the General Plan.
- (10) *Official Street Map.* This map shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities, and provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the City or other government authorities time to purchase or otherwise reserve the land.
- (11) *Recommendations.* The General Plan may also contain recommendations for implementing all or any portion of the General Plan, including the use of land use ordinances, Capital Improvement Plan, economic and community development, redevelopment, promotion, and any other appropriate action.
- (12) *Other.* The General Plan may contain provisions addressing any other matters listed in the General Plan purpose and scope statement above.

(LDC 2008, § 15A-06-02)

**State law reference**—Required contents of development plan, U.C.A. 1953, § 10-9a-401.

**Sec. 21-6-3. Preparation of the General Plan.**

In preparing the General Plan, the City shall make careful and comprehensive surveys, research, and studies of the existing conditions and probable future growth of the City and its environs.

(LDC 2008, § 15A-06-03)

**Sec. 21-6-4. General Plan Adoption.**

(a) *Planning Commission.*

- (1) The Planning Commission shall provide notice, as provided in this ~~Code title~~, of its intent to make a recommendation to the City Council for a General Plan or a comprehensive General Plan amendment when the Planning Commission initiates the process of preparing its recommendation.
- (2) After completing its recommendation for a proposed General Plan or amendment, the Planning Commission shall schedule and hold a public hearing on the proposed plan or amendment. The Planning Commission shall provide notice of the public hearing, as provided by this ~~Code title~~.
- (3) After the public hearing, the Planning Commission may modify the proposed General Plan or amendment.
- (4) The Planning Commission shall forward its recommendation and the proposed General Plan or amendment to the City Council.

(b) *City Council.*

- (1) The City Council shall consider the recommendation of the Planning Commission for a proposed General Plan or amendment at a public meeting after notice as provided by this ~~Code title~~ and may:
  - a. Make any revisions to the proposed General Plan or amendment that it considers appropriate.
  - b. Adopt or reject the proposed General Plan or amendment either as proposed by the Planning Commission or after making any revision that the City Council considers appropriate.
  - c. Provide suggestions to the Planning Commission for its consideration if the City Council rejects the proposed General Plan or amendment.

(LDC 2008, § 15A-06-04)

**State law reference**—Plan preparation, public hearing, etc., U.C.A. 1953, § 10-9a-404 et seq.

**Sec. 21-6-5. Effect of the General Plan.**

Except as provided in ~~the following section~~ Section 21-6-6, the General Plan is an advisory guide for land use decisions.

(LDC 2008, § 15A-06-05)

**Sec. 21-6-6. Public Uses to Conform to the General Plan.**

After the City Council has adopted a General Plan, no street, park or other public way, ground, place, or space, no publicly-owned building or structure, and no public utility, whether publicly- or privately-owned, may be constructed or authorized until and unless it conforms to the current General Plan.

(LDC 2008, § 15A-06-06)

**Sec. 21-6-7. Effect of the Official Street Map.**

- (a) The City may adopt an Official Street Map.
- (b) The Official Street Map does not:
  - (1) Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances as set forth below; or

- (2) Require the City to immediately acquire property it has designated for eventual use as a public street.
- (c) This section does not prohibit the City from:
  - (1) Recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with the State code concerning exactions.
  - (2) Acquiring the property through purchase, gift, voluntary dedication, or eminent domain.
  - (3) Requiring the dedication and improvement of a street if the street is found necessary by the ~~municipality~~ City because of a proposed development and if the dedication and improvement are consistent with the State code concerning exactions.

(LDC 2008, § 15A-06-07)

**State law reference**—Effect of official maps, U.C.A. 1953, § 10-9a-407.

**CHAPTER ~~15A-07-21-7~~. LAND USES IN RESIDENTIAL DISTRICTS**

**Sec. 21-7-1. Purpose and Applicability.**

(a) *Purpose.* The residential districts are designed to create neighborhoods ranging in densities from very low to moderately high. The differences in these densities and regulations are intended to support the varying lifestyles of the City's residents. The zoning districts provide for a range of residential habitation, including rural agricultural, single-family, multifamily, manufactured home, and combinations thereof. It also provides home occupations, schools, parks, and public services necessary for neighborhood living.

(b) *Applicability.* Residential zoning districts fall under four categories:

(1) *Single-Family Residential (SFR).*

R-1-6	R-1-7.5(HS)	R-1-8(INF)
R-1-8	R-1-9	R-1-10
R-1-12	R-1-15	R-1-20
R-1-30	R-1-40	SD(R)3.75
SD(Magna)(4.25)	SD(Magna)(3.75)	SD(R-1-8)(11800 S)
SD(R-1-10)(Hegessey)	SD(R-1-10)(Thomas)	SD (R2.0)
SD(R3.25)(Keller)	SD(PO/R)(Library)	SD(R-2-A)(Fluckiger)
SD(R-1-7)	SD(R-1-8)	SD(R-1-15)(Scandia)
SD(Smart Dairy)(R-1-7)	PUD--for single-family	SD(R-1-9)

(2) *Two-Family Residential (TFR).*

R-2-8	R-2-10
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(3) *Manufactured Home (MH).*

MH
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(4) *Multi-Family Residential (MFR).*

PUD--for multifamily	RM--for multifamily	SD(Magna/PUD)
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(c) *Applicability of Other ~~Code-Title~~ Chapters.* Uses permitted under this chapter shall conform to the development standards provided elsewhere in this ~~Code-title~~ and to the application procedures for development as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted as a conditional use shall comply with the requirements for conditional use permits.

(LDC 2008, § 15A-07-01)

**Sec. 21-7-2. Permitted Land Use Matrix by the Residential Districts.**

(a) *Matrix Explanation.* The following matrix ~~below~~ lists all permitted uses within Sandy City residential, civic or open space zones. The letters "P," "C," "S" or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within the title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number <sup>(1)</sup>, refer to Subsection (c) of this section for explanation.

PROOFS











Day care, child	N <sup>2</sup>															
Day care, elderly	N <sup>2</sup>															
Day care, group	N <sup>2</sup>															
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, duplex	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	C
Dwelling, earth sheltered	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	S
Dwelling, group planned	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	C
Dwelling, multiple unit	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C
Dwelling, single-family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Earth station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Educational facility with housing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Equestrian facilities	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
Equipment sales and services	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Exposition/convention center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Extended living areas	S	S	S	S	S	S	S	S	S	S	S	N	N	N	N	S <sup>3</sup> /N
Fraternity or sorority house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Garage sales (residential)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Guest house	S	S	S	N	N	N	N	N	N	N	N	N	N	N	N	S <sup>4</sup> /N
Half-pipe ramps	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N	C











PROOFS

(c) *Explanatory Notes for Land Use Matrix* 

1. Permitted as a conditional use only within detached single-family developments.
2. This land use may be allowed only as a home occupation subject to the home occupations standards and qualifications.
3. Permitted as a special use only within detached single-family developments.
4. Permitted as a special use only within detached single-family development with a minimum lot size of 20,000 square feet or larger.
5. Reviewed as a special exception by the Director.
6. Public service uses with maintenance facilities shall not be allowed in residential districts.
7. Must follow Sandy City business license regulations.
8. Park and ride facilities shall be developed according to commercial standards relating to landscaping, screening, at boundaries of residential districts, parking standards, and signs. All site plans shall be reviewed by the Planning Commission. Minimum building setbacks shall be as follows:
  - a. Front: 39 feet from back of curb from all property lines adjacent to public rights-of-way;
  - b. Side: ten feet from all side property lines;
  - c. Rear: 20 feet from all property lines;
  - d. Adjacent to residential developments: 30 feet from all residential property lines.
9. May be allowed as a home occupation subject to the Home Occupation Standards and Qualifications. A conditional use permit would be required if a commercial school, low-impact, complies with the regulations established for such use.
10. Any social or reception center built within a residential zone must be on a lot with at least 20,000 square feet and be accessed via a designated minor arterial road. Social or reception centers shall be developed according to commercial standards relating to landscaping, parking standards, and signs. All site plans shall be reviewed by the Planning Commission.
11. The requirements of this title as to minimum lot area, minimum setbacks, fence height, and landscaping shall be determined by the Planning Commission for a public utility station during a conditional use and site plan review. The Planning Commission shall not amend the requirements of the underlying zone unless the evidence presented is such as to establish that the amendment will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
12. The requirements of this title as to minimum lot area, minimum setbacks, fence height, and landscaping shall be determined by the Planning Commission for a community center during a conditional use and site plan review.
13. An alternative healing and energy healing business must meet the following:
  - a. All Home Occupation Standards and Qualifications.
  - b. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
  - c. Neither clients nor practitioner shall appear on the premises in a state of nudity or semi-nudity, as defined in ~~Title 12, Chapter 2, Sexually Oriented Business and Employee Licensing Ordinance, of the Sandy City Ordinances Chapter 16-2.~~
  - d. The premises shall not be used for any conduct that violates ~~Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013)~~ U.C.A. 1953, § 58-47b-501 or sexual conduct that violates ~~Title 76 of the Utah Criminal Code~~ Utah Criminal Code (U.C.A. 1953, § 76-1-101 et seq.).
14. Allowed only when associated with a church that is conducting a civic or community enterprise or convention.

(LDC 2008, § 15A-07-02; Ord. No. 09-10, 4-24-2009; Ord. No. 09-35, 12-7-2009; Ord. No. 10-24, 7-12-2010; Ord. No. 10-32, 9-2-2010; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 15-05, 3-23-2015; Ord. No. 15-25, 7-21-2015; Ord. No. 16-13, 3-23-2016; Ord. No. 16-35, 10-20-2016; Ord. No. 17-09, 3-9-2017)

**CHAPTER ~~15A-08-21-8~~. LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS**

**Sec. 21-8-1. Purpose and Applicability.**

(a) *Purpose.* The commercial districts land use standards are intended to:

- (1) Allow a mixture of complimentary land uses that may include retail, offices, commercial services, civic uses, and housing to create economic and social vitality, and to encourage the linking of trips; and
- (2) Develop commercial areas that encourage walking as an alternative to driving and provide employment and housing options.

(b) *Applicability.* Uses permitted under this chapter shall conform to the development standards provided elsewhere in this ~~Code title~~, and to the application procedures for development as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted as a conditional use shall comply with the requirements for conditional use permits.

(LDC 2008, § 15A-08-01)

**Sec. 21-8-2. Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.**

(a) *Matrix Explanation.* The following matrix ~~below~~ lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (<sup>1</sup>), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

Land Use Category	CBD	CBD-P	CBD-O	CBD-A&C	CR-PUD	RC	BC	CC	CN	CvC	CN(HSN)	HBD	LC	PO	ID	AM (Dealerships)	AM (Commercial)	MU	TC	RD
Accessory apartments	N	N	N	N	N	N	C <sup>1</sup> / N	N	N	N	N	N	N	N	N	N	N	C <sup>1</sup> / N	N	N
Accessory structure (unless otherwise specified)	N	N	N	N	N	N	C <sup>1</sup>	N	N	N	N	N	N	N	N	N	N	C <sup>1</sup>	N	N
Agriculture	P	P	P	N	P	P	P	P	P	P	P	P	P	N	N	N	N	P	N	N
Alcohol or tobacco specialty store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>10</sup>	N	N	N	N	N
Alcoholic beverage club (dining) liquor license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage club (equity) liquor license*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (fraternal) liquor license*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (social) liquor license*	p <sup>21</sup> & 22	p <sup>21</sup> & 22	p <sup>21</sup> & 22	p <sup>21</sup> & 22	N	p <sup>21</sup> & 22	N	N	N	N	N	N	N	N	N	N	p <sup>21</sup> & 22	p <sup>21</sup> & 22	N	N
Alcoholic beverage hotel license	P	P	P	P	P	P	N	C	N	N	P	N	N	N	N	N	P	C	N	C
Alcoholic beverage manufacturing license	p <sup>21</sup> & 22	p <sup>21</sup> & 22	p <sup>21</sup> & 22	p <sup>21</sup> & 22	N	p <sup>21</sup> & 22	N	N	N	N	N	N	N	N	p <sup>23</sup>	N	p <sup>21</sup> & 22	p <sup>21</sup> & 22	N	N
Alcoholic beverage off-premises beer retailer license	P	P	P	P	P	P	P	P/C	C	P	P	C	P/C	N	P	N	P	P	N	P
Alcoholic beverage on-premises banquet and	P	P	P	P	P	P	P	P	C	C	C	C	P	C	C	N	P	C	N	C

catering license																				
Alcoholic beverage on-premises beer tavern license	p <sup>21</sup> & 22	N	p <sup>21</sup> & 22	N	N	N	N	N	N	N	N	N	N	p <sup>21</sup> & 22	p <sup>21</sup> & 22	N	N			
Alcoholic beverage on-premises recreational beer retailer license	P	C	C	P	P	P	P/C	P/C	P/C	N	N	C	P/C	N	C	N	P	C	N	N
Alcoholic beverage package agency	P	P	P	P	P	P	N	N	N	N	N	N	N	N	P	N	P	P	N	N
Alcoholic beverage reception center license	P	C	N	P	P	P	P	P	P	N	P	P	C	P	P	N	P	C	N	N
Alcoholic beverage resort license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage beer--only license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage restaurant full service license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage restaurant limited license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage single event permits	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Alcoholic beverage state liquor store	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	C	C	N	N
Alcoholic beverage temporary beer permits	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
All-terrain vehicles (ATV) sales and service	N	N	N	N	P	P	N	N	N	N	N	N	N	N	P	C	N	N	N	N
Alternative healing and energy healing business	p <sup>20</sup>	p <sup>20</sup>	N	p <sup>20</sup>	p <sup>20</sup>	p <sup>20</sup>	C <sup>20</sup>	p <sup>20</sup>	p <sup>20</sup>	p <sup>20</sup>	p <sup>20</sup>	C <sup>20</sup>	C <sup>20</sup>	N	p <sup>20</sup>	N	p <sup>20</sup>	p <sup>20</sup>	N	p <sup>20</sup>
Alzheimer's facility	N	N	N	N	N	N	C	N	N	C	C	N	N	N	N	N	N	C	N	N
Ambulatory surgical facility	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N
Ancillary commercial as	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	N	C

part of a mixed use building																				
Animal hospital, veterinary office	C	N	N	N	P	P	P	P	P	N	P	P	P	C <sup>11</sup>	P	N	P	C	N	N
Animal kennel, commercial	C	N	N	N	C	C	C	P/C	P/C	N	N	N	C	N	P/C	N	N	N	N	N
Animals (household pets or farm)	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	S	N	N
Aquarium	P	C	N	P	P	P	C	P	P	N	N	N	N	N	P	N	N	P	N	N
Arcade	C	N	N	C	P	P/C	C/N	P/C	C/N	N	N	N	N	N	N	C	P	C	N	N
Art gallery	P	C	C	P	P	P	C	P	P	N	P	P	C	C	P	N	N	P	N	C
Assisted living facility--large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N	N	N	N	N	N	P/C	P/C	C	N	P/C	N	C	N	N	N	N	C	N	N
Assisted living facility--limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Auto, light trucks, RV dealerships (new)--sales and service agencies	N	N	N	N	C	C	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Auto, light trucks, RV dealerships (used)--sales and service agencies	N	N	N	N	P <sup>15</sup>	C	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Auto, light trucks, RV rental and leasing agencies	C <sup>12</sup>	N	N	N	C	C	C	N	N	N	N	N	N	N	N	C	C	N	N	N
Automotive self-service	C <sup>9</sup>	N	N	N	P	P/C	C	P/C	P/C <sup>1</sup>	C	C <sup>2</sup>	N	N	N	N	C	P	C	N	N







Model home	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N	S	N	N
Modular home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mortuary, funeral home	P	N	N	N	P	P	P	N	N	N	N	N	P	N	N	N	N	C	N	N
Motel	N	N	N	N	P	P/C	N	C	N	N	P	N	N	N	N	N	P	N	N	C
Multifamily, 8 U/A	N	N	N	N	N	N	C <sup>16</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N
Non-depository institutions	C	N	N	N	C	C	C	C	C	N	N	N	N	N	C	N	C	N	N	N
Nursing care facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Park and ride facilities	C/N	N	C/N	C	P	P/C	C	C	C	C/N	C/N	N	P/C	C	C	N	N	C/N	N	C
Parking, structure/terrace	P	P	P	P	P	P/C	N	C	C	N	N	N	N	N	P	C	P	P	N	P
Parking, underground	P	P	P	P	P	P/C	N	C	C	N	N	N	N	N	P	C	P	P	N	P
Parks, public and private	P	P	P	P	P	P	P	P	P	C	P	C	C	P	P	N	N	P	P	C
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Permanent make-up	P	N	N	N	P	P	P	P	P	P	P	N	P	N	N	N	N	P	N	N
Planned unit development	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	C	N	C <sup>5</sup>
Plant nursery	N	N	N	N	P	P/C	P/C	C	C	N	P/C	N	P/C	N	N	N	N	C	N	N
Prison	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Professional office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	N	P
Protective housing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Public plaza	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N	P	P	P
Public service	P	P	P	P	P	P	P	P	P	N	P	P	P	P	P	C	P	P	N	P

Public utility station	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	P <sup>14</sup>	P <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	N	N	C <sup>14</sup>	C <sup>14</sup>	P <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	N	C <sup>14</sup>
Recreation center	P	C	C	P	P	P	P/C	P/C	P/C	N	N	C	P/C	N	C	N	P	C	N	N
Recreation, indoor	P	P	C	P	P	P	P	P	P	N	P	C	P	N	C	N	P	C	N	N
Recreation, outdoor	C	C	N	P	P	P/C	N	N	N	N	N	N	P/C	N	C	N	P	C	N	N
Recycling materials collection/drop-off facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Religious or cultural activity	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>	C <sup>17</sup>							
Research and development facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	P
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N	N	N	N	C	C	C	C	C	N	C	N	C	N	N	N	N	C	N	N
Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N	N	N	N	C	C	C	C	C	N	C	N	C	N	N	N	N	C	N	N
Residential health care facility, residential care facility	N	N	N	N	C	C	C	C	C	N	N	N	C	N	N	N	N	C	N	N
Residential lease, short term	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Restaurant	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Restaurant, drive-up	C	N	N	N	C	C/N	C/N	P/C <sup>3</sup>	C/N	N	C/N	N	N	N	P/C <sup>3</sup>	N	C	N	N	N

window						3	3		3		3										
Satellite dish (ground or roof mount)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	S
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
School, commercial	P	C	C	P	P	P	P	P	P	N	P	P	P	N	P	C	P	C	N	P	
School, commercial (low-impact)	P <sup>17</sup>	C <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	N	P <sup>17</sup>							
School, private or quasi-public	C	C	C	C	C	C	C	C	C	N	N	N	C	C	N	C	C	C	N	C	
School, public	C	C	C	C	C	C	C	C	C	N	N	N	C	C	N	C	C	C	N	C	
Secondhand merchandise dealer	P <sup>13</sup>	P <sup>13</sup>	N	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	N	P <sup>13</sup>	N	P <sup>13</sup>	P <sup>13</sup>	N	C <sup>13</sup>						
Sexually oriented business, (escort agencies, outcall service agencies and semi-nude dancing agencies)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>6</sup>	N	N	N	N	N
Sheltered workshop	P	C	C	N	P	P	P	P	P	N	P	N	P	C	P	N	N	N	N	N	N
Skatepark	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Small health care facility	N	N	N	N	N	N	P/C	P/C	C	N	P/C	N	C	N	N	N	N	C	N	N	N
Social detoxification facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Social or reception center, fraternal organizations	P	C	N	P	P	P	P	P	P	N	P	C	C	P	C	N	P	C	N	N	N
Solar equipment	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Solid waste conversion facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Stadium	C	N	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N
Storage (mini-storage) facilities	N	N	N	N	P	P/C	C	C	N/C <sup>7</sup>	N	N	N	C	N	P	N	N	N	N	N	N
Street vendors	S	S	S	S	N	S	N	N	N	N	N	S	N	N	N	N	N	S	N	N	N
Tattoo parlor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C <sup>4</sup>	N	N	N	N	N	N

Theater	P	P	C	P	P	P/C	P/C	P/C	C/N	N	C	C	N	N	N	N	P	C	N	N
Trade or vocational school	P	N	N	N	P	P	N	P	P	N	N	N	N	P	P	N	N	N	N	P
Transitional care development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	C	N	N	N	C	C	C	C	N	N	C	N	C	N	N	N	N	N	N	N
Twin home	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	P	N	N
Warehouse, wholesale	N	N	N	N	P	P/C	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Waste transfer station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Wind energy conversion system	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Wireless telecommunication facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Zero lot line development	N	N	N	P	N	N	C	N	N	N	N	N	N	N	N	N	N	P	N	N
Zoological gardens	N	N	N	N	P	P	N	N	N	N	N	N	N	N	P	N	N	P	N	N

\*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
- (2) Lighting of the building at the entrance.
- (3) ~~Shall~~ Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.

(c) *Explanatory Notes for Land Use Matrix.*

1. Single-family residential developments only.
2. The use is only permitted as a conditional use along the west side of State Street in the CN(HSN) Zone.
3. The use is not permitted if any part of the proposed/existing building containing the use is within 100 feet of a dwelling or probable location of a dwelling on existing residentially zoned property.
4. The use is not permitted if any part of the proposed/existing building containing the use is within 500 feet from an agricultural or residential use or residential zoning boundary.
5. Planned unit development permitted at a density of 12 units per acre (east of 700 East only).
6. This use is not permitted if any part of the proposed/existing building containing the use is within 1,000 feet from any school, public park, library, or religious or cultural activity; within 500 feet of any other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency; within 600 feet from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use; within 150 feet of the 9000 South Street gateway, the distance shall be measured from right-of-way boundary; and no property within 800 feet of the Interstate 15 freeway right-of-way boundary. This includes an entire parcel of property, any portion of which is within 800 feet of the Interstate.
7. Storage (mini-storage) facilities only permitted as a conditional use in the CN Zone for areas south of 9600 South and north of 10000 South, and east of 700 East and west of 1300 East. Use is not permitted in all other areas of the CN Zone. Facility storage may not be used to conduct commercial business on site. A mini-storage facility may include a caretaker's residence and areas for the outdoor storage of recreational vehicles (RVs) within a mini-storage building project according to the following restrictions and standards:
  - a. Outdoor storage areas are for recreational vehicle storage only (e.g., boats, campers, trailers, jet skis, snowmobiles, automobiles).
  - b. Outdoor vehicle storage areas shall be located only at the rear of the project where vehicles will not be visible from any public streets.
  - c. Outdoor vehicle storage areas shall be designed so as not to block any driveways, access ways, or parking aisles within the project.
  - d. Outdoor vehicle storage areas must be surrounded by a six-foot-high masonry wall on the exterior boundaries of the mini-storage project.
8. Must follow Sandy City business license regulations.
9. In the CBD District, gasoline dispensing sales are only allowed as an ancillary use and shall not include additional services or products with the operation of this use other than those products or services that are associated with the primary use of the property. To qualify for the ancillary use, sales receipts generated by gasoline dispensing shall not exceed more than ten percent of the total sales volume of the primary use of the property. The sales and dispensing of gasoline shall be in compliance with all federal, state and local laws governing such activity.
10. This use is not permitted if any part of the proposed/existing building containing the use is within 1,000 feet from any community location such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade, within 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use; within 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street, the distance shall be measured from the right-of-way boundary. Distance requirements from structures for this use shall be measured in a straight line, without

regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.

11. The use is only permitted as a conditional use as long as the entire operation is contained within a stand-alone single tenant office building.
12. The use is only permitted as a conditional use south of 11000 South and east of State Street in the CBD Zone.
13. This land use is only allowed as an ancillary use with a fine jewelry store, non-depository institutions, or a pawnshop.
14. The requirements of this title as to minimum lot area, minimum setbacks, fence height, and landscaping shall be determined by the Planning Commission for a public utility station during a conditional use and/or site plan review. The Planning Commission shall not amend the requirements of the underlying zone unless the evidence presented is such as to establish that the amendment will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
15. Automotive sales with no outside display.
16. Multifamily projects shall be developed following the RM standards.
17. See additional standards within Chapter 21-11.
18. This use is not allowed within the CN Zoning District near the northeast corner of Sego Lily and 1300 East. Refer to Rezone File 3-13-2806 Sego Lily Commercial Development for specific area.
19. Whether permitted or conditional, this land use may only be allowed in conjunction with on-site retail sales.
20. An alternative healing and energy healing business must meet the following:
  - a. All Home Occupation Standards and Qualifications.
  - b. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
  - c. Neither clients nor practitioner shall appear on the premises in a state of nudity or semi-nudity, as defined in ~~Title 12, Chapter 2, Sexually Oriented Business and Employee Licensing Ordinance, of the Sandy City Ordinances Chapter 16-2.~~
  - d. The premises shall not be used for any conduct that violates U.C.A. 1953, § 58-47b-501 or sexual conduct that violates ~~Title 76 of the Utah Criminal Code~~ Utah Criminal Code (U.C.A. 1953, § 76-1-101 et seq.).
21. Cannot be a stand-alone use. Must be on the same premises as a sit-down restaurant, retail complex, hotel, or stadium.
22. Only allowed within the Cairns District (boundaries include 9000 South to the north, the TRAX rail to the east, 10600 South Street on the south and Interstate 15 to the west. Also to include the automall commercial areas from 10600 South to 11000 South).
23. May be a stand-alone use or on the same premises with a restaurant.

(LDC 2008, § 15A-08-02; Ord. No. 09-35, 12-7-2009; Ord. No. 10-03, 2-19-2010; Ord. No. 10-12, 4-20-2010; Ord. No. 10-13, 4-20-2010; Ord. No. 10-31, 9-2-2010; Ord. No. 10-32, 9-2-2010; Ord. No. 10-12, 4-20-2010; Ord. No. 10-13, 4-20-2010; Ord. No. 10-31, 9-2-2010; Ord. No. 10-32, 9-2-2010; Ord. No. 11-06, 3-25-2011; Ord. No. 12-13, 5-15-2012; Ord. No. 12-30, 8-20-2012; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 13-28, 12-9-2013; Ord. No. 14-35, 11-13-2014; Ord. No. 15-05, 3-23-2015; Ord. No. 15-19, 6-26-2015; Ord. No. 16-13, 3-23-2016; Ord. No. 16-35, 10-20-2016; Ord. No. 16-45, 12-14-2016; Ord. No. 17-09, 3-9-2017)

**CHAPTER ~~15A-09-21-9~~. INSTITUTIONAL CARE DISTRICT**

**Sec. 21-9-1. Purpose and Applicability of Institutional Care District (IC) Designation of Institutional Care District.**

The Institutional Care (IC) District is designed to provide a safe, quiet living arrangement for patients and tenants who are in need of special care or medical attention.

(LDC 2008, § 15A-09-01)

**Sec. 21-9-2. Institutional Care District Purpose; Development Standards; General Amenities for Institutional Care Facilities; Required Amenities and Development Standards for Transitional Care Developments.**

(a) *Purpose.*

- (1) The Institutional Care District is established to provide a residential environment within Sandy City for institutional care developments such as:

a. *Institutional Care--Residential.*

1. Transitional care development.
  2. Assisted living facility.
  3. Nursing home/convalescent home/rest home.
  4. Congregate care facility.
  5. Nursing care facility.
  6. Alzheimer's facility.
  7. Hospice.
  8. Medical and health care offices as ancillary use only.
  9. Other similar land uses that are constructed and used primarily for long-term or permanent residence by the elderly and persons with a disability.
- (2) This does not include any facility licensed or operating as a general acute or specialty hospital, day treatment, domestic violence treatment program, residential support, residential treatment, secure treatment, youth program, community correctional center, correctional facility, secure correctional facility, rehabilitation/treatment facility, transitional housing facility, or protective housing facility.
- (3) It is intended that this zone district be placed in areas along an arterial or major collector street, preferably within reasonable walking distance to either general commercial centers that provide grocery and other similar services or major mass transit transportation facilities, such as bus or light rail.

(b) *Development Standards.* The following development standards apply to all developments within the Institutional Care District regardless of the type of use. Additional development standards for institutional care and transitional care development specific land uses are listed elsewhere in this section.

- (1) *Parcel Size.* Any development within the Institutional Care District shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit.
- (2) *Building Height.* The maximum height for all buildings shall be 35 feet from average grade to the peak of the roof.
- (3) *Building Setbacks.*
  - a. *Front Setback.* No building shall be closer to a public street right-of-way than 20 feet. Porticos, portes-cocheres, and similar walkway coverings may project into the front setback and front landscape area a maximum of ten feet.
  - b. *Side Setback.* Side setback areas shall be a minimum of ten feet, excluding porticos and similar overhangs, except where a side property line abuts a residential (R-1) district, in which case the side setback area shall be a minimum of 30 feet.

- c. *Rear Setback.* Rear setback areas shall be a minimum of ten feet, except where a rear property line abuts a residential (R-1) district, in which case the rear setback area shall be a minimum of 30 feet.
  - d. *Interpretation.* It shall be within the authority of the Director to determine for any lot in this district as to which property ~~line or lines~~ shall be considered as side or rear lines for the purpose of administering this chapter.
- (4) *Architectural Design and Materials.*
- a. *Building Materials.* All main buildings shall utilize a combination of brick, stone, ceramic tile, masonry materials, and wood composite siding. (Exposed concrete, cinder block, and concrete masonry unit are not permitted, except for minimal foundation exposure.) Stucco, vinyl, aluminum, or wood siding are to be used as accent materials only.
  - b. *Building Design.* All buildings shall have a residential look and incorporate design elements such as dormers, a pitched roof, porticos, quoins, shutters, or other residential elements consistent with the immediate residential neighborhood, as determined during site plan review. In addition, all buildings shall follow the Sandy City Architectural Design Standards.
- (5) *Parking.* Parking for all uses shall be in accordance with Chapter 21-24. In addition to ~~the above code section~~ Chapter 21-24, the following parking standards shall apply:
- a. No parking shall be permitted between the street and all main buildings.
  - b. A minimum of one parking space shall be provided on each site for bus only parking. This parking space must be the same size as a handicap stall and clearly designated on the site.
  - c. The number of required parking stalls may be reduced up to 25 percent of the requirement upon review and approval of the Planning Commission if the following criteria can be met:
    - 1. An expandable area is indicated on the site plan and shown as a future phase of the project.
    - 2. The applicant/developer is the current owner of record for the property, and any expandable property shown on the site plan.
- (6) *Loading.* All loading and unloading operations shall be performed on the site in accordance with Chapter 21-24.
- (7) *Driveways.* All driveways shall be located as required in Chapter 21-24.
- (8) *Storage Areas.* All storage areas shall be developed in accordance with Chapter 21-23.
- (9) *Refuse Collection Areas.* All refuse areas shall be developed in accordance with Chapter 21-23.
- (10) *Landscaping.* The landscaping upon the entire site shall conform to the following minimum requirements:
- a. *Front Setback.* A minimum of 20 feet measured from the front property line after any required street dedication. This standard shall apply to both frontages of a corner parcel.
  - b. *Side and Rear Setback.*
    - 1. A minimum of ten feet between parking areas and side or rear property lines.
    - 2. A minimum of ten feet between an access driveway and a side or rear property line, unless said driveway is to be used for common access by an adjacent commercial parcel.
    - 3. Other side and rear setback areas that are open to view from public rights-of-way or from residentially zoned property shall be landscaped.
    - 4. Irrespective of other requirements, developments abutting residential districts shall have a minimum of ten feet of perimeter landscaping that is compatible with adjacent land uses and existing landscaping.
- (11) *Screening at District Boundaries.* An opaque screen shall be installed and maintained along all district boundaries, other than streets, where the premises abut areas zoned for residential uses, unless otherwise

provided.

- a. Except where otherwise provided, the screen shall have a minimum height of six feet.
- b. Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, such as in the case of hillside developments, the Director may review and approve other methods of screening such as bermed landscaping, open construction, screen height, placement of screen, or other types of screening.
- c. No signs or sign supports shall be permitted on any required screen or fence.
- d. Acceptable construction materials for screen walls shall include only ceramic tile, stone, brick, concrete panel, concrete block, vinyl, or such other materials as the Director may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the Chief Building Official.

(c) *General Amenities for Institutional Care Facilities.* The following amenities are required for all developments under this section, including all multi-unit developments and similar developments intended for independent or assisted living:

- (1) *Amenities.* Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total planned development and shall project a residential character.
  - (2) *Building Spaces.* Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
  - (3) *Elevators.* All two-story or greater multi-unit buildings shall include at least one elevator per building.
  - (4) *Common Areas.* All projects shall provide accessible common areas. For multi-unit enclosed projects, the common areas shall also exist within the building. Such indoor common areas and accents may include a meeting area, laundry facilities, large furnished lobby, art work within the hallways, library, reading room, game room, or exercise room. Exterior common areas may include a walking path, garden area, outdoor sitting area, and an outdoor eating area. Additional amenities may include an indoor/outdoor swimming pool, pharmacy, beauty salon, ancillary interior convenience store for residents only, nursing station, classrooms, and patios.
  - (5) *Transportation.* All institutional care facilities shall provide transportation options for its residents. Such transportation may include van service operated by the facility or contracted out to a multi-facility provider. Such facilities are encouraged to be located near mass transit lines (bus or rail) to provide alternative travel options for its residents. Such facilities shall provide connections to public sidewalks, trail systems, and other compatible land uses.
  - (6) *24-Hour On-Site Facilities Manager.* All institutional care facilities shall provide at least one on-site facilities manager 24 hours per day, seven days per week. The position may either be a live-in manager or regular employee staffing.
- (d) *Required Amenities and Development Standards for Transitional Care Developments.*
- (1) A transitional care development must contain at least two of the following land use classifications to qualify under this section:
    - a. Single-family unit development (either detached or attached), such as a traditional home or twin home development.
    - b. Congregate care facility.
    - c. Assisted living facility.
    - d. Nursing home/convalescent home/rest home.
    - e. Hospice.

- f. Nursing care facility.
  - g. Alzheimer's facility.
- (2) The project shall be developed as a cohesive development that will allow residents to remain in the same location during the transition period from total independence to total dependence. The facility should be constructed in a campus setting allowing residents to transition from one location to another within the same complex. These standards do not apply for stand-alone assisted living facilities, nursing homes, or other similar living arrangements not associated with the campus setting.
- (3) The following amenities are required for all transitional care developments that are developed under this section:
- a. *Parking.* Parking for all uses shall be in accordance with the uses in ~~residential districts (Planned Unit Development) section of this Development Code Section 21-20-7.~~ No parking shall be permitted in the minimum front, side, or rear landscape setback areas. No parking shall be permitted between the street and all main buildings, with the following exceptions:
    - 1. Twin home developments may utilize private driveway areas for parking.
    - 2. The completed parking ratio may be reduced to one space per unit for any congregate care facility within the development, and to one-half space per unit for any assisted living center or nursing facility within the development, provided that adequate space is created and landscaped that can be converted to additional parking stalls to comply with the minimum standards as set forth in the ~~Planned Unit Development section in this title Section 21-20-7.~~ The area that is held in reserve for additional parking shall not be located within a required landscape setback area and shall not be used in the calculations for any required landscaping or open space coverage percentage. This exception does not apply to any other type of land use such as single-family dwellings, twin homes, or traditional multifamily projects that may be associated with the transitional care development.
  - b. *Common Areas.* All projects shall provide accessible common areas. For multi-unit enclosed projects, the common areas shall also exist within the building. Such indoor common areas and accents shall include a meeting area, laundry facilities, large furnished lobby, and art work within the hallways. Exterior common areas shall include a walking path, garden area, outdoor sitting area, and an outdoor eating area. Additional amenities may include an indoor/outdoor swimming pool, pharmacy, beauty salon, nursing station, classrooms, and patios.

(LDC 2008, § 15A-09-02)

**Sec. 21-9-3. Permitted Land Uses by the Institutional Care District.**

(a) *Matrix Explanation.* The following matrix below lists all permitted uses within the Institutional Care District. ~~The letters "P," "C," or "N" shall mean "Permitted," "Conditional," or "Not Permitted," respectively. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively.~~ Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

(b) *Table of Uses.*

<i>Table 21-9-3. Land Uses in Institutional Care Districts</i>	
<i>Uses</i>	<i>District</i>
	<b>IC</b>
Accessory apartments	N
Accessory structure (unless otherwise specified)	N

Agriculture	P
Alcohol or tobacco specialty store	N
Alcoholic beverage club (dining) liquor license	N
Alcoholic beverage club (equity) liquor license	N
Alcoholic beverage club (fraternal) liquor license	N
Alcoholic beverage club (social) liquor license	N
Alcoholic beverage hotel license	N
Alcoholic beverage manufacturing license	N
Alcoholic beverage off-premises beer retailer license	N
Alcoholic beverage on-premises banquet and catering license	N
Alcoholic beverage on-premises beer tavern license	N
Alcoholic beverage on-premises recreational beer retailer license	N
Alcoholic beverage package agency	N
Alcoholic beverage reception center license	N
Alcoholic beverage resort license	N
Alcoholic beverage restaurant beer-only license	N
Alcoholic beverage restaurant full service license	N
Alcoholic beverage restaurant limited license	N
Alcoholic beverage single event permits	N
Alcoholic beverage state liquor store	N
Alcoholic beverage temporary beer permits	N
All-terrain vehicles (ATV) sales and services	N
Alzheimer's facility	C
Ambulatory surgical facility	N
Ancillary commercial as part of a mixed use building	P
Animal hospital, veterinary office	N
Animal kennel, commercial	N
Animals (household pets or farm)	N
Aquarium	N
Arcade	N
Art gallery	P
Assisted living facility--large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	P
Assisted living facility--limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	P
Auto, light trucks, RV dealerships (new)--sales and services agencies	N
Auto, light trucks, RV dealerships (used)--sales and services agencies	N
Auto, light truck, RV, rental and leasing agencies	N
Automotive self-service station	N
Automotive service and repair--major	N

Automotive service and repair--minor	N
Automotive service station	N
Automotive service station, non-mechanical	N
Auto, truck, RV, equipment storage	N
Bed and breakfast facility	N
Birthing center	N
Boarding house	N
Botanical gardens	N
Business or financial services	N
Car wash	N
Cemetery, columbarium, mausoleum	N
Commercial, heavy	N
Commercial, parking	N
Commercial repair services	N
Commercial retail sales and services	N
Commercial, specialty	N
Commercial uses of a complimentary nature which are shown to be compatible and necessary for the development project	N
Community center	N
Community correctional facility	N
Comprehensive mental health treatment	N
Congregate care facility	N
Correctional facility	N
Crematory, embalming facility	N
Dance hall	N
Day care, adult	C
Day care, child	N
Day care, elderly	N
Day care, group	N
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	N
Dwelling, duplex	N
Dwelling, earth sheltered	N
Dwelling, group planned	N
Dwelling, multiple unit	N
Dwelling, single-family	C
Earth station	S
Educational facility with housing	N
Equestrian facilities	N
Equipment sales and services	N
Exposition/convention center	N

Extended living areas	C
Fraternity or sorority house	N
Garage sales (residential)	N
Guest house	N
Half-pipe ramps	N
Homeless shelter	N
Home health agency	N
Home occupation, Category I	N
Home occupation Category II	N
Hospice	C
Hospital	C
Hotel	N
Industry, light	N
Industry, medium	N
Jail	N
Juvenile detention facility	N
Juvenile secure facility	N
Library	N
Manufactured homes	C
Manufactured/mobile home park	N
Medical and health care offices	C
Mixed use development	N
Mobile homes	N
Model home	N
Modular home	N
Mortuary, funeral home	N
Motel	N
Multifamily, 8 U/A	N
Non-depository institution	N
Nursing care facility	C
Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	P
Park and ride facilities	N
Parking, structure/terrace	N
Parks, public and private	N
Pawnshop	N
Permanent make-up	N
Planned unit development	C
Plant nursery	N
Prison	N

Professional offices	N
Protective housing facility	N
Public service	N
Public utility station	N
Recreation center	N
Recreation, indoor	N
Recreation, outdoor	N
Recyclable materials collection/drop-off facility	N
Rehabilitation/treatment facility	N
Religious or cultural activity	N
Research and development facility	N
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	P
Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	P
Residential health care facility, residential care facility	C
Residential lease, short-term	N
Restaurant	N
Restaurant, drive-up window	N
School, charter	N
School, commercial	N
School, commercial (low-impact)	N
School, private or quasi-public	N
School, public	N
Secondhand merchandise dealer	N
Sexually oriented business, (escort agencies, outcall service agencies and semi-nude dancing agencies)	N
Sheltered workshop	N
Skatepark	N
Small health care facility	C
Social detoxification facility	N
Social or reception center, fraternal organizations	N
Solar equipment	S
Solid waste conversion facility	N
Stadium	N
Storage (mini-storage) facilities	N
Street vendors	N
Tattoo parlor	N
Theater	N
Trade or vocational school	N

Transitional care development	C
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Twin home	N
Warehouse, wholesale	N
Waste transfer station	N
Wind energy conversion system	N
Wireless telecommunication facility	S
Zero lot line development	N
Zoological gardens	N

(LDC 2008, § 15A-09-03; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 17-09, 3-9-2017)

## **CHAPTER 15A-10-21-10. OPEN SPACE DISTRICT**

### **Sec. 21-10-1. Purpose and Development Review.**

(a) *Purpose.* The Open Space ~~District~~ (OS) District is designed to provide for an enhanced natural environment, protecting the City's limited natural and developed open spaces from further intrusions. The intent of the Open Space District is to establish areas in the City where only open and generally undeveloped lands are to be permitted. Development of a comprehensive network of permanent, multi-functional, publicly- and privately-owned open spaces shall be encouraged. Restrictions in this zone are designed to prevent the encroachment of residential, commercial, and industrial uses into these open space areas that would be contrary to the objectives and characteristics of this zone.

(b) *Development Review.* All developments within the Open Space District shall be reviewed and approved by the Planning Commission. The Planning Commission shall review all requests for public facilities, including parks, pavilions, trails, equestrian areas, and indoor/outdoor recreation centers, within this District. During the review process, the Planning Commission shall set appropriate building height, size, and setback requirements for each specific development proposal. Development shall be landscaped as determined appropriate by the Planning Commission upon consultation with the Parks and Recreation Department and in compliance with ~~the City's Water Efficient Landscaping Ordinance Section 21-25-4.~~

(LDC 2008, § 15A-10-01)

### **Sec. 21-10-2. Permitted Land Uses in the Open Space District.**

(a) *Matrix Explanation.* ~~The following matrix below lists all permitted uses within the Open Space District. The letters "P," "C," or "N" shall mean "Permitted," "Conditional," or "Not Permitted" respectively. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number <sup>(1)</sup>, refer to Subsection (c) of this section for explanation.~~

(b) *Table of Uses.*

<i>Table 21-10-2.-Uses in Open Space District</i>	
<i>Uses</i>	<i>District</i>
	OS
Accessory apartments	N

Accessory structure (unless otherwise specified)	N
Agriculture	P
Alcohol or tobacco specialty store	N
Alcoholic beverage club (dining) liquor license	N
Alcoholic beverage club (equity) liquor license	C <sup>1</sup>
Alcoholic beverage club (fraternal) liquor license	N
Alcoholic beverage club (social) liquor license	N
Alcoholic beverage hotel license	N
Alcoholic beverage manufacturing license	N
Alcoholic beverage off-premises beer retailer license	N
Alcoholic beverage on-premises banquet and catering license	C <sup>1</sup>
Alcoholic beverage on-premises beer tavern license	N
Alcoholic beverage on-premises recreational beer retailer license	C <sup>1</sup>
Alcoholic beverage package agency	N
Alcoholic beverage reception center license	N
Alcoholic beverage resort license	N
Alcoholic beverage restaurant beer-only license	N
Alcoholic beverage restaurant full service license	N
Alcoholic beverage restaurant limited license	N
Alcoholic beverage single event permits	C <sup>1</sup>
Alcoholic beverage state liquor store	N
Alcoholic beverage temporary beer permits	C <sup>1</sup>
All-terrain vehicles (ATV) sales and services	N
Alzheimer's facility	N
Ambulatory surgical facility	N
Ancillary commercial as part of a mixed use building	N
Animal hospital, veterinary office	N
Animal kennel, commercial	N
Animals (household pets or farm)	N
Aquarium	N
Arcade	N
Art gallery	N
Assisted living facility--large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Assisted living facility--limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Auto, light trucks, RV dealerships (new)--sale and services agencies	N
Auto, light trucks, RV dealerships (used)--sale and services agencies	N
Auto, light truck, RV, rental and leasing agencies	N
Automotive self-service station	N

Automotive service and repair--major	N
Automotive service and repair--minor	N
Automotive service station	N
Automotive service station, non-mechanical	N
Auto, truck, RV, equipment storage	N
Bed and breakfast facility	N
Birthing center	N
Boarding house	N
Botanical gardens	C
Business or financial services	N
Car wash	N
Cemetery, columbarium, mausoleum	C
Commercial, heavy	N
Commercial, parking	N
Commercial repair services	N
Commercial retail sales and services	N
Commercial, specialty	N
Commercial uses of a complimentary nature which are shown to be compatible and necessary for the development project	N
Community center	N
Community correctional facility	N
Comprehensive mental health treatment	N
Congregate care facility	N
Correctional facility	N
Crematory, embalming facility	N
Dance hall	N
Day care, adult	N
Day care, child	N
Day care, elderly	N
Day care, group	N
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	N
Dwelling, duplex	N
Dwelling, earth sheltered	N
Dwelling, group planned	N
Dwelling, multiple unit	N
Dwelling, single-family	N
Earth station	N
Educational facility with housing	N
Equestrian facilities	C
Equipment sales and services	N

Extended living areas	N
Fraternity or sorority house	N
Garage sales (residential)	N
Guest house	N
Half-pipe ramps	N
Home health agency	N
Homeless shelter	N
Home occupation, Category I	N
Home occupation, Category II	N
Hospice	N
Hospital	N
Hotel	N
Industry, light	N
Industry, medium	N
Jail	N
Juvenile detention facility	N
Juvenile secure facility	N
Library	N
Manufactured homes	N
Manufactured/mobile home park	N
Medical and health care offices	N
Mixed use development	N
Mobile homes	N
Model home	N
Modular home	N
Mortuary, funeral home	N
Motel	N
Multifamily, 8 U/A	N
Non-depository institution	N
Nursing care facility	N
Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Park and ride facilities	N
Parking, structure/terrace	N
Parking, underground	N
Parks, public and private	C
Pawnshop	N
Permanent make-up	N
Planned unit development	N
Plant nursery	N

Prison	N
Professional office	N
Protective housing facility	N
Public service	C
Public utility station	C
Recreation center	C
Recreation, indoor	C
Recreation, outdoor	C
Recyclable materials collection/drop-off facility	N
Rehabilitation/treatment facility	N
Religious or cultural activity	N
Research and development facility	N
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Residential health care facility, residential care facility	N
Residential lease, short-term	N
Restaurant	N
Restaurant, drive-up window	N
School, charter	N
School, commercial	N
School, commercial (low-impact)	N
School, private or quasi-public	N
School, public	N
Secondhand merchandise dealer	N
Sexually oriented business (escort agencies, outcall service agencies and semi-nude dancing agencies)	N
Sheltered workshop	N
Skatepark	C
Small health care facility	N
Social detoxification facility	N
Social or reception center, fraternal organizations	N
Solar equipment	S
Solid waste conversion facility	N
Stadium	N
Storage (mini-storage) facilities	N
Street vendors	N
Tattoo parlor	N
Theater	N

Trade or vocational school	N
Transitional care development	N
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Twin home	N
Warehouse, wholesale	N
Waste transfer station	N
Wind energy conversion system	N
Wireless telecommunication	S
Zero lot line development	N
Zoological gardens	N

(c) *Explanatory Notes.*

1. Permitted as a conditional use only within golf course grounds and facilities. Not permitted in other facilities or uses in the Open Space District.

(LDC 2008, § 15A-10-02; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 17-09, 3-9-2017)

## **CHAPTER 15A-11-21-11. SPECIAL USE STANDARDS**

### **Sec. 21-11-1. Accessory Apartments, Extended Living Areas, and Guesthouses.**

(a) *Purpose.* This section is established to provide regulations and design standards for accessory apartments, extended living areas, or guesthouses related to single-family dwellings in residential zone districts. These accessory living areas enable housing units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living units available which are appropriate for households at a variety of stages in the life cycle.

(b) *General Requirements.* The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse:

- (1) *Residence Required.* The owners of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owners stating that such owners will occupy the said dwelling, except for bona fide temporary absences. For a guesthouse, the property owner shall live in the primary dwelling unit on the same premises that a guesthouse is proposed.
- (2) *Number Permitted Within Each Single-Family Dwelling.* Only one accessory apartment/extended living area shall be created within a single-family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
- (3) *Home to Retain Single-Family Dwelling Appearance.* The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including retention and enhancement of landscaping. A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).
- (4) *Utility Meters and Addressing.* It shall be prohibited to install separate utility meters and separate addresses.
- (5) *Building Code Compliance Required.* The design and size of the accessory area shall conform to all applicable standards in the City's adopted Fire, Building, and Health Codes. The applicant shall obtain

all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.

- (6) *Parking.* At least one off-street parking space shall be available for use by the occupants of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles owned by occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.
- (7) *Mobile Homes.* It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.
- (8) *Transferability.* Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire; that is, the approval is not transferable.

(c) *Additional Requirements for Approval of an Accessory Apartment.* Accessory apartments are allowed only with approval of a conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a conditional use:

- (1) *Entrances.* All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.
- (2) *Maximum Size Permitted.* In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area, nor be greater than 800 square feet, nor have more than two bedrooms, unless, in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.
- (3) *Occupancy Restrictions.* The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two unrelated individuals who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sublease any portion of the accessory apartment to other individuals.
- (4) *Recordation.* Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. A copy shall be kept on file with the ~~Building Department~~ Community Development Department.
- (5) *Duration of Approval.*
  - a. *Approval Nontransferable.* Upon sale of the home or change of primary occupant, the conditional use shall expire and is not transferable.
  - b. *Length of Approval--Renewal Options.* The effective period of the conditional use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use. The Planning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a conditional use.
- (6) *Other Requirements.* Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.

(d) *Additional Requirements for Approval of an Extended Living Area.* Approval for an extended living area may be granted by the Director. The granting of approval for an extended living area shall not exempt the applicant from meeting other applicable ordinances, covenants, codes or laws recognized by Sandy City. The following standards must be met:

- (1) *Occupancy Restrictions.* Extended living areas shall be used for extended family members only or for employed household maintenance personnel on a non-rental basis. A letter of application sworn before a notary public by the owners stating that the individuals residing in the extended living area are related by blood/marriage, adoption, or are employed household maintenance personnel must be provided to the City.
- (2) *Recordation.* Approval for an extended living area must be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.

(e) *Additional Requirements for Approval of a Guesthouse.* A guesthouse may be allowed only with approval of a conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a conditional use:

- (1) *Occupants.* A guesthouse shall be used only by the occupants of the principal dwelling or their nonpaying guests.
- (2) *Lot Size.* A guesthouse will only be considered for a conditional use on a lot containing at least 20,000 square feet which has an existing owner-occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling on a lot 20,000 square feet or larger.
- (3) *Location.* Guesthouse setbacks shall be no less than ten feet from the side and rear property lines and six feet from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be ten feet from the property line. The guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side yard, provided that the guesthouse is located behind the front plane of the home. If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.

[GRAPHIC]

- (4) *Maximum Size Permitted.* In no case shall a guesthouse comprise more than 400 square feet and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zoning district for accessory structures.
- (5) *Height.* A guesthouse shall be limited to a single story.
- (6) *Kitchen Facilities.* There shall be no kitchen or cooking facilities within a guesthouse. A microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), counter length not exceeding six feet, and a wet bar sink (12 inches wide or less) are permitted.
- (7) *Site Plan.* A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein prior to approval of a conditional use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.
- (8) *Conversion.* Existing accessory structures (shed, garage, workshop, etc.) may be converted to a guest house, provided that the proposed guesthouse complies with all ~~development code~~ development code title standards and the adopted Building Code. The number of required off-street parking stalls shall not be eliminated with the conversion of an accessory garage.
- (9) *Basements.* No basements will be allowed within a guesthouse.
- (10) *Recordation.* Approval for a guesthouse shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. Proof of recordation shall be submitted to the Community Development Department prior to issuance of a building permit. A recorded copy shall be kept on file with the ~~Building Department~~ Community Development Department.

- (11) *Inspections.* Yearly inspections may be required to determine compliance if determined appropriate by the Director or Chief Building Official.

(LDC 2008, § 15A-11-01)

**Sec. 21-11-2. Accessory Structures.**

- (a) *Residential Standards.*
- (1) *Setbacks and Location Restrictions.*
  - a. *General.* Eave projections shall not encroach more than four inches into the setback area. Accessory buildings shall be constructed in such a manner that the water runoff does not infringe onto adjoining property, and the setback areas are kept free of weeds, trash and debris. Accessory buildings located three feet or less from the property line shall have concrete, asphalt, or other approved surface between the property line and accessory building. Accessory buildings shall comply with the minimum setback distances listed below in this section.
  - b. *"A" Designated Zones.* Those properties within an "A" designated zone, with at least 40,000 square feet, shall be allowed to build an accessory structure, for animals or personal storage, within the front and/or side yard areas, provided the structure is beyond the required setbacks for main dwelling units. These accessory structures shall be limited to 20 feet in height, 2,000 square feet, and be at least 30 feet from neighboring dwelling units. The structure must be in scale and character with the main dwelling unit. Any exception from the height or setback requirements may be reviewed by the Planning Commission through the conditional use permit process.
  - c. *Table of Minimum Setbacks.*

	<i>Setback</i>
From side property line in rear yard	2*
From rear property line	2*
From front property line	30
From main dwelling <sup>1</sup>	6
From dwelling on adjacent property	10
Between dwelling and front property line adjacent to a street (corner lot)	See below
<p>*There shall be a minimum three-foot-wide unobstructed access to the rear yard for emergency purposes. Said access may be gated, and may be located on either side yard of the home.</p> <p>Accessory structures built closer than five feet to property line will be required to comply with the International Residential Code.</p>	

- 1. Accessory buildings less than six feet from the main dwelling must meet the setback of the main dwelling of the underlying zone. If the accessory building cannot meet the setback of the main dwelling, it shall be setback six feet from the main dwelling.
- 2. Additional setbacks may be required as per Subsections ~~Lots with Multiple Street Frontages and Maximum Height~~ below (a)(1)e and (a)(3) of this section.
- d. *Corner Lots.* An accessory structure may be located between the main dwelling unit and the front property line (see Figure 1), adjacent to a street, if the structure complies with the maximum height and size requirements listed below. These structures must be at least six-feet from the main dwelling and two-feet from the property line. No structures are allowed within the sight visibility triangle. These structures will not be allowed to have access to the public right-of-way closest to the structure, unless the Transportation Engineer reviews and approves the location based upon safety

of pedestrians and vehicular access.

[GRAPHIC--Figure 1. A Typical Setback Configuration for Corner and Interior Lots]

If the adjacent interior lot has a driveway within ten feet of the rear property line of the corner lot, the structure must be setback at least ten feet from both the front and rear property lines. (See Figure 1a.)

[GRAPHIC--Figure 1a. Location Restrictions on Corner Lots]

- e. *Lots with Multiple Street Frontages.* Any accessory building on a lot with multiple street frontages is subject to additional setbacks from the property line abutting a street if the building is over ten feet in height. Additional height is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of ten feet) to a maximum height allowed within the zone.

[GRAPHIC--Figure 2. An Example of Lots with Multiple Street Frontages]

A six-foot opaque fence is required if an accessory building is constructed along a street frontage to provide screening. A shorter non-opaque fence may be used if the property is located in a zone with an "A" designation. The height restriction and fencing requirement shall apply up to the point that a rear setback of 15 feet has been reached. If the accessory building is under ten feet in height (measured to the peak of the roof), no additional setback is required.

- f. *Easements.* Accessory buildings shall not encroach upon any easement or right-of-way without proper written release or acknowledgment from all utility and drainage companies. Copy of such release/acknowledgment shall be presented at time of building permit application. Release of use of the easement does not remove any other requirements as stated in this Code.
  - g. *Detached Garages.* Detached garages or any detached structure 240 square feet or larger shall be set within the rear yard of the home, and are not permitted in the side yard.
- (2) *Maximum Square Footage.*
- a. *Table of Maximum Accessory Structure Size.*

<i>Property Size</i>	The lesser measurement of the two shall be the maximum permitted size of the combined square footage of all accessory structures on the property	
	<i>Maximum Size (percentage of rear yard)</i>	<i>Alternate Maximum Size</i>
14,999 sq. ft. or smaller	25%	750 sq. ft.
15,000 sq. ft.--19,999 sq. ft.	25%	1,000 sq. ft.
20,000 sq. ft.--39,999 sq. ft.	25%	1,500 sq. ft.
40,000 sq. ft. or larger	25%	2,000 sq. ft.

1. For those zones not listed (such as SD and PUD zones), the residential district most closely associated with that zone shall be used to determine the maximum size allowable. All zones with animal rights (with the "A" designation at the end of the zone classification) shall conform to its similar non-animal right zone classification.
  2. No single accessory building shall exceed 1,500 square feet, unless the Planning Commission approves a larger size through the conditional use permit process.
- b. *Table of Maximum Accessory Structure Size for Corner Lots Between the Main Dwelling Unit and*

*the Front Property Line, Adjacent to a Street (See Figure 1).*

<i>Property Size</i>	<i>Maximum Square Footage</i>	<i>Maximum Height</i>
7,999 sq. ft. or smaller	100	10'
8,000 sq. ft.--9,999 sq. ft.	150	10'
10,000 sq. ft.--14,999 sq. ft.	200	10'
15,000 sq. ft. or larger	250	10'
*Structures exceeding the above height and square footage limitations must be within the rear yard.		

- c. *Number of Accessory Buildings.* A maximum of two accessory buildings are permitted on a property. This restriction does not apply to zones with an "A" designation.
- d. *Conditional Use Permit.* The total maximum square footage of all accessory buildings on the property may be increased up to 25 percent larger than the permitted size upon receipt of a conditional use permit from the Sandy City Planning Commission. However, the Planning Commission may not approve any accessory structure over 25 percent of the rear yard. For any properties over 40,000 square feet, or with an "A" designation, the total maximum square footage of all accessory buildings on the property may be increased up to 50 percent larger than the permitted size through a conditional use permit. The Planning Commission shall consider the scale of the buildings in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the conditional use permit process. The Planning Commission may require additional setback from side and rear property lines as a condition of approval.
- (3) *Maximum Height.*
- a. *Table of Maximum Accessory Structure Height.*

<i>Zone Classification</i>	<i>Side Yard</i>	<i>Rear Yard</i>
	<i>Maximum Height to Peak</i>	<i>Maximum Height to Peak</i>
R-1-12 or smaller (i.e., R-1-9, -8, etc.)	10	15
R-1-15 or larger (i.e., R-1-30, -40, etc.)	10	20

- b. *Additional Setback Requirement.* Detached structures exceeding 15 feet in height shall increase the minimum setback one foot for each one foot of additional height up to the minimum setback for the primary dwelling. However, if the accessory building abuts a property line that is adjacent to a commercially zoned property, then no additional setback is required. This requirement may also be waived by the Planning Commission through a conditional use permit process.
- c. *Conditional Use Permit.* A building may be built taller, up to the maximum building height for a permitted dwelling within the zone in which it is located, upon receipt of a conditional use permit from the Sandy City Planning Commission. The Planning Commission shall consider the scale of the building in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the conditional use permit

process. The Planning Commission may require additional setback from side and rear property lines as a condition of approval.

(4) *Other Requirements.*

- a. *Ancillary to Main Dwelling.* Accessory buildings are only allowed on properties where a main dwelling or building exists, except as provided in ~~the Residential Standards—Zoning for Animals Section of this Code~~ Section 21-11-3.
- b. *Utility Connections.* Separate meter connections for electricity, water, sewer, or gas utilities are not permitted for accessory buildings.
- c. *Architectural Guidelines.* Generally, accessory structures and buildings shall be designed and constructed as to be compatible with the architectural components of the main dwelling or building. However, if the accessory structure is intended to be an outdoor animal domicile see ~~the Residential Standards—Zoning for Animals Section of this Code~~ Section 21-11-3; other standards may apply, such as location, visibility, scale, general aesthetics in the immediate vicinity, etc.
- d. *Building Standards.* Accessory buildings must meet all construction standards and fire rating requirements of the International Residential Code (IRC).
- e. *Lots without Attached Garage.* For those residences that were not originally constructed with an attached two-car garage, a detached garage may be built in the rear yard up to 480 square feet in size regardless of the percentage of the lot covered. The garage must meet the minimum garage size standards as determined in this ~~code title~~. In no way does this section permit the intrusion into required building setbacks to property lines, easements or main structures.
- f. *When Detached Garages are Primary Garages.* All detached garages that serve as the primary garage for a dwelling are subject to review by the Sandy City Transportation Engineer to determine if the location of the structure is safe and accessible.
- g. *Screening Required for Side Yards.* Accessory buildings in the side yard shall be screened from view from access streets and adjacent properties by a six-foot opaque type screening unless located in a zoning district with an "A" designation.
- h. *Other Structures.* These provisions do not apply to childrens' play equipment, flagpoles, light poles, stand-alone arbors, or other similar structures.
- i. *Prohibited Structures.* Shipping containers, semi-trailers, boxcars, portable on demand storage (PODS), temporary carports, canopies, tents, or similar structures may not be installed or maintained on a residential lot for longer than 30 days, or up to six months with a valid building permit for construction on the property.

(b) *Nonresidential Standards.*

- (1) Accessory structures are only allowed if designated on a City-approved site plan.
- (2) Accessory structure heights shall not exceed 15 feet at the peak of the roof and must have a minimum three-twelfths pitch.
- (3) Setbacks shall follow the development standards specified in this title for the main structure unless otherwise stipulated.

(LDC 2008, § 15A-11-02; Ord. No. 09-28, 10-19-2009; Ord. No. 10-26, 7-30-2010; Ord. No. 09-19, 7-31-2010; Ord. No. 15-29, 9-12-2015)

**Sec. 21-11-3. Animals (Farm and Household Pets).**

(a) *Farm Animals.*

- (1) *Designation of Appropriate Zone Districts.* Property owners in any R-1-40, R-1-30, R-1-20, or R-1-15 residential district may submit an application for rezoning for designation of the district for the keeping and raising of farm animals. An "A" following a zone designation indicates farm animals are permitted.
- (2) *Procedure for Designation.* A request for rezoning must include at least five contiguous properties or

have at least 1 1/2 acres.

(3) *Ratio of Animals to Lot Size for Farm Animals.* In order to have farm animals on a residential lot with an "A" designated zone, the following minimum square footage requirements will be required for each animal:

- a. Each large animal requires at least 10,000 square feet. Each medium animal requires at least 4,000 square feet. Each small animal requires at least 400 square feet. For example, a 20,000 square foot lot could have no more than two large animals, or no more than five medium animals, or no more than 50 small animals, or a combination of one large animal, two medium animals, and five small animals.
- b. Vietnamese pot bellied pigs may be kept at a ratio of two animals for each one-half acre of lot size (no less than 20,000 square feet). The maximum number of Vietnamese pot bellied pigs shall be two per residential lot.

(b) *Household Pets.*

(1) *Maximum Number Allowed.* All zones are allowed no more than a total of six common household pets (dogs, cats, rabbits, and ducks). These household pets may be kept on-site for family use only. Roosters are not allowed as a household pet. Exceptions:

- a. In addition to the six common household pets, there shall be no more than ten chickens, kept on a non-nuisance basis.
- b. No more than two dogs per residence are allowed unless the resident has procured a dog hobby license to allow up to a total of five dogs.

(c) *Outdoor Animal Domiciles Structure.* Partially enclosed and/or roofed structures (e.g., barns, corrals, cages, pens, coops, kennels and runs, etc.) are encouraged to be provided and maintained for all animals kept outdoors. Such structures shall be sited at the rear of the main dwelling and at least 30 feet from neighboring dwellings and comply with all other setback and yard regulations for accessory structures (unless the parcel is over 40,000 square feet and the accessory structure is placed beyond the front or side yard setbacks. See ~~Setbacks and Location Restrictions for "A" Designated Zones for Accessory Structures~~ Subsection (a)(1)b of this section). The facilities shall be placed in compliance with all animal regulations, noise and nuisance regulations, and Salt Lake Valley Health Department regulations and procedures, with the following exceptions:

- (1) All dog kennels and dog runs must be set back at least ten feet from the property line and at least 40 feet from all neighboring dwellings.
- (2) For properties which have an "A" designation, the Director may allow an outdoor animal domicile structure for farm animals to be constructed prior to construction of a main dwelling under the following conditions:
  - a. The structure complies with all accessory structure setback, height, and size standards.
  - b. The structure is in scale and character with other accessory buildings located within one-half mile of the property and located in the same or larger lot zone district or is an improvement to the immediate area (e.g., R-1-15A, R-1-20A, R-1-30A, R-1-40A).
  - c. That an agreement be recorded against the property that the structure will be relocated or removed as necessary to comply with setback standards upon additional development of the property (e.g., construction of the main dwelling, subdivision, etc.). In addition, a plot plan shall be submitted which indicates the location of the structure in relation to a future residence on the property, and this information shall also be provided within the agreement.

Note: This section applies only to those animal facilities placed outside the main dwelling unit. This regulation does not apply to any location within the interior of the home, including the garage or other attached interior space.

(LDC 2008, § 15A-11-03; Ord. No. 12-05, 1-31-2012; Ord. No. 12-22, 6-18-2012; Ord. No. 15-25, 7-21-2015)

#### **Sec. 21-11-4. Earth-Sheltered Dwellings.**

(a) *Development Standards.* The following regulations shall apply to dwellings constructed underground or partially underground for purposes of energy conservation:

- (1) *Emergency Egress.* There shall be immediate emergency egress from all sleeping rooms.
- (2) *Exterior Windows.* At least half of the habitable rooms of an earth-sheltered dwelling unit shall be provided with exterior windows and shall receive a minimum of one hour of sunlight on each clear day. There shall be a minimum exposure of western windowed walls to the late afternoon sun in the summer.
- (3) *Natural Light.* Artificial light may be allowed as a substitute for natural lighting. However, the overall natural lighting or exterior glazing requirement shall be eight to ten percent of the floor area of the habitable rooms.
- (4) *Minimum Floor Area.* The required minimum floor area may be waived for any earth-sheltered dwelling structure if that structure is designed for energy conservation, and the structure will meet all applicable building, development, and health codes.
- (5) *Setbacks.* Any exterior wall in an earth-sheltered dwelling unit may extend into the rear, side, or front setback a maximum of one-half of the required setback distance of that zone district. Exceptions ~~would~~ include:
  - a. Any exterior wall containing a window facing the front street property line shall be built behind the required front setback area.
  - b. The distance between the side lot line and a side wall containing windows shall not be less than six feet from the side property line.
  - c. No part of the outdoor living area shall exceed eight percent slope, and 15 feet of the depth shall not exceed two percent slope.
  - d. No inside living space or exterior wall may encroach upon any easement, right-of-way, any access for maintenance, or cause instability to neighboring structures.
- (6) *Bermed Structures.* Bermed structures shall have one foot of setback for every foot of berm above existing grade.
- (7) *Guardrails.* Fences or barriers shall be required along roof edges or any vertical drop. Fences or barriers which will prevent access to the roof area may be set back from the roof edge.

(b) *Site Plan Review.* Plans for construction of earth-sheltered dwellings shall be subject to the applicable standards outlined in this title, including a Grading and Landscaping Plan.

(LDC 2008, § 15A-11-04)

### **Sec. 21-11-5. Home Occupations.**

- (a) *Purpose.* The purposes of this section are to:
- (1) Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
  - (2) Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
  - (3) Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
  - (4) Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
  - (5) Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of ~~the Revised Ordinances of Sandy City (ROSC)~~ this Code, and, if

necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

(b) *Home Occupation License.* All home occupations shall be licensed unless specifically provided an exemption in this section or in the business license regulations of ~~the ROSC~~ this Code. Regardless of whether a license is required, all home occupations must adhere to the standards and qualifications listed in this section. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.

(c) *Categories and Requirements of Home Occupation Licenses.* Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II, Conditional Use Home Occupation requires review and approval of the Planning Commission.

(d) *Home Occupation Standards.* All home occupations, licensed or not, shall comply with the following standards at all times:

- (1) *Bona Fide Resident.* The home occupation business shall be owned by and carried on only by a bona fide resident of the home.
- (2) *Satellite Office Not Allowed.* A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location. Business activities shall not be conducted at the home of an employee of a company by nonresident company employees.
- (3) *Accessory Use on the Property.* For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
- (4) *On-Site Employees.* One full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the home occupation business is located. No more than two persons shall comprise the equivalent full-time employee, and only one nonresident employee may work at the home at one time.
- (5) *Off-Site Employees.* Any home occupation may utilize employees to work off-site. The off-site employee, volunteer, hiree, or any other person engaged with the home occupation shall not come to the home for purposes related to the home occupation business license except for incidental vehicle stops.
- (6) *Off-Street Parking.* All business-related vehicles which park at the location of the home occupation, including those of the applicant, employee, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles.
- (7) *Vehicle Advertisement.* Vehicles, trailers, or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.
- (8) *Designating Areas of Property to be Used.* The home occupation applicant must designate the portion of the home, accessory structure, yard, or attached or detached garage as the principal location for business activities. No businesses are allowed to operate outside of an enclosed structure, unless otherwise approved by the Planning Commission for outside activities.
- (9) *External Appearance.* The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.
- (10) *Outdoor/Yard Space.* The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.
- (11) *Business Trailer.* One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation are as follows:

- a. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.
  - b. Materials/equipment shall not be stored outside of the trailer.
  - c. The trailer shall be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
  - d. The trailer must be well-maintained and must not present negative impacts for adjacent neighbors, including, but not limited to, odors, dust, or parking location.
  - e. All areas utilized for the parking of trailers shall be paved with a hard surface (e.g., concrete, asphalt, brick, or other water impenetrable surface). This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
  - f. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.
- (12) *Commercial Vehicle*. Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence. This vehicle must comply with all residential parking requirements contained within this ~~code~~ title.
- (13) *Conformity with Safety Codes*. There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.
- (14) *Health and Safety*. No process can be used which is hazardous to public health, safety, morals, or welfare.
- (15) *No Excessive Utility Uses*. The home occupation shall not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.
- (16) *Neighborhood Disruptions Not Permitted*. The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.
- (17) *Renter/Owner Responsibility*. If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office.
- (18) *Interior Alterations/Remodeling*. Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms.
- (19) *Exempt from Business Licensure*. A business license will not be required unless the combined off-site impact of the home occupation and the primary residential use materially exceeds the impact of the primary residential use alone. If a home occupation has any of the following impacts, a business license is required:
- a. Business-related customers, client visits, or meetings on the property.
  - b. Signage or advertising of the business that is visible from the exterior of the home.
  - c. The business owner or operator desires a physical copy of a business license.
  - d. Any nonresident working on the property.
  - e. Business-related deliveries are made to or from the property.

- f. Accessory or commercial vehicles are stored or parked on the property for the home occupation.
- g. The home or property requires inspections from any regulatory authority or agency, including, but not limited to, the City, Salt Lake Valley Health Department, and/or the Department of Agriculture.
- h. The business generates any additional vehicular traffic or parking on the property.
- i. If the State requires a sales tax number for any reason.
- j. If the home occupation is categorized as a Category II, Conditional Use Home Occupations, as described herein.
- k. If the home requires any modification requiring a building permit to accommodate the business operations.
- l. When the business use within the home exceeds 25 percent of the primary dwelling.

(e) *Category I Qualifications.* In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the provision of the qualifications outlined below. If a business finds that they are unable to fully comply with all of the qualifications set forth, the applicant may pursue possible approval as a Category II home occupation through the conditional use permit process before submitting the application for a home occupation business license.

- (1) *Hours.* No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.
- (2) *Traffic.* Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood and shall be conducted so that the neighbors will not be significantly impacted by its existence. The home occupation shall be limited to two business related visitors or customers per hour, to a maximum of eight business related visitors or customers per day. Business related deliveries or pickups shall not exceed two per day.
- (3) *Delivery Vehicles.* The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.
- (4) *Conducted in a Home.* When business activities are being conducted on the property that is to be licensed, the home occupation shall be primarily conducted within the principal home.
- (5) *Maximum Floor Space.* No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation.
- (6) *Signs.* The home occupation may utilize one unanimated, non-illuminated flat sign for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted and may not have an area greater than one square foot.
- (7) *Display of Products.* The home occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.
- (8) *Food or Beverage Preparation for Consumption Outside of the Home.* Any home occupation involving or proposing to involve food or drink preparation, storage, or catering will be permitted when it is authorized by the appropriate State or County department or agency.
- (9) *Category I Home Occupation Licensing Involving Child Day Care and Other Child Group Activities.*
  - a. ~~The Category I~~ This type of home occupation shall not exceed eight children associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - b. All child day care and other group child activity facilities shall provide safe, outdoor play time and

spaces as required by federal, state, County, or local laws governing such business activities.

(10) *Category I Home Occupation License Involving Elderly Day Care.*

- a. This type of home occupation shall not exceed supervising more than two elderly persons  60 years of age or older. Any home occupation of this nature which exceeds two individuals ~~or for~~ more than 12 hours of operation will be considered a Category II home occupation and shall be reviewed and approved by the Planning Commission.
- b. This type of home occupation must comply with all local and state laws governing such business activity.

(11) *Category I Home Occupation Licensing Involving Renting Recreational Vehicles from Personal Property in Single-Family Residential Zones.*

- a. A property owner/resident living in the home may rent one recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two recreational vehicles.
- b. Any recreational vehicle must be parked according to the residential parking requirements and restrictions within ~~the Code~~ this title, except that any recreational vehicle that is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with.
- c. Advertising on the recreational vehicle is prohibited.
- d. Servicing the recreational vehicle shall be limited to those activities which will comply with ~~the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code Chapter 13-2 and Title 19.~~
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowner's property in compliance with all residential parking requirements during the time the recreational vehicle is being rented.

(f) *Category II, Conditional Use Permit Required.* If a home occupation is able to comply with all of the standards but is unable to comply with all of the Category I qualifications established above, the proposed business activities must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a home occupation business license through the Business License Office.

- (1) *General.* In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:
  - a. All Category II home occupation uses shall only be conducted from property with a single-family dwelling.
  - b. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted.
- (2) *Compliance.* Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 15, all of the standards and qualifications that have not been granted an exception through the conditional use process, and additional regulations set forth hereafter.
- (3) *Child Day Care.* The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time:
  - a. A maximum of 16 children is permitted at any one time.
  - b. A maximum of 18 children is permitted per day.
  - c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.

- (4) *Group Child Activities.* The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (e.g., dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care:
- a. The following guidelines shall be used to determine the maximum number of students/children permitted:
    1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
    2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.
  - b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.
  - c. A maximum of four sessions per day may be permitted.
  - d. All sessions combined shall not generate more than 24 vehicular stops per day.
  - e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.
- (5) *Work Shops.* Repair shops, including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- (6) *Business Not Conducted Within a Home.* Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
- a. The applicant for a home occupation business license shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
  - b. No more than a maximum of 200 square feet, or, in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
  - c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
  - d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
  - e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- (7) *Home Occupations and Outdoor Activities.* Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- (8) *Dangerous Home Occupations.* Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- (9) *Home Occupations Generating Excessive Traffic.* Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group

child activities.

(10) *Large, Business Related Vehicles.* Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles).

(11) *More Than Two Home Occupation Licenses.* Any home where the applicant is seeking more than two home occupation licenses.

(g) *Prohibited Home Occupations.* The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:

(1) Mortuary, crematorium, columbarium, or mausoleum.

(2) Animal hospitals or veterinary services.

(3) Clinic, dental office, medical office, chiropractic office, or hospital.

(4) Junkyard, auto wrecking yard, or salvage yard.

(5) Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.

(6) Storage, service, repair, or sales of ambulances, tow trucks, recreational vehicles, water craft, automobiles, ATVs, or other motorized vehicles.

(7) Fitness or health spa facilities.

(8) Boutiques, sample sale, or craft shows.

(9) Auto body repair or motor vehicle repair.

(10) Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an operational permit.

(11) Number of vehicular stops or visits that would exceed 24 per day.

(12) Massage therapy or other alternative healing and energy healing businesses, with the exception that a home occupation license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required licenses from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing and energy healing businesses may be permitted if a Category II qualification is required.

(13) ~~A~~-Bed and breakfast facilities.

(Ord. No. 09-18, 7-31-2009; Ord. No. 10-45, 12-14-2010; Ord. No. 12-33, 9-17-2012; Ord. No. 15-25, 7-21-2015; Ord. No. 16-13, 3-23-2016; Ord. No. 17-29, § 1, 11-21-2017)

#### **Sec. 21-11-6. Manufactured Homes.**

All manufactured homes placed in an R-1 zone, placed pursuant to U.C.A. 1953, § 10-9a-514, shall install a concrete foundation wall around the perimeter of the structure. Such structures shall also include a required two-car garage (attached or detached) prior to occupancy of the structure.

(LDC 2008, § 15A-11-06)

#### **Sec. 21-11-7. Mobile Homes.**

No mobile home shall be placed, used, or occupied except within approved mobile home subdivisions, mobile home parks, or mobile home sales lots.

(LDC 2008, § 15A-11-07)

#### **Sec. 21-11-8. Residential Facility for Elderly Persons or for Persons with a Disability.**

(a) *Purpose.* The purpose of this section is to:

(1) Comply with the Utah Code Annotated.

- (2) Avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act (U.C.A. 1953, § 57-21-1 et seq.) and the Federal Fair Housing Act, as interpreted by courts whose decisions are binding in Utah. This section is not a separate zone for such facilities, but applies to all residential zones within Sandy City. If any facility, residence, congregate living, or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability as set forth in this title, the requirements of this ~~chapter-section~~ shall govern the same, notwithstanding any conflicting provision of this ~~title or the Revised Ordinances of Sandy City Code~~. Except as provided herein, the requirements of this ~~chapter-section~~ shall not be construed to prohibit or limit other applicable provisions of this ~~title, the Revised Ordinances of Sandy City Code~~, or other local, County, state, or federal laws.

(b) *Permitted Uses.*

- (1) *Permitted Uses.* Notwithstanding any contrary provision of this title, a residential facility for elderly persons and a residential facility for persons with a disability shall be permitted uses in any zone where a dwelling is allowed as a permitted or conditional use subject to the development standards in Subsection (d) of this section.

(2) *Termination.* A use permitted by this section is nontransferable and shall terminate if:

- a. The facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.
- b. Any license or certification issued by the Utah Department of Health or the Department of Human Services for such facility terminates or is revoked.
- c. The facility fails to comply with requirements set forth in this ~~chapter-section~~ 

(c) *Review Process.* In addition to other information required by ~~the Revised Ordinances of Sandy City, Utah, 1978 this Code~~, the following information must be submitted with the business license application for a residential facility. Additional information may be requested to aid in that review.

- (1) A statement of the specific type of facility (as defined by State regulations) the applicant seeks to operate and by which State agency it is regulated.
- (2) The number of residents and resident staff who will live at the residential facility.
- (3) The complete name of the business, the type of business entity and whether the business is a for-profit or nonprofit organization.
- (4) The typical or average length of stay of the residents.

(d) *Development Standards.* The development standards set forth in this subsection shall apply to any residential facility for elderly persons or residential facility for persons with a disability.

- (1) *Building, Safety, and Health Regulations.* The facility shall comply with building, safety, and health regulations applicable to similar residential structures within the residential zone in which the facility is located.

- a. Each facility shall be subject to the same development standards applicable to similar residential structures located in the same zoning district in which the facility is located.
- b. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located.

(2) *No Dangerous Persons Permitted.* No facility shall be made available to an individual whose tenancy would:

- a. Constitute a direct threat to the health or safety of other individuals.
- b. Result in substantial physical damage to the property of others.

- (3) *Day Treatment and Outpatient Treatment.* Any such facility may seek an approval from the Planning Commission which would allow day treatment and/or outpatient treatment if the following measures have been taken to ensure the facility will not alter the fundamental character of the neighborhood:

- a. The facility has direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.
  - b. The facility is located on the same block or within 800 feet of an institutional care facility.
  - c. The facility has enough off-street parking to accommodate each staff member, van/carpool parking, and each outpatient client.
  - d. All day treatment clients are transported to the residential facility for disabled persons from a separate facility using a van/carpool.
  - e. The maximum number of day and outpatient treatment clients will not exceed eight at any one time as permitted by the Building & Safety Code.
  - f. The facility is licensed for all three different activities by both the City and the State.
  - g. The facility meets all Building, Fire, and Life Safety Codes.
  - h. Any approval is subject to periodic review or review upon legitimate complaint. If, upon review, the facility is found to be out of compliance with these criteria, the approval may be revoked.
- (4) *Prohibited.* A residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood is not allowed.
- (e) *License and Certification.* Prior to occupancy of any facility, the person or entity operating the facility shall:
- (1) *State License.* Provide to the City a copy of any license or certification required by the Utah State Department of Health or the Utah State Department of Human Services, including any policies and procedures that are required under state law.
  - (2) *Certification Requirements.* Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:
    - a. Constitute a direct threat to the health or safety of other individuals.
    - b. Result in substantial physical damage to the property of others.
  - (3) *City License.* Obtain a Sandy City business license, if required.
  - (4) *Compliance/Renewal.* Any such facility must comply with all Federal, State, County, and City regulations. At the time of renewal, the applicant must provide copies of all necessary certifications/recertifications or licenses as required by State regulations.
  - (f) *Accommodation Request.*
    - (1) *Reasonable Accommodation Required.* In accordance with the Americans with Disabilities Act, the Fair Housing Act, Fair Housing Amendments Act and applicable law, none of the requirements of this ~~chapter~~ section shall be interpreted to limit any accommodation which is reasonable and necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
    - (2) *Request for Accommodation.* Any person or entity may request an accommodation after being informed that an existing or proposed:
      - a. Residential facility for persons with a disability; or
      - b. Business license application or building permit application for a residential facility for persons with a disability;

does not comply with the requirements of the ~~Development Code of Sandy City~~ this title. The application and required fees shall be submitted to the Director, shall articulate in writing the nature of the requested accommodation and the basis for the request, and shall include all other information relevant to the request. The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties.

- (g) *Review and Hearing Process.* A Hearing Officer with demonstrated experience as a Hearing Officer and

knowledge of the Americans with Disabilities Act or Fair Housing Act, shall be appointed by the Mayor with the advice and consent of the City Council, to review the request for accommodation. Additional information may be requested by the Hearing Officer to aid in that review.

- (1) *Hearing Officer Scheduling of Hearing.* The Hearing Officer shall review the request for accommodation within ten days after receipt of the written request by the Director. The Hearing Officer shall determine whether additional information is needed from the Director, the person or entity making the request, or both.
  - a. If additional information is needed, the Hearing Officer shall notify the Director and the person or entity making the request within 21 days after receipt of the written request by the Director. The Director and requesting person or entity shall have seven days to submit the requested information, or such reasonable additional time as approved by the Hearing Officer. The Hearing Officer shall determine within three days after receipt of additional information whether the submission is responsive to the Hearing Officer's request.
  - b. If no additional information is needed or if the Hearing Officer receives the requested additional information, the Hearing Officer shall schedule a hearing. The Hearing Officer shall provide written notice of the hearing date and time to the person or entity requesting the accommodation and the Director. Unless otherwise agreed to by the person or entity requesting the accommodation and the Director, the Hearing Officer shall hold the hearing within 14 days after the Hearing Officer determines that all requested information has been received and no additional information is needed. Unless agreed upon by the person or entity requesting the accommodation and the Director, the hearing shall be held no more than 45 days after receipt of the request by the Director. If the Hearing Officer has not received all requested information at that time, the Hearing Officer may continue the hearing or deny the request based on insufficient information.
- (2) *Findings.* The Hearing Officer shall make a determination and prepare written findings within seven days after the hearing.
  - a. At a minimum, the written findings shall address the following issues:
    1. Whether the requested accommodation is reasonable;
    2. Whether the requested accommodation is necessary for financial and therapeutic viability;
    3. Whether the facility with the requested accommodation is or is not likely to create a fundamental change in the character of the residential neighborhood; and
    4. Other findings in support of the Hearing Officer's determination.
  - b. The Hearing Officer shall mail a copy of the written determination and findings to the Director and the person or entity requesting the accommodation, along with a letter notifying the Director and the person or entity requesting the accommodation that the decision is final and may be appealed to a court of competent jurisdiction.
  - c. The Hearing Officer shall forward a copy of the decision to the Mayor, the City Recorder and the City Council.
- (3) *Appeal.* The determination of the Hearing Officer shall be final and may be appealed to a court of competent jurisdiction.

(h) *Exemptions.* A residential facility for persons with a disability shall not include facilities which house persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

(LDC 2008, § 15A-11-08; Ord. No. 10-04, 2-19-2010; Ord. No. 17-14, exh. A(15A-11-08), 6-13-2017)

**State law reference**—Regulation of residential facilities for persons with disabilities, U.C.A. 1953, § 10-9a-516.

### **Sec. 21-11-9. Half-Pipe Ramps in Residential Districts.**

- (a) *Residential Zones.* Half-pipe ramps may be allowed as a conditional use. The following is required for

review prior to approval of a half-pipe ramp as a conditional use in any residential zone:

- (1) *Drawings*. Drawings showing the scale, design, and materials of which the half-pipe ramp is to be built. This is to evaluate the noise, vibration, and nuisance impact of the half-pipe ramp.
  - (2) *Description*. A written description of the materials and location of all screening to evaluate the half-pipe ramp's impact upon and harmony with adjacent properties.
  - (3) *Lighting*. A written description of the scale, location, and direction of all lighting.
  - (4) *Rules*. A set of written rules which will govern the use and operation of the half-pipe ramp.
  - (5) *Neighborhood Notification*. The names and addresses of all property owners within 300 feet of the proposed half-pipe ramp, proof that all such owners have been notified of the proposed half-pipe ramp, have had an opportunity to comment, and a written statement indicating any comments received by the applicant from them.
  - (6) *Affidavit*. A written statement that the owner has reviewed all laws, ordinances and regulations related to half-pipe ramp construction and use and a written agreement to comply therewith.
- (b) *Conditional Use Review*.
- (1) After receipt of the submittals required by Subsection (a) of this section, the Planning Commission shall review the proposal and may thereafter approve the proposed use as a conditional use only if and so long as:
    - a. The proposal complies with all applicable building and zoning regulations and will not likely constitute or cause any of the following:
      1. Does not cause a public nuisance or other illegal use under state or local laws or Health Department rules and regulations.
      2. Does not cause a fundamental change in the character of a residential neighborhood.
      3. Does not cause adverse impacts greater than typical of permitted residential uses in the zone.
    - (2) The Planning Commission may hold a public hearing or meeting to consider the proposal prior to his decision. Any person aggrieved by the Planning Commission's decision may request review by the Sandy City Council which decision shall be final.
- (c) *Development Standards*.
- (1) *Design*. Every proposed half-pipe ramp shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe ramp may be located below ground level, but in no case shall any portion of the half-pipe ramp exceed six feet in height above ground level, excluding handrails. Hours of operation shall be from 8:00 a.m. to 8:00 p.m. during standard time, and 8:00 a.m. to 9:00 p.m. during daylight savings time.
  - (2) *Screening*. Walls, fences, hedges, trees, and other screen planting shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development.
  - (3) *Lighting*. Half-pipe ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents.
  - (4) *Personal Use*. No commercial or advertised use of the half-pipe ramp shall be permitted, and no donations or contributions shall be solicited or received for use or attendance at half-pipe ramp activities.
  - (5) *Rules*. Written rules have been adopted by property owners to ensure safe and reasonable use and operation of the half-pipe ramp.
  - (6) *Agreement to Comply*. Property owners have reviewed the laws, ordinances, and regulations related to half-pipe ramp construction and use and have agreed to comply with such provisions.
  - (7) *Compliance to Codes*. The proposed half-pipe ramp shall comply with all pertinent sections of the International Building Code and all zoning requirements, including side and rear yard setbacks and size

regulations for accessory structures.

- (8) *Penalty.* It shall be a Class C misdemeanor for any owner of residential property upon which a half-pipe ramp is located to permit the half-pipe ramp to be used in violation of any ordinance of Sandy City or any rule or regulation of the Salt Lake Valley Health Department, regardless of whether the property owner had knowledge of the actual violation.

(LDC 2008, § 15A-11-09; Ord.; No 15-25, 7-21-2015)

**Sec. 21-11-10. Swimming Pool Regulations.**

(a) *Private Swimming Pools.* Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least six feet. There shall be no openings larger than 36 square inches except for gates, which shall be equipped with self-closing and self-latching devices.

(b) *Semi-Private Swimming Pools Special Exception.* The Planning Commission may grant a special exception to temporarily or permanently use land in any district for semi-private swimming pools or recreational facilities providing that in all cases the following conditions are met:

- (1) The facilities shall be owned and maintained by the members and a minimum of 75 percent of the membership must be residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.
- (2) The area to be used for recreational purposes is of sufficient size to accommodate all proposed facilities, together with off-street parking, where required by the Planning Commission. A landscaped front yard of not less than 30 feet and a landscaped side yard on both sides and rear of not less than ten feet is required.
- (3) The area to be developed into a recreational area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- (4) A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than six feet and no more than eight feet. The fence across the front of the property shall be constructed no closer to the front property line than the required front setback, unless otherwise approved by the Planning Commission.
- (5) Under no condition may any type of retail or business facilities, including vending machines, be permitted in the recreational area except those specifically approved by the Planning Commission.
- (6) Before authorizing the recreational facility, complete plans for the development of the area must be submitted to the Planning Commission. Together with the plans, there must be submitted a detailed outline showing how the area is to be funded, managed, and maintained. The Planning Commission may require a bond by the owners to guarantee performance of the regulations placed as conditions upon which the area is approved. If any of the requirements are not complied with, the authorization will be void.
- (7) The owners of the proposed recreational facility must have a statement from the owners of all abutting properties and at least 75 percent of the property owners within a radius of 300 feet of said development giving permission to develop a recreational facility. Covenants and conditions regulating the use of the facility shall be submitted to the Planning Commission and the Salt Lake Valley Health Department for review and approval.

(LDC 2008, § 15A-11-10)

**Sec. 21-11-11. Bed and Breakfast Facilities.**

This subsection is established to provide regulations and site standards for bed and breakfast facilities within residentially zoned districts as may be allowed through the development review process. Bed and breakfast facilities may be allowed by conditional use permit where the applicant can show evidence of compliance with outlined standards and procedures and where there is clearly minimal impacts on adjacent residential properties and

neighborhoods.

(1) *Requirements for Approval.*

- a. A conditional use permit may be granted by the Planning Commission for a bed and breakfast facility provided the requirements herein are met. The granting of a conditional use permit for a bed and breakfast facility shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.
- b. The following pre-conditions and documentation are required:
  1. A letter of application sworn before a notary public shall be provided by the owners stating that such owners or live-in residential manager will occupy the facility except for bona fide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.
  2. The effective period of the conditional use permit for bed and breakfast facilities shall be two years from the date of the original permit. At the end of every two years, renewal shall be automatically granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner or live-in residential manager, and that all other conditions required at the time of approval remain unchanged. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use permit. The Planning Commission, at its discretion, may require a new application and a demonstration of compliance with all conditions necessary for a conditional use permit.
  3. Building plans or a floor plan (one-fourth inch to the foot) showing the bed and breakfast facility shall be provided.

(2) *Development Standards and Requirements for Bed and Breakfast Facilities.*

- a. The owners of the property or live-in residential manager shall live within the facility, except for bona fide temporary absences.
- b. The location of a bed and breakfast facility shall have direct access to an arterial or collector through street. Said facility will typically be isolated somewhat from adjoining residential properties and will not unduly increase local traffic in the immediate neighborhood.
- c. The location of a bed and breakfast facility shall be at least one-fourth mile from any other similarly approved facility, unless it is determined by the Planning Commission that extraordinary circumstances warrant a shorter distance.
- d. The bed and breakfast facility shall be located on a larger parcel than a typical residential lot. The parcel shall also be of sufficient size to be in scale with the size of structures, the number of people using the facility, parking areas, open space areas, etc. In no case shall the parcel be less than one-half acre in size, unless it is determined by the Planning Commission that the site is architecturally or historically significant enough to justify a smaller parcel.
- e. The bed and breakfast facility shall be designed or modified so that, to the degree reasonably feasible, the appearance of the structure remains as a residential dwelling. Unique architecture is encouraged, where possible, in keeping with the local area.
- f. Signage for a bed and breakfast facility shall be low key, identifying the name of the facility without any advertising copy. Natural materials are encouraged for sign construction and should be architecturally compatible with the bed and breakfast facility. Sign size shall be no more than four square feet.
- g. The Planning Commission may require additional setbacks, buffering, landscaping, and natural setting to mitigate impacts on adjoining residential properties.
- h. At least one off-street parking space shall be provided for each guest room in addition to needed parking for owners/employees of the facility.

- i. The design and size of the bed and breakfast facility shall conform to all applicable standards in the Fire, Building, and Health Codes. The facility shall be licensed in conformance with all City ordinances.
- j. Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare, and the residential character of the neighborhood may be required by the Planning Commission.

(LDC 2008, § 15A-11-11)

**Sec. 21-11-12. Commercial Schools (Low-Impact).**

(a) *Permitted Locations.* Commercial schools (low-impact) are allowed according to the commercial and residential land use matrices and all must comply with the following restrictions:

- (1) The proposed use must have direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.
- (2) The appearance of the structure shall be compatible to other uses within the same zoning district.
- (3) Occupancy shall be limited to no more than two instructors and a total of 20 students at any one time. However, the number of instructors may be increased up to four, and/or the number of students may be increased up to a total of 30 students if it is found by the Planning Commission that the site can adequately contain the required parking while still meeting the requirements of Subsection (a)(4)b of this section, and if such allowance does not adversely impact the surrounding neighborhood.
- (4) Required Parking.
  - a. Required parking shall consist of at least one space for each instructor, four visitor spaces, and four queuing spaces.
  - b. In addition, one visitor space is required for every five students or portion thereof allowed beyond the first 20 students.
- (5) An on-site drop-off area shall be provided.

(b) *Commercial Schools Unable to Meet Criteria.* Any commercial school (low-impact) which cannot meet the above criteria must meet the standard location and use allowances for commercial school as shown in the land use matrices.

(LDC 2008, § 15A-11-12)

**Sec. 21-11-13. Exposition/Convention Centers.**

(a) *General.* This section provides specific standards for certain uses which are permitted or are operated as accessory uses as part of an exposition/convention center. All uses are not allowed unless the standards described in this section are met.

- (b) *Standards Applicable to All Activities.*
  - (1) No temporary signage is permitted within the landscape area along street frontages. The exposition/convention center electronic message board signs shall be the primary street identification for shows and activities within the facility.
  - (2) Temporary banners may be affixed above approved designated entrances to assist in directing patrons to a specific exhibition hall.
  - (3) Admittance to any activity, regardless of time extension, shall cease at 12:00 midnight Sunday through Thursday, and shall cease at 1:00 a.m. for Friday and Saturday. No activity, including private meetings, shall extend beyond these hours unless otherwise approved as permitted in Subsection (c)(3) of this section for extended hours.
  - (4) Outdoor uses (e.g., sales, display, sporting events, or activity areas) that occupy required parking areas shall ensure that adequate parking is provided. A detailed Parking Plan shall be submitted and approved by the Community Development Department to ensure that adequate parking is provided. The Parking

Plan may include areas that are off-site provided a shuttle service is provided. The shuttle service is required to operate one-half hour after the event.

- (5) In addition to all other necessary licenses and permits, all vendors who sell or contract to sell a product or other taxable service shall obtain a temporary sales tax number indicating Sandy City as the point of sale. Temporary sales tax licenses (aka special event permit, issued by the State Tax Commission) shall be made available upon demand to an authorized representative of the Business License Office or Utah State Tax Commission.
- (6) The promoter of an event shall provide, upon demand, a list of all participating vendors to an authorized representative of the Sandy City Business License Office or to an authorized representative of the State Tax Commission. The format of the list (electronic, paper, etc.) shall be provided in a manner acceptable to the agency placing the demand.
- (7) Outdoor sales or consumption of alcohol is prohibited.
- (8) Pornographic material or performances are prohibited. Any material or performance is pornographic if considered, as a whole, applying contemporary community standards.
- (9) Distribution or posting of handbills upon vehicles or upon the site is prohibited.
- (10) The sponsor of a function is responsible to provide appropriate indoor and parking lot security for private meetings and functions. Proper supervision of patrons is required. The sponsor must comply with all City and state laws governing alcohol sales and consumption.

(c) *Additional Standards for Specific Activities.* In addition to the above standards, the following requirements apply to the following activity classifications:

- (1) *Outdoor Activities (e.g., vehicle shows/sales, sporting events, product demonstrations).*
  - a. Outdoor sales and attendance by the general public to the outdoor portion of any show shall be restricted to 9:00 a.m. to 9:00 p.m.
  - b. No outdoor sporting event shall continue after dusk (one-half hour after sunset) or 8:00 p.m., whichever is earlier.
  - c. Outdoor displays and booths are permitted only in designated areas.
  - d. No outdoor display or booth shall occupy a required parking area unless an appropriate Parking Plan has been submitted and approved by the Director.
  - e. No outdoor display shall create noise or odor in violation of applicable noise and health ordinances.
  - f. No outdoor event shall take place within the area for loading/unloading activities or adjacent to residential areas.
- (2) *Concerts (Live or Broadcast) and/or Dances.*
  - a. For concerts, ticketed, assigned, and fixed seating are required. Unassigned or non-fixed seating (also known as festival seating) is not permitted.
  - b. One security guard per 200 individuals attending must be provided unless otherwise required by the Police Department or facility management.
  - c. Emergency medical personnel must be provided on-site as required by the Fire Department.
  - d. All doors of the facility that are adjacent to a residential area must be closed during a performance.
  - e. Live bands are prohibited from warming up or performing in outdoor areas adjacent to residential areas.
  - f. No loitering in the parking lot by patrons is allowed. Security must also patrol any parking areas to prevent patrons from loitering in the parking lot.
  - g. All laws and ordinances for curfew for individuals under the age of 18 must be obeyed.
  - h. The business license permit for a concert and/or dance shall be submitted to the Community

Development Department at least 15 business days before the proposed event may take place. For a complete application, the applicant shall submit a letter of approval from the Sandy City Police and Fire Departments and the South Towne Expo Center Administration.

- (3) *Extended Hours Past 12:00 Midnight (Sunday through Thursday) and/or 1:00 a.m. (Friday and Saturday).* A separate permit shall be required from the Director for extended hours. No more than three permits for extended hours for the facility shall be issued in a calendar year (January through December). This is not to be interpreted to mean three separate permits per event operator. Three is the total number permitted per year for the entire facility. An approval letter from the South Towne Expo Center Administration shall be submitted with the permit for extended hours.
- a. Admittance to any activity, regardless of time extension, shall cease at 12:00 midnight Sunday through Thursday, and shall cease at 1:00 a.m. for Friday and Saturday.
  - b. In no instance may a permit be granted for operation of any activity beyond 2:00 a.m.
  - c. All laws and ordinances for curfew for individuals under the age of 18 must be obeyed.
  - d. No loitering in the parking lot by patrons is allowed. Security must also patrol parking areas to prevent patrons from loitering in the parking lot.
  - e. All doors of the facility that are adjacent to a residential area must be closed during the activity.
  - f. Time for the set-up and take-down of indoor events may be approved beyond the approved extended hours. When adjacent to residential areas, loading/unloading activities shall comply with applicable noise ordinances.

(LDC 2008, § 15A-11-13)

**Sec. 21-11-14. Temporary Uses.**

(a) *Purpose and Intent.* The purpose and intent of the temporary use permit is to allow certain uses, within Sandy City, which are transitory or seasonal in nature, in a manner that will assure compatibility with the zone district and adjacent properties. A temporary use, which is subject to the following provisions, is typically a commercial business venture for which a business license is required and which is conducted on private property. A special event, which is governed by policy, is generally an event which is not required to obtain a business license and is conducted on public property.

(b) *Standards for All Temporary Uses.*

- (1) A temporary use shall comply with the following general standards as provided below, with two exceptions listed after the general standards in Subsection (b)(2) of this section:
- a. No more than two temporary uses are allowed per site at one time. Each temporary use is limited to two structures (e.g., tent and storage container).
  - b. Sanitary facilities shall be available for waste disposal for the protection of community health and safety. Any time portable toilets are going to be used, the applicant must submit an executed sanitary contract to the City wherein it states that the toilets will be serviced no less than a bi-weekly basis.
  - c. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses.
  - d. Hours of operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m.
  - e. Signs must comply with the City-adopted sign regulations.
  - f. A use and/or display may not be placed within the public right-of-way or on any landscaped area. Produce stands may be located on the landscaped area subject to Subsection (b)(1)h of this section.
  - g. Night lighting shall be compatible with adjacent uses, shielded and directed downward to avoid light spill onto adjacent properties.

- h. All temporary use businesses, including all facilities and/or structures, shall be cleared off the site within two days after the license expires.
- i. In authorizing a temporary use, the Community Development Department shall impose such additional requirements and conditions as considered necessary for the protection of adjacent properties and the public safety and welfare in conformance with standards as provided in this section.

(2) Exceptions:

- a. Produce stands (sale of fruits and vegetables that have been produced on the same site as the temporary sales) are required to comply only with Subsections (a)(1)f through i of this section; and
- b. A temporary use permit to be approved by the City Engineer and Director for construction trailers, staging areas, and equipment sheds. Said uses may utilize or occupy vacant, unimproved, or improved properties, staging areas, or projects that are under construction.

(c) *Development Standards for temporary Uses Located Upon Vacant Properties (Other Than for Uses Outlined in Subsection (b)(2)b of this Section).* Before any temporary use is approved to locate in a vacant lot (no currently licensed business with a permanent structure on-site), the property owner, or authorized agent, must submit a site plan to be approved by City staff. The site plan shall be drawn to a standardized scale that identifies the location of all proposed structures with setbacks indicated on the plan. The following improvements are required for each site:

- (1) An all-weather surface parking lot approved by the City Engineer and Fire Marshal to include other materials approved for safety specifications as approved by staff.
- (2) Curb, gutter, and sidewalk on all street frontages, that Sandy City has jurisdictional control over approved by the City Engineer, or provide a Safety Plan that provides safe pedestrian pathways and restricted vehicle access points to be approved by staff.
- (3) An approved fire hydrant within 200 feet of any building or facility on-site that meets International Fire Code standards.
- (4) An approved dedicated right-of-way access point to a public road.
- (5) Site must be able to manage all stormwater on-site. All temporary use permits shall be reviewed by the Public Utilities Department to ensure compliance with the Groundwater Source Protection Ordinance.
- (6) Fifteen feet of landscaping, including acceptable xeriscape designs, that is maintained along the entire frontage adjacent to a public right-of-way (unless the site has gone through a previous site plan approval process and is now legal nonconforming relative to landscaping). The plan shall include the location of an approved water meter, including any installation requirements from the Public Utilities Department.

(d) *Temporary Use Permit Required.* A temporary use permit and business license, where applicable, shall be required for the following:

<i>Temporary Use Permit Required Without a Business License</i>		
<i>Temporary Use Type</i>	<i>Location Standards</i>	<i>Duration</i>
Produce stands: Includes goods grown on-site and sold primarily for consumption (e.g., fruits and vegetables)	The sale of produce must be located on the same property on which the goods were grown	Growing season (generally the summer months)
Construction office, staging areas and equipment sheds	Permitted in all zones	Allowed on a site until final inspections of the project are completed
<i>Temporary Use Permit and Business License Required</i>		

Farmer's market (sale of produce that is not necessarily grown on-site)	Permitted only on parcels or within developments larger than five acres in size. A farmer's market may also include a not for-profit activity (provided the site can accommodate such an activity) such as non-mechanical rides, bounce houses, slides, etc., during the farmer's market.	May not begin prior to June 1 and must terminate by November 1. Requires a new permit annually
Road side stands and Temporary retail sales: Includes Christmas tree lots, firework stands, snow shacks, ice cream vendors, antique, rug, art, produce, or plant sales or other similar retail uses	Allowed if the use is permitted in the zone and is secondary to the principal use. A road side stand and temporary retail sales may also include a not for-profit activity (provided the site can accommodate such an activity) such as non-mechanical rides, bounce houses, slides, etc., during the temporary use	No more than 150 licensed days per site each calendar year (i.e., two businesses licensed to operate for 30 days each on a site will amount to 60 days on that site no matter if they are on the premises at the same time or not)
		If located on a lot without a currently licensed business in a permanent structure, there is a limit of 120 calendar year, including setup and take down time
Festivals, including bazaars, fairs, etc. A festival, as defined in this section of the code is a not for-profit activity or event that may include shows, games, non-mechanical rides, concessions, or any combination thereof	Permitted in residential or nonresidential zones and in conjunction with institutional buildings only when associated with a permanent business, charitable nonprofit organization, or governmental entity	15 consecutive days in a calendar year per applicant
Temporary trailer for retail sales and/or office space	Permitted upon issuance of a building permit for a permanent structure and facilities on the affected site. Shall also include installation of adequate temporary parking	Maximum temporary use permit period shall be 12 months. The permit may be renewed and extended upon Planning Commission review up to six month increments

(e) *Application for Temporary Use Permit.* An application for a temporary use permit shall be made to the Community Development Department, in conjunction with a business license, when applicable, at least ten days prior to the date of requested use. No temporary use permit shall be issued more than 180 days prior to the start of the temporary use period. The Department may issue or deny the application for a temporary use permit.

- (1) *Information Required for Application.* An application for a temporary use permit shall be accompanied by the following information:
  - a. *Description.* A written description of the proposed use, including requested length of permit and hours of operation.
  - b. *Authorization for Use.* If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.
  - c. *Site Review.* A vicinity map and plot plan with sufficient information to determine the primary use of the property and the required site requirements, sanitary facilities and availability of parking to serve the uses.
- (2) *Insurance/Bond Required.* The following insurance policies and/or bonds shall be posted:
  - a. *Public Property.* All temporary uses that utilize public property shall obtain a general liability insurance policy which names the City as an additional insured, and which is not less than the current damage caps set forth in the Utah Governmental Immunity Act.
  - b. *All Temporary Uses.* All temporary uses shall post a \$1,000.00 bond, to ensure clean-up of the property, as required in the ~~Business Licensing Ordinance Title 15~~. If an itinerant business is located on the premises of a shopping mall or center or other such permanent commercial building, the owners of the mall or building may, at their option, provide a cash or surety bond in the amount of \$2,000.00, in lieu of individual merchants posting a \$1,000.00 bond.
- (f) *Revocation of Temporary Use Permit.*
  - (1) *Authority.* A temporary use permit may be revoked by the Director in accordance with the provisions of this section, if the recipient of the permit fails to develop or maintain the property in accordance with the plans submitted, the requirements of the title, or any additional requirements lawfully imposed in connection with the issuance of the temporary use permit.
  - (2) *Notice.* Before a temporary use permit may be revoked, written notice of the decision to revoke shall be given to the permit holder. The notice shall inform the permit holder of the grounds for the revocation and advise the permit holder that the revocation shall be effective 30 days for the date of the notice unless, before the revocation date, the permit holder either:
    - a. Demonstrates to the satisfaction of the Director compliance with the requirements of the zoning certificate; or
    - b. Files an appeal of the Director's decision to revoke pursuant to Subsection (f)(4) of this section.
  - (3) *Effect of Revocation.* No person may continue to make use of land or buildings in the manner authorized by any temporary use permit after such permit has been revoked in accordance with Subsection (f)(4) of this section.
  - (4) *Appeal.* Revocation of a temporary use permit by the Director may be appealed to the Board of Adjustment in accordance with the provisions of this title.

(LDC 2008, § 15A-11-14; Ord. No. 12-17, 5-29-2012; Ord. No. 13-06, 2-4-2013)

#### **Sec. 21-11-15. Garage Sales.**

The following standards shall apply to all garage sales at residences within Sandy City:

- (1) *Frequency.* There shall be no more than three garage sales at a residence per calendar year. The calendar year is defined as January 1 through December 31. Garage sale events must be separated by at least a 14-day period.
- (2) *Duration of Sale.* A garage sale is permitted for a period no longer than 48 consecutive hours.
- (3) *Location of Garage Sale.* The garage sales shall be located at the actual residence of the owner of the materials to be sold. At a neighborhood garage sale event (i.e., three through five neighbors pool their belongings into a super garage sale), the materials must be located at the residence of only one of the participating sellers.

- (4) *Goods to be Sold.* The items that are permitted to be sold must be used items from that residence. Items purchased or obtained from other locations with the intent to be resold at a garage sale are prohibited and a violation of this section.
- (5) *Temporary Sales.* Temporary sales within commercial areas are permitted as regulated elsewhere in this ~~code~~ title.

(LDC 2008, § 15A-11-15)

#### **Sec. 21-11-16. Model Homes.**

The following standards shall apply to all model homes within Sandy City:

- (1) *Location.* Model homes are only allowed within City-approved and -recorded residential developments of five units or more. They must be located on a platted lot or site within the advertised development.
- (2) *Duration.* Model homes may be operated for no more than two years from first occupancy of a dwelling unit in the development or until the second to last unit is sold within the advertised development, whichever comes first. The Director may approve an extension on a case-by-case basis.
- (3) *Advertising.* Model homes may not advertise properties located in another subdivision or property located off of the development site.
- (4) *Construction Standards.* Model homes must comply with all standards and conditions of approval for the advertised development, including building materials, setbacks, landscaping, etc., and must comply with all applicable residential dwelling standards upon discontinued use as a sales office.

(LDC 2008, § 15A-11-16)

#### **Sec. 21-11-17. Sexually Oriented Businesses.**

(a) *Purpose.* It is the purpose and objective of this section that the City establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies in areas deleterious to Sandy City; to regulate the signage of such businesses; and to control the adverse effects of such businesses and signage. This section is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the limitations provided by provisions of the United States of America and Utah Constitutions.

(b) *Definition.* ~~For the purposes of this section, the following term shall mean:~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Gateway* means 9000 South Street as it begins at the western-most boundary continuing east to State Street and 10600 South Street as it begins at the western-most boundary continuing east to State Street; 11400 South Street as it begins at the western-most boundary continuing east to State Street; State Street as it begins at the City's northern-most boundary continuing south to the City's southern-most boundary; 700 East Street as it begins at the City's northern-most boundary continuing south to the City's southern-most boundary; and 1300 East Street as it begins at the City's northern-most boundary continuing south to the City's southern-most boundary.
- (c) *General Provisions.*
  - (1) Sexually oriented businesses, escort agencies, outcall service agencies and semi-nude dancing agencies shall be permitted only in areas zoned ID and be subject to the following restrictions:
    - a. No sexually oriented business, escort agency, outcall service agency or semi-nude dancing agency shall be located:
      - 1. Within 1,000 feet from any school, public park, library, or religious, or cultural activity.
      - 2. Within 500 feet of any other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.
      - 3. Within 600 feet from an agricultural or residential use or residential zoning boundary. For the purposes of this subsection, the measurement from an agricultural or residential use shall

begin at the property line of such use.

4. Within 150 feet of the 9000 South Street gateway, the distance shall be measured from right-of-way boundary.
  5. No property within 800 feet of the Interstate 15 freeway right-of-way boundary. This includes an entire parcel of property any portion of which is within 800 feet of the Interstate.
- b. Distance requirements from structures for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the structure of the school, public park, religious or cultural activity, residential use, or other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.
  - c. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.
- (2) All existing legal nonconforming sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies on the effective date of the ordinance ~~enacted~~ codified in from which this section is derived, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

(d) *Signage.* Notwithstanding anything contrary contained elsewhere in this ~~Code~~ title governing sign regulations, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies shall be limited as follows:

- (1) No more than one exterior sign shall be allowed.
- (2) No sign shall be allowed to exceed 18 square feet.
- (3) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- (4) No photographs, silhouettes, drawings or pictorial representations of any manner shall be allowed on any sign. Said signs may contain only the name of the enterprise.
- (5) Only flat signs shall be permitted.
- (6) Painted wall advertising shall not be allowed.
- (7) Other than the signs specifically allowed by this section, the escort agency, outcall service agency, and semi-nude dancing agency shall not construct or allow to be constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

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

(LDC 2008, § 15A-11-17)

**State law reference**—Municipal regulation of sexually oriented businesses, U.C.A. 1953, § 10-8-41.5.

### **Sec. 21-11-18. Standards for Church Development for All Zones.**

- (a) *Development Standards.*
  - (1) *Location of Sites.* All church sites should be located adjacent to streets which are a minimum of 60 feet wide. No church should be located where access is less than the above, except for churches which can show that members will come from the local neighborhoods so that traffic impacts are lessened.
  - (2) *Access.* It is preferred that churches be located where there is access to two streets (corner lots) unless otherwise approved by the Planning Commission.
  - (3) *Parcel Size.* No minimum parcel size is required; however, the parcel chosen for a church must be

adequate to meet all of the development standards to be listed below that include, but are not limited to, setbacks, landscaping, parking, improvements, and dedications.

- (4) *Building Setbacks (Except as May be Approved ~~with the Storefront Conservation Ordinance in Chapter 21-14~~).*
- a. *Commercial Zone.*
    1. Front: 30 feet from property line. (If project fronts on more than one street, setback applies to all street frontages.)
    2. Side and rear: minimum ten feet, unless located adjacent to a residential zone. In this case, the minimum setback to buildings must be 30 feet.
  - b. *Residential Zone.*
    1. Front: 30 feet from front property line. (If project is on a corner lot, setbacks are 30 feet on one street and 20 feet on the other.)
    2. Side and rear: follow setbacks required according to the zone the property is in. A greater setback may be needed as may be deemed necessary by the Planning Commission by larger structures.
- (5) *Building Height.* Maximum building height shall follow zoning that the project is in. Thirty-five feet is the maximum height in a residential zone or in any zone adjacent to a residential zone (not including chimneys, steeples and the like).
- (6) *Landscaping Setbacks.*
- a. Front: 30 feet minimum from property line. (If on a corner lot in a residential zone, 20 feet on shorter setback side.)
  - b. Sides and rear: five feet minimum.
  - c. Landscaping in the front areas shall also include the parkstrip adjacent to the curb, including grass and street trees (minimum two-inch caliper and spaced 30 feet on center).
  - d. Landscaping shall also be required within the parking lot itself where large expanses of asphalt occur. There shall be a minimum of one ten-foot-wide planter within the parking lot area where over 125 linear feet of asphalt occurs.
- (7) *Fencing.*
- a. As a general rule, fencing shall follow that of the surrounding area. However, chainlink fencing is not acceptable unless prior Planning Commission approval is granted. In cases where chainlink fencing is approved, vinyl coated chainlink mesh will be required.
  - b. Acceptable fence types shall include vinyl, pre-cast concrete, decorative iron, architecturally designed brick or block, or structural wood fences with square tube metal posts with tongue-in-groove redwood siding and redwood for all other wood members.
- (8) *Parking.*
- a. All parking for church facilities shall be on-site. No parking is allowed on the street.
  - b. No parking is permitted within the front landscape setback.
- (9) *Trash Enclosures and Accessory (Maintenance or Storage) Buildings.*
- a. All trash bins shall be surrounded with six-foot-high masonry (or pre-cast) enclosures to match the main building with solid metal gates. Trash enclosures may be combined with accessory (maintenance or storage) buildings. The setback of such structures shall be at least the same as the minimum required front landscape setback, but in no case shall trash enclosures be located any closer than ten feet to a residential district lot line or five feet to a commercial district lot line.
  - b. Accessory (maintenance or storage) buildings shall be built of the same materials as the main

building (siding and roofing) so as to blend in with the entire project. Minimum setbacks to the front property lines shall be the same as the main building. Buildings adjacent to a side or rear property line (other than a street side of the property), which are built of one-hour fire rated construction, can be considered an accessory structure and may be set back as close as three feet to a side or rear property line.

- (10) *Lighting.* All lighting for church buildings, parking lots, and accessory uses, if applicable, shall be downlit and minimize any adverse impact on adjacent residential areas.
- (b) *Ancillary Uses.*
- (1) Ancillary uses such as parks, ball diamonds, pavilions, etc., shall not count towards landscaping on the church site but shall stand alone and be considered as a separate site and subject to separate conditional use approval. Any such ancillary uses are subject to, but not limited to, the standards of this section (if applicable).
- (2) An on-site, church-operated day care will be considered a permitted ancillary use provided there is enough parking on-site to accommodate the number of children enrolled in the day care. The amount of parking is one space per instructor, plus drop-off space.
- (c) *Procedure for Approval.*
- (1) Church facilities are conditional uses in all zones and as such require Planning Commission approval.
- (2) Upon receiving a conditional use approval from the Planning Commission, all church projects will proceed through the site plan review process with staff.

(LDC 2008, § 15A-11-18; Ord. No. 10-43, 12-14-2010)

**Sec. 21-11-19. Mobile Food and Street Vendor Businesses.**

(a) *Purpose.* This section is established to provide regulation and design standards for mobile food businesses, mobile food courts, and street vendors in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile vendors in the City, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.

(b) *General Requirements.* The following requirements must be met for all mobile food businesses, street vendors, and mobile food courts. Provisions found in this section shall not apply to other uses identified as a temporary use that are specifically regulated by this title.

- (1) *License Required.* No person shall operate a mobile food or street vendor business without first having obtained a business license from Sandy City in accordance with Title 15 ~~Sandy City Revised Ordinances~~. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one year from the date of issuance.
- (2) *Prohibited Sales.* No alcohol shall be provided/sold from a mobile food business.
- (3) *Use of Public or Private Property (excluding public right-of-way).* Mobile food businesses and street vendors shall be allowed to operate on property within all commercial or industrial land use areas, in accordance with the provisions of this section. Each business shall abide by the following:
- a. *Property Owner Approval.* Prior written consent from the property owner is required for every location a business desires to operate. Said letter must include information about where the vendor is permitted on the site that complies with the location requirements herein. Upon inspection, the business must provide proof of permission to operate in any given location.
- b. *Parking and Circulation.* Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.
- c. *Vacant Lots.* Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site), the improvements outlined within this title

- for temporary uses are required for each site prior to operating business.
- (4) *Use of Public Right-of-Way.* Mobile food businesses and street vendors may be allowed to operate in the public right-of-way only in appropriate locations as determined by the City in accordance with the provisions in this section (such as Centennial Parkway). Each business seeking to operate within the public right-of-way shall abide by the following conditions and requirements:
- a. *City Approval.* Written permission from the City to operate a business in the right-of-way is required. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.
  - b. *Parking and Traffic Regulations.* Mobile food businesses shall obey all on-street parking and traffic regulations as stated in state statute and/or City ordinances.
  - c. *Prohibited Parking Areas.* Parking on a sidewalk, parkstrip, or otherwise landscaped area is not allowed. Street vendors are exempt from this prohibition if they are set up on a paved surface, do no harm to landscaped areas, and comply with all other provisions of this section.
  - d. *Parallel Parking Spaces.* Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
  - e. *Orientation of Vending Window.* The operator shall locate the vending window facing the sidewalk or on private property, unless the roadway has been closed to vehicular traffic for a public event.
  - f. *Parking for Primary Use.* No mobile food business shall create a parking issue for the surrounding primary uses.
  - g. *No Sales in Roadway.* No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
  - h. *Locations.* Mobile food businesses shall not operate on public streets where the speed limit exceeds 35 miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.
  - i. *Certificate of Insurance.* When locating on public property, each applicant for a license or renewal under this ~~chapter~~ section shall submit, with the application, a Certificate of Insurance executed by an insurance company or association authorized to transact business in this State, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than \$200,000.00 for personal injury to each person, \$500,000.00 for each occurrence, and \$500,000.00 for each occurrence involving property damage; or a single limit policy of not less than \$500,000.00 covering all claims per occurrence. Such ~~policy or policies~~ shall also include coverage of all motor vehicles used in connection with the applicant's business and the coverage shall be primary. A current certificate of insurance shall be kept on file with the Business License Administrator at all times that the applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The Certificate shall contain a statement that the City will be given written notification at least 30 days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a Certificate of Insurance would be required for each vehicle.
  - j. *Indemnity Clause.* A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- (5) *Open Space Zones.* It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without the prior written consent of the Community Development Director.

Authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.

- (6) *Pedestrian Flow.* The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. The vendor must maintain clear, continuous sidewalk width of no less than four feet.
- (7) *Location Restrictions.* Mobile food businesses and street vendors must not be located within:
  - a. Ten feet of any fire hydrant;
  - b. Ten feet of any bus or transit stop;
  - c. Ten feet or one stall away from any handicap parking space or access ramp;
  - d. Ten feet from any curb cut;
  - e. Ten feet from any other mobile food business or street vendor;
  - f. Ten feet from any manhole or storm drain inlet;
  - g. 60 feet from any intersection or driveway; and
  - h. 1,000 feet from any private/public school K through 12 between the hours of 7:00 a.m. to 4:00 p.m., Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. School authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- (8) *Restrooms.* Access to restroom facilities shall be made available.
- (9) *Display of License, Inspections, and Registration.* The business license, Fire Inspection Certificate, and health department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance coverage, safety inspection, and vehicular registration.
- (10) *Multiple Locations.* The business may operate from several locations (both public and private) within the City under the same business license.
- (11) *Business Activity to be Temporary.* All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than 12 hours within any 24-hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7:00 a.m. to 10:00 p.m., unless approved by the Director if one or more of the following conditions are met:
  - a. The extended hours are part of an approved special event.
  - b. The location is a site that contains a business that has been approved for extended hours.
- (12) *Noise Ordinance.* Live music will not be performed, nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department Noise Ordinance.
- (13) *Drive-Thru Prohibited.* The business shall not have or operate as a drive-thru.
- (14) *Appearance.* The mobile food vehicle, trailer, or cart shall be kept in a good operating condition and no peeling paint or rust shall be visible.
- (15) *Auxiliary Power.* Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- (16) *Illegal to Discharge in Storm Drain.* It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- (17) *Garbage.* All garbage or other refuse generated from a mobile food business shall be disposed of

properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.

- (18) *Signage.* Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of three inches by four inches. Signs shall not block or impede pedestrian traffic.
- (19) *Professional and Personal Services Prohibited.* Professional or personal services shall not be provided from a mobile food business or street vendor.
- (20) *Compliance Responsibility.* All vendors are subject to Sandy City sales tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.

(c) *Additional Design and Operation Standards for Mobile Food Businesses.* Mobile food businesses shall comply with the following design and operation requirements:

- (1) *Canopy Regulations.* Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
- (2) *Comply with Motor Vehicle Regulations.* Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.

(d) *Additional Design Standards for Street Vendors.* Street vendor carts shall comply with the following design standards:

- (1) *Canopy Clearance.* Umbrellas or canopies shall be a minimum of seven feet and a maximum of ten feet above the sidewalk if they extend beyond the edge of the cart.
- (2) *Canopy Size.* Umbrellas or canopies shall not exceed 100 square feet in area.
- (3) *Cart Size.* The cart shall not exceed 3 1/2 feet in width and eight feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five feet.
- (4) *Non-Motorized Carts.* The cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.

(e) *Additional Design and Operation Standards for Mobile Food Courts.* A mobile food court, which consists of three or more mobile food businesses or street vendors that congregate at a site or street at the same time on a temporary or permanent basis, is subject to the additional standards in this subsection. Temporary mobile food courts are located on sites that are typically set up in an existing parking lot as an accessory use or street and operate on a weekly, seasonal, or other temporary basis. A permanent mobile food court is a site constructed as a primary use on private property specifically designed for hosting various vendors and intended to operate yearround on a consistent basis. Permanent mobile food courts will be allowed in certain zone districts as determined in the land use tables of ~~the Sandy City Land Use Development Code this title.~~ A mobile food court shall only be approved if it complies with the following design and operation requirements:

- (1) *Administrative Permit.* Temporary mobile food courts are allowed by administrative special use permit, in accordance with the provisions of this section and other applicable provisions in ~~the Sandy City Land Use Development Code this title.~~ Permanent mobile food courts will be required to adhere to the provisions of this section and all applicable commercial site plan review requirements in ~~the Sandy City Land Use Development Code this title.~~
- (2) *Parcel Size.* A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.

- (3) *Number of Food Vendors.* No more than ten individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
- (4) *Business License.* A promoter, mobile food court operator, or property owner must obtain a mobile food court license. Any participating vendor operating at a mobile food court location must have a participation license or their own business license. If individual vendors seek to operate in other locations in the City, they must obtain their own business license.
- (5) *Landscape Requirements.* All landscaping requirements shall be met prior to issuing a permit.
- (6) *Comply with Site Approvals.* The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
- (7) *Health Department Approval.* All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department requirements.
- (8) *Site Plan.* A site plan demonstrating the following is required:
  - a. The location and orientation of each vendor pad.
  - b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International Building Code, or Health Department.
  - c. The location of all existing and proposed activities on-site.
  - d. The circulation of all pedestrian and vehicle traffic on the site.
  - e. The location of restroom facilities to be used for the mobile food court.
  - f. The location of any permanent structures or facilities (such as restrooms, ancillary food preparation facility, etc.).
- (9) *Parking.* Parking for a mobile food court is required at a ratio of two stalls per mobile food business. This requirement may be modified or waived by the Director if there is sufficient and available on-street parking or the applicant can demonstrate that their use will not generate as much parking demand. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business pad is required. Alternatives to asphalt and concrete may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City rights-of-way.

(f) *Special Events.* The restrictions of this ~~chapter-section~~ notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

(g) *Grounds for Denial, Suspension or Revocation.* Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 15 ~~Sandy City Revised Ordinances~~. Failure to comply may result in the suspension or revocation of a business license, and is a Class B misdemeanor.

(Ord. No. 17-30, § 1, 11-21-2017)

### **Sec. 21-11-20. Non-Depository Institutions.**

Non-Depository Institutions are permitted as a conditional use within the Central Business District (CBD), Regional Commercial (RC), Boulevard Commercial (BC), Community Commercial (CC), Neighborhood Commercial (CN), Commercial Planned Unit Development (CR-PUD), Industrial (ID), and AutoMall Commercial (AM Commercial) Zoning Districts and subject to the following restrictions:

- (1) Shall not be located within 5,280 feet (one mile) of the same type of use inside or outside the Sandy City geographical boundaries. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
- (2) Shall conform to the Architectural Design Standards ~~as described in Appendix A of Title 15A, Land Development Code of Sandy City~~ established by the City. In addition to these guidelines, the following will also be required:
  - a. The color of the building shall be restricted to earth tones or shall match the design theme of the center in which it is a part.
  - b. At least 25 percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.
  - c. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
  - d. The use of neon lighting shall be prohibited on the building exterior exclusive of building signage.
- (3) Shall conform to the sign regulations as described in this ~~Code~~ title.
- (4) Shall be limited to one non-depository institution per 10,000 in population, to include all residents in Sandy City and the Salt Lake County unincorporated islands within the City's geographical boundaries. The total population figures shall be based on the U.S. Census Bureau's annual estimates.

(LDC 2008, § 15A-11-20)

**Sec. 21-11-21. Satellite Dishes.**

(a) *Scope and Applicability.* Earth station regulations shall apply to earth stations with a dish diameter over four feet in size. Earth stations with a dish diameter under four feet in size shall be regulated in the same manner as television antennas.

(b) *Location.*

(1) *Location of Earth Stations over Four Feet in Diameter in Residential Districts.*

a. *Ground-Mounted in All Residential Districts.*

1. *Maximum Height.* Maximum height from grade to the top of the dish shall be 12 feet. Any ground-mounted earth station with a height exceeding 12 feet shall be allowed only with a conditional use approval from the Planning Commission.
2. *Number Per Lot.* A maximum of one earth station structure shall exist at any one time on any residentially zoned property.
3. *Front Yard.* If there is no other alternative for the location, earth stations may be allowed in the front yard area only with a conditional use approval from the Planning Commission.
  - (i) Setback maximums from the public street shall be determined by the Planning Commission.
  - (ii) Applicants shall provide a site plan indicating the location of the earth station.
4. *Rear and Side Yards.* Earth stations shall be located in rear yards, where possible. If rear yards are not acceptable for proper reception of signals, the earth station may be located in either side yard.
5. *Corner Lots.* On corner lots, an earth station may be situated to the rear of the main dwelling and within the area between the main building and street when approved as a conditional use by the Planning Commission.

6. *Easements, Rights-of-Way.* No earth station shall be located on any legally recorded public utility easement or right-of-way.

[GRAPHIC]

7. *Multifamily.* One earth station shall be allowed per building. A second earth station may be allowed with conditional use approval from the Planning Commission.

b. *Roof-Mounted in All Residential Zones.*

1. *Approval.* If the rear and side yards are deemed unacceptable for suitable signal reception, then roof-mounted earth stations may be permitted with conditional use review and approval from the Planning Commission. Such roof installations may be permitted by the Planning Commission under the following criteria:
  - (i) Roof-mounted earth stations shall be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
  - (ii) An earth station shall not exceed a height determined appropriate by the Planning Commission. The height of the structure shall not exceed the maximum height limits established within the zone in which the earth station is to be located.
  - (iii) Evidence of wind loading and structural safety of the earth station shall be provided to the Planning Commission by the applicants.
  - (iv) An earth station mounted on a roof shall be located on the portion of the roof which is oriented to the rear yard rather than located on the portion of the roof visible from the street.
  - (v) Other criteria as deemed appropriate by the Planning Commission.

(2) ~~*Commercial Districts—Location of Earth Stations, over Four Feet in Diameter, in Commercial and Industrial Districts.*~~

a. *Ground-Mounted in Commercial and Industrial Districts.*

1. *Maximum Height.* Maximum height from grade to the top of the dish shall be 15 feet. Any earth station with a height exceeding 15 feet shall be allowed only with conditional use approval from the Planning Commission.
2. *Number Allowed.* Two earth station structures shall be permitted at any one time per separate commercial or industrial business. More than two earth stations may be permitted with conditional use approval from the Planning Commission.
3. *Advertising.* No earth station shall display lettering or numbers for advertising purposes.
4. *Rear and Side Yards.* An earth station in any commercial or industrial district shall be located in the rear or side yard area, if possible.
5. *Front Yards.* An earth station may be located in the front yard provided the structure is not located in the minimum front landscape area, and the structure does not interfere with pedestrian or vehicular traffic.
6. *Easements, Rights-of-Way.* No earth station shall be located on any legally recorded public utility easement or right-of-way.

b. *Roof-Mounted in All Commercial and Industrial Zones.*

1. *Approval.* If the front, rear, and side yards are deemed unacceptable for suitable signal reception or pose a negative aesthetic or neighborhood impact, then roof-mounted earth stations may be permitted with conditional use review and approval from the Planning Commission. Such roof installations may be permitted under the following criteria:
  - (i) Roof-mounted earth stations shall be mounted directly upon the roof of a primary

structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles which exceed the minimum height of mast required to mount the antennae to the roof, spires, or similar structures.

- (ii) The height of a roof-mounted earth station located in any commercial or industrial district shall not exceed 12 feet above the highest point of the roof upon which the structure is located. Height increases over 12 feet may be approved by the Planning Commission as deemed appropriate. The roof-mounted earth station shall not exceed the maximum height limits established within the zone in which the earth station is to be located.
- (iii) All roof-mounted earth stations shall be screened from view from adjacent streets and properties in the same manner as is required of all other roof-mounted equipment in this ~~Code title~~. Said station shall not significantly change the architectural character of the structure.
- (iv) Other criteria as deemed appropriate by the Planning Commission.

(LDC 2008, § 15A-11-21)

### **Sec. 21-11-22. Solar Equipment.**

These regulations shall apply to all solar energy systems, private or public, to the extent that design review is not pre-empted by state or federal law.

- (1) *Review and Standards.* Solar energy systems are allowed as an accessory use to the primary structure on a parcel. All applications for building permits for structures with solar installations shall be forwarded to the Community Development Department for review and approval. The proposed installation will be reviewed to assure compliance with the following standards:

- a. *Ground-Mounted.*

- 1. Ground-mounted solar energy systems shall be permitted in the side and rear yards subject to the guidelines outlined below.
- 2. Setbacks for ground-mounted solar energy systems are subject to the same setbacks from the side and rear property lines as accessory buildings outlined in this chapter.
- 3. Any ground-mounted solar energy system that exceeds six feet in height must be mounted on the roof of either the principle building or an accessory building.
- 4. The overall square footage of the ground-mounted solar energy system shall be included in the total accessory building square footage limits.

- b. *Attached to the Building.* Where attached to a building, the solar energy system shall be subject to the same regulations as the building in terms of height and setbacks. Solar energy systems may be attached to the roof and/or the building wall.

- 1. Roof-mounted solar energy systems shall include solar panels integrated as the surface layer of the roof structure with no apparent change in relief or projections, or separate flush-mounted solar panels attached to the roof surface.
  - (i) Surface flush-mounted solar panels installed in a building with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
  - (ii) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features outlined in this title.
  - (iii) There shall be a minimum three-foot setback from the ridge or edges of the roof.

- c. *Non-Reflective Coating.* Solar energy systems shall be equipped with non-reflective coating and shall blend with the surface to which it is attached.

- d. *Building Permit.* Solar energy systems shall comply with all applicable Fire and Building Codes,

including applicable permits and inspections.

- e. *Batteries.* If solar storage batteries are included as part of the solar energy system, they must be placed ~~with~~ in a secure storage container or enclosure meeting the requirements of the Fire and Building Codes when in use, and when no longer in use shall be disposed of in accordance with all applicable laws and regulations.

(2) *Planning Commission Review.*

- a. If any of the standards above cannot be complied with, the Planning Commission may grant a special exception if it can be determined that any negative impacts on adjacent properties can be mitigated by specific conditions.
- b. Prior to the meeting, the applicant shall provide the following:
  - 1. Site plan.
  - 2. Drawings showing existing and proposed building elevations.
  - 3. The kind, color, and texture of materials to be used.
  - 4. Any other pertinent information determined to be necessary by the Director.
- c. The Planning Commission shall approve, approve with conditions, or deny the development or structure.

(LDC 2008, § 15A-11-22; Ord. No. 15-30, 9-12-2015)

**Sec. 21-11-23. Wind Conversion.**

Wind energy conversion systems shall meet the following standards:

- (1) Minimum tower setback from any property line shall equal the height of the tower.
- (2) Towers shall meet main dwelling setbacks for the particular zone in which the tower is located.
- (3) There shall be sufficient safety measures to prevent the tower from becoming a climbing hazard.
- (4) The tower shall not be located on a utility easement or right-of-way.
- (5) In the case of joint ownership of a tower, the structure may be located on any lots as approved by the Chief Building Official, provided the tower meets setback requirements mentioned above in respect to all perimeter properties.
- (6) The owner shall obtain a building permit and certification by a registered engineer as to the safety of equipment and installation.

(LDC 2008, § 15A-11-23)

**Sec. 21-11-24. Wireless Telecommunications Facilities.**

(a) *Purpose.* The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power wireless telecommunications services. This section establishes provisions that deal with issues of demand, visual mitigation, engineering, residential impacts, health, safety, and facility siting.

(b) *Application.* The requirements of this section apply to both commercial and private telecommunications facilities. All telecommunications facilities shall comply with the following regulations and all other ordinances of the City and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

(c) *Telecommunication Facility Justification Study and Master Plan Required.* A Master Plan for each company shall be submitted. Additionally, a complete application and Telecommunication Facility Justification Study shall be submitted by each company for each proposed telecommunications facility. The Telecommunication Facility Justification Study and Master Plan shall be submitted to the Community Development Department, which will provide a preliminary review. Upon completion of the Community Development Department review, the Telecommunication Facility Justification Study and Master Plan will be scheduled with the Development Committee for further review and recommendation to the Planning Commission, together with the complete

application.

(d) *Master Plan Requirements.* A Master Plan shall be completed by each company. The Master Plan shall show proposed locations of future telecommunication facilities and include the rationale for each potential telecommunication facility. Maps shall be utilized to graphically illustrate the coverage radius of each potential telecommunication facility.

(e) *Telecommunication Facility Justification Study Requirements.* A Telecommunication Facility Justification Study shall be completed for each telecommunication facility. The Study shall include:

- (1) *Rationale.* The rationale for the selection of the proposed telecommunication facility in view of the relative merits of any feasible alternative telecommunication facilities within the search ring. The Telecommunication Facility Justification Study shall include a description of the telecommunication facility, a description of the telecommunications facilities proposed to be placed on the location with technical reasons for their design and efforts made to minimize impacts on the surrounding land uses, a listing of other telecommunication facilities within the search ring which were evaluated and a statement of reasons why the final location was chosen. Staff may request the search ring and propagation information for the proposed telecommunication facilities. The applicant shall justify that the telecommunications facilities comply with the General Plan, as well as the required setback, height and landscaping requirements of the zoning district in which they are proposed to be located.
- (2) *Co-location.* The Study shall also examine the potential for co-location at an existing or the proposed telecommunication facility. If co-location is not possible at an existing telecommunication facility, or if the proposed new telecommunication facility is not available for co-location, then the applicant shall include a written explanation why co-location is not possible.
- (3) *Height.* The height of the antennas and antenna support structures shall be justified through a detailed written analysis that explains in non-technical terms the reasons why service cannot be effectively provided unless at the requested height. If the proposed telecommunication facility is a roof mount or wall mount, the City may request that the Study verify that the existing or proposed screening will screen from view all telecommunications facilities.
- (4) *Equipment Facilities.* The Study must include a detailed, written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment facilities to be either:
  - a. Located in an existing building; or
  - b. Designed using stealth design technology, or other visual screening is utilized that readily conceals the appearance of the equipment facilities.
- (5) *Visual Analysis.* The applicant shall submit a visual analysis, which may include photosimulation, field mock up or other techniques, which identifies the potential for visual impacts of the proposed telecommunications facility. The analysis shall consider views from public areas (streets, parks, etc.) and from private residences. The analysis shall assess the cumulative impacts of the proposed telecommunications facility and other existing or approved telecommunications facilities in the area as provided by City staff and shall identify all mitigation measures consistent with the technical aspects and requirements of the proposed telecommunications facility. All costs associated with this requirement are to be borne by the applicant.
- (6) *Independent Review.* The City may, if it deems necessary, cause each telecommunications facility to be reviewed by a qualified Radio Frequency Engineer. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs shall be borne by the applicant.

(f) *Permitted Uses.* The following telecommunications facilities are classified as permitted uses. Any request for telecommunications facilities differing from the standards as allowed in this section shall require a Technical Necessity Exception from the Planning Commission. All telecommunications facilities must comply with the General Plan as well as the required setback, height and landscaping requirements of the zoning district in which they are to be located and are subject to all provisions for site plan review, including modifications to existing site

plans. All permitted use equipment facilities listed in this section must be located in an existing building or designed using stealth design technology, or other visual screening is utilized that readily conceals the appearance of the equipment facilities.

- (1) *City Property*. Telecommunications facilities located on City-owned property are allowed as a permitted use provided the facilities meet the standards as specified for each type of facility as contained in this section, and the facility owner has entered into a lease-type agreement with the City.
- (2) *Wall-Mounted Antenna*. Wall-mounted antennas which comply with the following standards are allowed as a permitted use:
  - a. *Locations*. Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.
  - b. *Mounting Method*. Wall-mounted antennas shall not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.
  - c. *Stealth Design*. Antennas, equipment facilities, and the antenna support structure shall be constructed with stealth design to match the color of the building or structure and to be architecturally compatible with the building or to match the color of the background against which they are most commonly seen.
- (3) *Roof-Mounted Antenna*. Roof-mounted antennas which comply with the following standards are permitted uses:
  - a. *Locations*. Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.
  - b. *Mounting Location*.
    1. Roof-mounted antennas may be located on top of existing penthouses or mechanical equipment rooms provided the telecommunications facilities are enclosed by a structure that creates a visual screen. The screening structure and telecommunications facilities shall not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.
    2. For roof-mounted antennas not mounted on a penthouse or mechanical equipment room, the telecommunications facilities shall be mounted at least five feet from the exterior wall of a building. For antennas mounted between five and ten feet from the exterior wall, the maximum height of a roof-mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of ten feet above the roofline of the building to which the antenna is attached.
    3. Telecommunications facilities shall be mounted at least five feet behind any parapet wall. For antennas mounted between five and ten feet behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of ten feet as measured from the top of the parapet wall.
  - c. *Screening*. Roof-mounted telecommunications facilities shall be located only on a flat roof and shall be screened, constructed, and/or colored to match the structure to which they are attached. Roof-mounted telecommunications facilities for pitched roofs must receive a Technical Necessity Exception.
  - d. *Area Limitations for Wall- and Roof-Mounted Antennas*. A combination of both roof and wall-mounted antennas are allowed on a building. The total area for all wall and roof-mounted antennas and antenna support structures combined shall not exceed 40 square feet for each exterior wall of the building or a total of 160 square feet per building per carrier. A maximum of four walls shall be occupied by antennas. The total area is the sum of the area of each individual antenna face and the visible portion of the antenna support structure and the equipment facility as viewed when

- looking directly at the face of the building. The total area for a roof-mounted antenna shall apply to the closest exterior wall. Up to three carriers may utilize each building side for a maximum of four sides as a permitted use.
- (4) *Co-location.* Co-location of antennas on an existing monopole is a permitted use provided the antennas do not extend more than 12 inches from the monopole and meet all the provisions as stated for landscaping, fencing and safety and equipment facilities.
  - (5) *Stealth Design.* Telecommunications facilities that incorporate stealth design technology and are located on a parcel in a commercial, industrial, or professional office zone district or in a residential zone district containing a residential institutional use are a permitted use.
  - (6) *Conversion.* Conversion of existing flagpoles, light standards, athletic field lights, or other similar structures, provided the structure's height is not increased more than ten feet or unless approved by the Community Development Director as provided for in modified site plan review as described in this title, are a permitted use.
  - (7) *Utility Pole Antennas.* Utility pole antennas which comply with the following standards are permitted uses:
    - a. *Location.* Utility pole antennas may only be located on existing utility poles.
    - b. *Method of Mounting.* Such antennas shall be designed and installed by the applicant according to the City's specifications and details for utility poles.
    - c. *Agreement.* Consistent with the use of public rights-of-way by other utility and cable providers, each telecommunication provider is required to enter into an agreement with the City prior to installing any telecommunication facilities in the rights-of-way. The Planning Commission shall review site plan conditions prior to the execution of the agreement.
  - (g) *Technical Necessity Exception/Conditional Uses.*
    - (1) If an applicant cannot meet the standards for telecommunications facilities as provided for in Subsection (f) of this section for technical reasons, an applicant may request a Technical Necessity Exception under the conditional use process from the Planning Commission. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed.
    - (2) Telecommunications facilities which meet the following standards, and it is determined by the Planning Commission that a Technical Necessity Exception is appropriate, are conditional uses:
      - a. *General Plan Compliance.* Comply with the General Plan as well as the required setback, height, and landscaping requirements of the zoning district in which they are located.
      - b. *Technical Necessity.* An applicant cannot meet the standards for telecommunication facilities as provided in Subsection (f) of this section for technical reasons.
      - c. *Antennas in Multifamily Zones.* Wall mount antennas, roof mount antennas, and stealth applications on structures containing ten or more dwelling units and conversions are conditional uses which require a Technical Necessity Exception. Antennas on structures containing less than ten units are not allowed. The antennas and their related antenna support structures and equipment facilities must meet the design standards for each respective telecommunications facility as referenced in Subsection (f) of this section.
      - d. *Monopoles.*
        1. Monopoles are not allowed in any zone within the City without a Technical Necessity Exception being granted by the Planning Commission. Following are the minimum standards for a monopole to qualify for a Technical Necessity Exception/conditional use. The Planning Commission may impose additional requirements pursuant to the conditional uses review standards in this title.
          - (i) *Independent Review.* All applications requesting a monopole under the Technical Necessity Exception provision shall complete an independent radio frequency

engineering review of the proposed monopole telecommunication facility in relation to the requested height, alternative locations, other proposed telecommunication facilities, and existing telecommunication facilities. The cost of the independent review shall be borne by the applicant.

- (ii) *Antenna Sizing.* The maximum visible width of antennas and antenna support structures on a monopole shall not exceed eight feet in height or three feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna support structure. Top hat design is not permitted.
  - (iii) *Location and Minimum Setbacks.* Monopoles shall be allowed only in the rear yard area of any commercial or industrial lot which contains a commercial or industrial use or City property. These structures shall not be located in a required landscaped area, buffer area or required parking area. No such antenna shall be located within 165 feet of a residential property line. However, the Planning Commission may reduce the required setback from a residential property line if practical difficulties are demonstrated by the applicant (e.g., City park location, public buildings, etc.).
  - (iv) *Height Limit.* Monopoles shall not project higher than ten feet above the average building height to a maximum of 60 feet or, if there are no buildings within 300 feet, these facilities shall not project higher than ten feet above the average tree canopy height to a maximum of 60 feet, measured from ground level.
  - (v) *Landscaping, Fencing and Safety.* Monopoles shall, at minimum, be landscaped as per the requirements of the zoning district in which they are located. If there are no buildings immediately adjacent to the monopole and equipment facilities, all monopoles and equipment facilities shall be surrounded by dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted on subject property. The Planning Commission may require additional landscaping or fencing as part of the site plan approval. The climbing pegs shall be removed from the lower 20 feet of the monopole.
2. Exception. Monopoles may be allowed in PUD zones if the following conditions are met:
- (i) The PUD consists of at least 400 acres.
  - (ii) The monopole and equipment facility are placed in an open space or common area within the PUD.
  - (iii) The location must be in a mature landscape area to provide a screen and buffer. Alternatively, new landscaping must be provided around the proposed monopole or other types of screening that may be approved by the Planning Commission.
  - (iv) Any proposed location, including all leased area for the wireless facility, will no longer be considered open space. Therefore, any proposed location must not reduce the open space below the minimum acreage for the development.
  - (v) The monopole and equipment facility must utilize stealth technology.
  - (vi) The monopole shall not project higher than ten feet above the average building height or average tree canopy up to a maximum of 45 feet. The Planning Commission may increase the height beyond ten feet above the tree canopy if it is determined that this will aid on compliance with stealth requirements. To provide for additional carriers, clustering of multiple poles of varying heights is encouraged.
  - (vii) No antenna shall be located within 165 feet of a residential property line or residence. However, the Planning Commission may reduce the required setback from a residential property line or residence if the applicant demonstrates that the proposed facility would follow the City's standards for stealth applications more closely or if they can demonstrate other practical difficulties.

(viii) The applicant must demonstrate a technical need (explained in simple terms) for the proposed monopole.

- e. *Resubmittal of facilities.* The applicant shall re-submit each telecommunication facility which has been granted a Technical Necessity Exception/conditional use for review seven years to a maximum of ten years from final approval as established by the Planning Commission. At the time of this review, the applicant shall provide information to show that the telecommunications facility is still necessary at the approved location, employs the most current available technological advances, and has been in compliance with all the requirements established by this ~~ordinance~~ section and the Planning Commission.
- f. *Additional information required.* In addition to conditional use standards outlined in this title for conditional uses, the information concerning the following shall be submitted by the applicant and considered by the Planning Commission for all Technical Necessity Exception requests:
1. Compatibility of the proposed telecommunications facilities with the height and mass of existing buildings and utility structures.
  2. Whether it is possible to locate the antenna on other existing structures with less aesthetic impact in the same vicinity such as other monopoles, buildings, utility poles, athletic field lights, parking lot lights, etc., without significantly impacting transmission or reception.
  3. The location of the telecommunications facilities in relation to existing vegetation, topography, and buildings to obtain the best visual screening.
  4. Whether the spacing between the proposed and existing telecommunications facilities creates detrimental impacts to adjoining properties.
  5. Substantial existing or proposed landscaping, including tree cover, to reduce visibility of telecommunications facilities.
  6. Whether the telecommunications facility complies with the General Plan, as well as the required setback, height, and landscaping requirements of the zoning district in which the telecommunications facility is proposed to be located and whether it complies with provisions as stated in ~~the site plan review section of this title~~ Chapter 21-32, including modifications to existing site plans.

(h) *Equipment Facilities.* All equipment facilities shall be located in an existing building or designed whereby the incorporation of stealth design technology or other screening is utilized that readily conceals the appearance of the equipment facility. All power lines on the lot leading to the telecommunication facility shall be underground. If the Planning Commission does not require the applicant to place the equipment facility underground or utilize stealth design technology, then the telecommunications facility shall be fenced with a six-foot vinyl coated chainlink fence or other fencing and landscaping as approved or required by the Planning Commission.

(i) *Historic Districts.* Any telecommunications facility proposed for a location within a historic district or on a landmark site must be reviewed by the Planning Commission.

(j) *Non-Allowed Uses.* The following telecommunications facilities are not allowed in any zone district:

- (1) Lattice towers.
- (2) Whip antennas on wall-mounted support structures.
- (3) Any telecommunications facility not specifically listed in Subsection (f) of this section or not in compliance with the requirements for a Technical Necessity Exception/conditional use.

(k) *Non-Maintained or Abandoned Facilities.*

- (1) The Director may require each non-maintained or abandoned telecommunication facility to be removed when such a telecommunications facility has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within 30 calendar days after notice of non-maintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure. The City may require a cash or surety bond to guarantee removal of the

telecommunications facility to be submitted prior to final site plan approval or issuance of a building permit. The bond amount shall be determined upon review by the Community Development Department.

- (2) If the structure upon which the antenna is placed, including, but not limited to, utility poles, water tanks, light poles or buildings, is no longer used or is proposed by the owner or operator of that structure to be removed or replaced, the antenna must be removed within 90 calendar days after notice from the City. Any replacement telecommunication facility, if necessary, is required to comply with the requirements herein or any subsequent amendment hereto.

(l) *Building Permits.* Prior to the construction of any telecommunications facility, the applicant shall obtain the proper building permits, road cut permits, and other permits as required by ~~the Revised Ordinances of Sandy City (ROSC)~~ this Code.

(m) *Wireless Telecommunications Facilities Illustrations.* The following illustrations are referred to in this ~~chapter~~ section. They are meant to demonstrate graphically the intent of the ~~ordinance~~ Section:

[GRAPHIC--WALL-MOUNTED ANTENNAS]

[GRAPHIC--ROOF-MOUNTED ANTENNAS]

[GRAPHIC--MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURE LESS THAN THREE FEET IN WIDTH]

(LDC 2008, § 15A-11-24; Ord. No. 10-44, 12-14-2010)

**State law reference**—Regulation of amateur radio antennas, U.C.A. 1953, § 10-9a-515.

## **CHAPTER ~~15A-12~~ 21-12. HISTORIC SANDY DEVELOPMENT OVERLAY ZONE**

### **Sec. 21-12-1. Purpose.**

(a) The Historic Sandy Development (HSD) Overlay Zone is established to provide a floating zone to be used in appropriate locations within Historic Sandy in conjunction with the underlying R-1-7.5(HS) or other residential zones within the defined area and to provide subdivision design incorporating traditional neighborhood standards. Historic Sandy is an area bounded by 9000 South on the south, State Street on the west, 8400 South on the north, and 700 East on the east. The HSD Overlay Zone may not be utilized for properties outside of these defined boundaries. New developments outside of the Historic Sandy area may use the Residential Conservation Overlay Zone as an alternative. The Historic Sandy Development (HSD) Zone represents a departure from typical zoning to the extent that it requires physical design that promotes human scale pedestrian activity (walkability) through the incorporation of specific development guidelines. These guidelines include controlling architectural elements, driveways, walkways, landscaping, street design, and other pedestrian elements.

(b) The overall desired effect of this zone is to provide a quality living environment that encourages contact between neighbors, provides quality housing for families in various stages of the life cycle, discourages crime (through natural surveillance design), reduces overall vehicle trips, and improves air quality. Proposed developments with increased land intensity and housing density, but without the above walkable elements, are unacceptable in the overlay zone.

(c) The overlay zone is intended to create efficient usage of land by controlling the intensity of land use, providing sufficient critical mass, and design features to create a walkable neighborhood.

(LDC 2008, § 15A-12-01; Ord. No. 15-35, 11-23-2015; Ord. No. 16-06, 2-5-2016)

### **Sec. 21-12-2. Procedures.**

(a) All submissions shall be made well in advance of planned construction for proper coordination and feedback and shall be reviewed by the City Development Committee and/or respective architectural review body before submittal to the Planning Commission.

(b) Prior to the Planning Commission taking action, plans must be submitted in accordance with the subdivision procedures.

(c) The Planning Commission will review all HSD proposals. The Planning Commission shall consider potential changes to traffic, parking, pedestrian activity, and other impacts.

(LDC 2008, § 15A-12-02)

**Sec. 21-12-3. Uses Allowed.**

(a) *Location Criteria.* Historic Sandy developments may be located at infill locations where walkable components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open spaces, schools, churches) are already present or planned.

(b) *Ancillary Uses.* All permitted and conditional land uses within the HSD Zone may conduct ancillary uses, as specifically defined within Chapter 21-37, provided such use is not regulated by other sections or is listed as a non-permitted land use in the underlying zone district.

(c) *Permitted and Conditional Uses.* The Historic Sandy Development (HSD) Zone is an overlay district, and, as such, permitted and conditional uses are governed by the requirements and standards of the specific underlying residential zone. Except as otherwise stipulated in the HSD Zone, development proposals shall comply with the requirements of the underlying zone.

(LDC 2008, § 15A-12-03)

**Sec. 21-12-4. Lot and Building Placement/Design Requirements.**

The following standards are to be considered as applying specifically to development in the HSD Zone in addition to general standards elsewhere in this ~~Development Code~~ title:

- (1) *Historic Sandy Development Plan.* Regardless of the size and ownership of individual parcels, a development plan must be submitted showing both existing and reasonable projected development on adjoining properties, determined through consultation with adjoining property owners. The intent is to achieve an overall walkable neighborhood development with appropriate pedestrian connections, cross-easements, common driveways, consistent site standards, etc., even though properties may be individually owned.
- (2) *Parcel Size.* Parcels shall be of sufficient size to assure compliance with building setbacks, landscaping, access, off-street parking requirements, and walkability standards based upon the following minimum standards:

*Table 21-12-4(2)-Minimum Parcel Size and Setback Minimum Requirements*

<i>Zone</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Frontage</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback-- Between Foundation Walls</i>	<i>Rear Yard Setbacks-- Foundation to Property Line</i>
R-1-7.5	5,000 s.f.	50 ft.	10' to porch 15' to living area 20' to garage (see graphic)	5'/10' 6'/12' for multi-story homes	15'

*\*The side yard setbacks as shown is the minimum for one side and a total for both sides.*

- (3) *Housing Types.* A blend of housing types such as single-family, twin home, and town homes may be determined by the Planning Commission depending upon the existing adjacent neighborhood, size, scale, and location of the property. Lot sizes and lot frontages may be modified by the Planning Commission for town home buildings not exceeding four units or twin homes. Zero lot line or common wall construction for town homes and twin homes may be considered based upon subdivision layout design.

(4) *Multifamily Standards.*

- a. Twin home or town home developments may be considered in three different areas within Historic Sandy (as shown in the Historic Sandy Neighborhood Plan).
  1. One block south and approximately 350 feet north of Main Street.
  2. One block west and approximately 500 feet east of the TRAX corridor, not extending north of 8680 South Street.
  3. Between 8680 South and 8770 South 620 East.
- b. If approved by the Planning Commission, any twin home or town home development that has enough public frontage that could provide at least one on-street parking space for each unit may be allowed to build single-car garages.
- c. All twin home or town home developments must be rear loaded.

(5) *Building Placement.*

- a. *Building Orientation.* The entrances of all dwellings shall front onto public streets or open space with entrance sidewalks directly accessing the street sidewalk. On a case-by-case basis, a limited number of dwelling units, attached or unattached, fronting onto a private driveway may be approved, as deemed appropriate by the Planning Commission, depending on the size, scale, design, location, topography, or other natural features associated with the property.
- b. *Building Height.* Dwelling structures shall comply with the height requirements of the underlying residential district.

(6) *CPTED (Crime Prevention Through Environmental Design).* Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses, landscaping, and open space areas.

- a. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two to three feet at full maturity, and trees with a ground clearance of eight feet at full maturity above walkways and sidewalks, and 14 feet at full maturity above vehicular travel and parking lanes.
- b. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Developments shall have street side dwelling elevations with extensive windows with balconies, decks or landscape terraces being encouraged. Symbolic barriers, such as low lying fences/walls and landscaping, shall be used to discourage crime and promote safety.
- c. Fences or walls, if desired by the applicant, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance. Approved fences or walls shall be compatible in color, texture, and design in relationship to building materials. Landscape buffers are preferred over fences and walls where separation is desirable. A visually open look shall be encouraged. Landscape buffers which create outdoor rooms are often more important than a physical separation.

[GRAPHIC--Natural Surveillance]

(LDC 2008, § 15A-12-04; Ord. No. 10-26, 7-30-2010; Ord. No. 13-18 8-22-2013)

**Sec. 21-12-5. Architectural Design and Materials.**

(a) The treatment of buildings, materials, and exterior appurtenances shall create an aesthetically pleasing dwelling and site that is in character with the proportions of other surrounding historic structures, and yet provides diversity in design. An architectural balance of building materials, colors, design features, and textures which create random compatibility shall be sought.

(b) Historic Sandy has a three-tier design system for development which was adopted as part of the Historic Sandy Neighborhood Plan. Tier 1 is characterized by modest homes built in the late 1800s to mid 1900s in the blocks immediately surrounding the original Sandy commercial district, as well as a corridor along Locust Street and 8800 South. Tier 2 consists of a wide variety of residential home types from very early bungalows to modern homes. Tier 3 is an area that has the most typical post-war suburban development pattern. Sensitivity must be shown to better blend into existing historical and non-historical homes.

(c) These different tiers are identified in the Master Plan and shown below.

[GRAPHIC--HISTORIC SANDY; RESIDENTIAL TIER MAP]

(d) The following requirements are applicable to any new development or a remodel of a contributing structure:

- (1) The Planning Commission shall review and approve building elevations and materials for all projects within a HSD Overlay Zone, particularly where exposed to pedestrian and/or vehicular traffic. For new subdivisions, the developer will be required to create design guidelines for new homes to ensure compatibility with the homes in the area. Considerations for these guidelines may include, but not be limited to, gables, dormers, shutters, other window treatments, street side balconies/decks, and wrap-around porches (particularly on corner lots).
- (2) Basic building materials for all residential uses shall be predominantly one material of brick, stone, or masonry. Limited amounts of stucco and composite or wood siding may be considered if the quality of the design merits such consideration (no vinyl or aluminum siding allowed).
- (3)
  - a. *Tier 1.* Architectural materials and elevations shall be reviewed by the Planning Commission, after a recommendation from the Historic Preservation Committee. The elevations and materials must be architecturally compatible with one of the different housing styles (e.g., Colonial, Bungalow, and Craftsman) that may be found within the surrounding area. For all new single-family dwellings built within the Tier 1 neighborhood, the garage must be recessed from the front porch by ten feet or be detached.
  - b. *Tier 2.* Architectural materials and elevation shall be reviewed by the Planning Commission. Any remodel of an existing contributing structure or new developments within 200 feet of a contributing structure on the same street must first be reviewed by the Historic Preservation Committee (as identified on the latest reconnaissance survey on file with the Community Development Department). If this is the case, then elevations and materials must be architecturally compatible with one of the different housing styles (e.g., Colonial, Bungalow, and Craftsman) that may be found on the same street.
  - c. *Tier 3.* Architectural materials and elevation shall be reviewed by the Planning Commission. Any remodel of an existing contributing structure or new developments within 100 feet of a contributing structure on the same street must first be reviewed by the Historic Preservation Committee (as identified on the latest reconnaissance survey on file with the Community Development Department). If this is the case, then elevations and materials must be architecturally compatible with one of the different housing styles (e.g., Colonial, Bungalow, and Craftsman) that may be found on the same street.

[GRAPHIC--Acceptable]

[GRAPHIC--Unacceptable]

- (4) Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc.

(LDC 2008, § 15A-12-05)

**Sec. 21-12-6. Landscaping.**

Front yard landscaping is required to be installed by the developer. If open space and other common areas are provided in the development, these areas may be required to be landscaped by the developer. Guidelines for required landscaping are established to improve and then maintain site qualities while minimizing alteration, removal, or

degradation of approved and installed landscaping. Landscaping shall follow CPTED principles and the ~~Water Efficient Landscaping section of this Code Ordinance Section 21-25-4.~~

- (1) When landscaping is required, no plans for any building, structure or other improvements shall be approved unless a satisfactory Landscape and Streetscape Plan has also been submitted and approved.
- (2) Landscaping in accordance with the approved plans must be installed within 30 days following the occupancy of the site or as otherwise approved by the City as seasonal conditions may suggest.
- (3) The land area not occupied by buildings, structures, hard surfacing, vehicular driveways, or pedestrian walkways shall be kept clear of weeds or landscaped.
- (4) The developer shall submit a guarantee for such landscape improvements to ensure that installations are completed as submitted and approved.
- (5) The developer shall install the following:
  - a. *On-Site Trees and Shrubs.* In addition to the required street trees, a minimum of one evergreen tree (six feet minimum) is required for each home. A variety of shrubs and flower beds shall also be provided for each home.
  - b. *Street Trees.*
    1. A minimum two-inch caliper street trees as measured six inches above grade shall be installed by the developer/builder located between the curb and sidewalk along all rights-of-way. In order to facilitate the planting of street trees, an eight-foot parkstrip and five-foot sidewalk is the standard requirement. Reduced parkstrip and sidewalk width may be approved based upon size, scale, and nature of the project and the type of existing improvements on adjacent properties. However, a ten-foot cross-section (five foot parkstrip, five foot sidewalk) is the minimum and may necessitate tree planting behind the sidewalk.
    2. The species type, location, and spacing of trees shall be shown on the approved Landscape Plan and be in compliance with designated streets within the City's Streetscape Plan. For streets not specified in the Streetscape Plan, the Planning Division may recommend different trees that would be appropriate for the area.
  - c. *Installation.* It shall be the responsibility of the developer/builder to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
  - d. *Maintenance.* It shall be the responsibility of the developer, property owner and/or property association to properly maintain landscaped areas, including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.

(LDC 2008, § 15A-12-06)

#### **Sec. 21-12-7. Outdoor Lighting.**

(a) The lighting of streets, pedestrian areas, parking lots, and open space is required. Exterior wall-mounted floodlights must be directed downward to avoid light spill on adjacent property. Indirect lighting, bollard lighting, and landscape lighting is encouraged.

(b) The amount and type of lighting will be evaluated on how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that safety lighting is provided while neighboring areas are protected from glare or excessive direct light. Street light design fixtures shall be installed as required by the street lighting policy.

(LDC 2008, § 15A-12-07)

#### **Sec. 21-12-8. Streets and Pedestrian Ways.**

(a) *Streets.* All accesses within a HSD shall have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where practically possible. Cul-de-sac streets will not be approved unless it can be demonstrated that no other practical way exists to provide connectivity. In order to uphold and

enhance HSD principles, private streets are highly discouraged and gated communities are prohibited.

[GRAPHIC--Disconnected Street System]

[GRAPHIC--Connected Modified Grid System]

(b) *Widths.* Street widths shall be determined during site plan review as may be recommended by the City Transportation Engineer and approved by the Planning Commission. In general, streets shall be designed to meet the level of travel and service while incorporating principles of traffic calming and pedestrian compatibility (e.g., tree lined streets with pedestrian ways and linkages, decreasing the need for pavement width by spreading traffic through a grid, or modified street hierarchy system).

(c) *Sidewalks and Walkways.* The design of pedestrian ways may include a solitary meandering pathway or trail or other possible designs as may be approved by the Planning Commission. Choice of appropriate pedestrian access will be made based upon the scale and type of the HSD project being proposed.

(d) *Pedestrian Connections.* Crosswalks shall be incorporated within the project, at intersections, within parking lots, or other needed pedestrian connections as approved by the Transportation Engineer. Crosswalks shall be so configured to be a design feature of the development (e.g., heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use). Bulb-outs and other pedestrian designs may be used to shorten walking distances across open pavement. Medians may be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians.

(LDC 2008, § 15A-12-08)

#### **Sec. 21-12-9. Other Forms of Transportation.**

All forms of transportation shall be considered within and without the HSD with the intent to improve convenience and reduce vehicle trips. All forms of transportation should be encouraged, including bus, bicycle, and pedestrian. Access connections may be required when deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities. This is subject to review and recommendation by City staff, including Parks and Recreation, Planning, and Police Departments, and the City Transportation Engineer.

(LDC 2008, § 15A-12-09)

#### **Sec. 21-12-10. Environmental Concerns.**

(a) Building, landscape, and solar design should be adjusted, where possible, to be compatible with the local climate. Such design should include, but may not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement planned in such a way to enhance livability and reduce energy costs.

(b) The use of lighter colored building materials for roof tops and fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking areas, etc., should use concrete or other materials that absorb less sunlight.

(c) Where possible, drought-resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Extensive areas of grass or other high water use plants are discouraged. Compliance with the ~~Water Efficient Landscaping Ordinance~~ Section 21-25-4 is required.

(LDC 2008, § 15A-12-10)

#### **Sec. 21-12-11. Special Requirements Applicable to the HSD Overlay District.**

(a) The following HSD design elements shall be required:

- (1) Depending on the location, size, and scale of the project, a mix of housing types shall be employed (e.g., single-family detached, twin homes, town homes, etc.).
- (2) Where practical, the same land uses and housing types shall front each other or shall front open space.
- (3) Subservient garages (e.g., back loaded detached with alley access, front loaded detached, attached, side entry attached, or a combination of the above). The garage shall not exceed 50 percent of the front

elevation. The garage must be recessed from the front porch by at least five feet, except in Tier 1, where a ten foot setback or a detached garage is required. Three-car garages are not permitted within Tier 1, and in portions of the Tier 2 (west of the railroad) neighborhoods.

- (4) Roofs with a five-twelfths pitch or greater.
- (5) Dwelling and garage gables facing streets and alleys.
- (6) Covered and open front porches comprising at least 50 percent of the front elevation (not including the garage), in no case being less than 15 feet in length.
- (7) Entry (porch) sidewalks that connect directly to street sidewalks.
- (8) Windows and doors are required to occupy at least 25 percent of the front elevation.
- (9) Dwelling footprints shall not occupy more than 50 percent of the lot, except in the following circumstances:
  - a. The home is within Tier 2 (east of the railroad) and Tier 3 neighborhoods; ~~and~~
  - b. The lot has at least 7,500 square feet; and
  - c. The home has a three-car garage, in which case the footprint shall not occupy more than 65 percent of the lots.
- (10) Primary entrance to the home shall be from a public street, unless a flag lot is approved by the Planning Commission.

[GRAPHIC--Single-Family Residential; Plan View]

[GRAPHIC--Single-Family Residential; Elevations]

(LDC 2008, § 15A-12-11)

#### **Sec. 21-12-12. Utilities in Historic Sandy Developments.**

All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity, or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

- (1) Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method. Placement of transformers in front setback locations, particularly on corners, is to be avoided.
- (2) Each contractor and owner/developer shall be responsible to know the location of all underground utilities. Protection of such utilities shall also be their responsibility. Prior to construction, contact must be made with "Blue Stakes" to identify underground utility lines.
- (3) Actual tree spacing during site plan review may be adjusted as necessary to match existing streetscape or to adapt to unique on-site conditions that would justify such (e.g., topography, street lights, power lines and poles, and other utilities). In some cases, street trees may need to be relocated in order to accommodate on-site conditions. Parkstrips on arterial and collector streets should accommodate street trees, street lights, and other needed utilities. Street trees should be placed such that the street lighting system functions properly and achieves the desired result.

(LDC 2008, § 15A-12-12)

#### **Sec. 21-12-13. General Maintenance of Historic Sandy Developments.**

An overall maintenance schedule shall be implemented by property owners and/or property associations in maintaining all common buildings, common open spaces, courtyards, landscaping, fences, walls, drives, etc.

(LDC 2008, § 15A-12-13)

## **CHAPTER ~~15A-13~~ 21-13. RESIDENTIAL CONSERVATION OVERLAY ZONE**

### **Sec. 21-13-1. Purpose.**

(a) In an effort to encourage water conservation, improve the long-term viability of planted street trees, create a safer pedestrian walking environment, and allow greater flexibility in subdivision design and lot layout, the Residential Conservation Overlay Zone was created to promote development and redevelopment in Sandy City neighborhoods. The overlay zone is intended to create efficient use of land by controlling the intensity of land use, providing sufficient critical mass, and mass design features to create a walkable neighborhood.

(LDC 2008, § 15A-13-01; Ord. No. 15-35, 11-23-2015)

### **Sec. 21-13-2. Procedures.**

(a) *Development Review.* All submissions shall be made well in advance of planned construction for proper coordination and feedback and shall be reviewed by the City Development Committee and/or respective architectural review body before submittal to the Planning Commission.

(b) *Subdivision Process.* Prior to the Planning Commission taking action, plans must be submitted in accordance with the subdivision procedure.

(LDC 2008, § 15A-13-02)

### **Sec. 21-13-3. Uses Allowed.**

(a) *Permitted and Conditional.* The RCO Zone is an overlay district, and, as such, permitted and conditional uses are governed by the requirements and standards of the specific underlying residential zone. Except as otherwise stipulated in the RCO Zone, development proposals shall comply with the requirements of the underlying zone.

(b) *Ancillary.* All permitted and conditional land uses within the RCO Zone may conduct ancillary uses, as specifically defined within Chapter 21-37, provided such use is not regulated by other sections or is listed as a non-permitted use in the underlying zone district.

(LDC 2008, § 15A-13-03)

### **Sec. 21-13-4. Walkable Components.**

A new development implementing the RCO may be located at infill locations where walkable components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open spaces, schools, or churches) are already present or planned. As a guiding principle, walkable components should be within a ten minute (or one-half mile) walking distance.

(LDC 2008, § 15A-13-04)

### **Sec. 21-13-5. Improvement and Lot Standards.**

(a) *Road Improvements.* A ten-foot cross-section for parkstrips and sidewalks (five-foot parkstrip, five-foot sidewalk) is required when developing new subdivisions. Where possible, and depending on adjacent improvements, an eight-foot parkstrip may be required to provide an area for required street trees.

(b) *Lot Dimensions.* To encourage neighborhood reinvestment, the Planning Commission may allow adjustments in minimum lot size, frontage, and setbacks, irrespective of requirements in underlying zones, based upon the following:

<i>Table 21-13-5(b). Minimum Parcel Size and Setback Minimum Requirements</i>						
<i>Zone</i>	<i>Minimum Lot Size</i>	<i>Average Lot Size</i>	<i>Lot Frontage</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>	<i>Rear Yard Setback</i>
R-1-40	36,000 s.f.	40,000 s.f.	110 ft.	30'	15'/30'	30'
R-1-30	28,000 s.f.	30,000 s.f.	100 ft.	30'	12'/27'	30'
R-1-20	18,000 s.f.	20,000 s.f.	90 ft.	30'	10'/24'	30'

R-1-15	13,000 s.f.	15,000 s.f.	85 ft.	30'	10'/22'	30'
R-1-12	10,000 s.f.	12,000 s.f.	80 ft.	30'	8'/20'	30'
R-1-10	8,000 s.f.	*9,000 s.f.	70 ft.	10' to porch 15' to living 20' to garage	**8'/16'	20'
R-1-9	7,000 s.f.	*8,000 s.f.	65 ft.	10' to porch 15' to living 20' to garage	**7'/14'	20'
R-1-8	6,500 s.f.	*7,500 s.f.	60 ft.	10' to porch 15' to living 20' to garage	**6'/12'	15'
R-1-6	4,500 s.f.	*5,500 s.f.	50 ft.	10' to porch 15' to living 20' to garage	**5'/10'	15'
R-2-10	5,000 s.f. sfd 8,000 s.f. mfd	*5,000 s.f. sfd. *9,000 s.f. mfd	55 ft. sfd 60 ft. mfd	10' to porch 15' to living 20' to garage	**5'/10'	15'
R-2-8	4,000. s.f. sfd 6,500 s.f. mfd	*4,000 s.f. sfd *7,500 s.f. mfd	55 ft. sfd 60 ft. mfd	10' to porch 15' to living 20' to garage	**5'/10'	15'
sfd--single-family dwelling; mfd--multifamily dwelling (duplex and/or twin home)						
*If the proposed development is within one-half-mile walking distance (as a pedestrian would walk) to at least five of the nine walkable components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open spaces, schools, <u>or</u> churches), then the average lot size shown in Table 15A-13-01(A) will apply. Otherwise, the average lot size would have to maintain the minimum square footage required for the underlying zone. For example, if the subject property is zoned R-1-10 and is within one-half-mile of five of the nine walkable components, then the average lot size could be 9,000 square feet. If the subject property is not within one-half-mile walking distance to at least five of the nine walkable components, then the average lot size would need to remain at 10,000 square feet.						
**Side yard setback shall maintain the regular setback on the side that shares the side yard of existing adjacent home, outside of this overlay zone.						

(LDC 2008, § 15A-13-05)

**Sec. 21-13-6. Architectural Design and Materials.**

(a) *Architectural Standards.* The treatment of buildings, materials, and exterior appurtenances shall create an aesthetically pleasing dwelling and site that is in character with the proportions of other surrounding structures, and yet provides diversity in design. An architectural balance of building materials, colors, design features, and textures which create random compatibility shall be sought. Requirements applicable to all dwellings and lots are stated below as follows:

- (1) The Planning Commission shall review and approve building elevations and materials for all projects within a Residential Conservation Overlay Zone, particularly where exposed to pedestrian and/or vehicular traffic.
- (2) Basic building materials for all residential uses shall be predominantly one material of brick, stone, or masonry. Limited amounts of stucco and composite or wood siding may be considered if the quality of the design merits such consideration (no vinyl or aluminum siding allowed).
- (3) Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc.
- (4) Front porches shall be added to the living area of dwellings and shall have a minimum depth of five feet and shall comprise a minimum of 50 percent of the width of the building's primary front facade (not including an attached garage). In no case shall the front porch be less than 15 feet in width.
- (5) Attached garages must be clearly subservient to front porches, by at least five feet.
- (6) Sidewalk connections shall be made from front porches directly to street sidewalks.
- (7) Dwelling footprints shall not occupy more than 50 percent of the lot, unless there is a three-car garage, in which case the footprint shall not occupy more than 60 percent of the lot.

(b) *Building Orientation.* The entrance of all dwellings shall front onto public streets with entrance sidewalks directly accessing the street sidewalk. On a case-by-case basis, a limited number of dwelling units fronting onto a private street or driveway may be approved by the Planning Commission, depending on the size, scale, design, location, topography, or other natural features associated with the property.

(c) *Building Height.* Dwelling structures shall comply with the height requirements of underlying residential districts.

(LDC 2008, § 15A-13-06; Ord. No. 13-04, 1-30-2013; Ord. No. 13-18 8-22-2013)

#### **Sec. 21-13-7. Landscaping.**

(a) *On-Site Trees and Shrubs.* All front yards shall be landscaped using trees, both evergreen (six feet minimum) and deciduous, shrubs/bushes, and flowers. This landscaping shall be bonded for at time of building permit.

(b) *Street Trees.* A minimum two-inch caliper street trees as measured six inches above grade shall be installed by the developer/builder located between the curb and sidewalk along all rights-of-way. In cases where there is not an eight-foot parkstrip, approved street trees shall be planted three feet behind the sidewalk.

(LDC 2008, § 15A-13-07)

#### **Sec. 21-13-8. Outdoor Lighting.**

The lighting of streets and pedestrian areas is required. Exterior wall-mounted floodlights must be directed downward to avoid light spill on adjacent property. Indirect lighting, bollard lighting, and landscape lighting is encouraged. Street light design fixtures shall be installed as required by the street lighting policy.

(LDC 2008, § 15A-13-08)

#### **Sec. 21-13-9. Streets and Pedestrian Ways.**

All accesses within the RCO shall have connectivity with existing and future street patterns. A grid street pattern or modified grid patterns are preferred where practically possible.

(LDC 2008, § 15A-13-09)

#### **Sec. 21-13-10. Residential Conservation Dwelling Design for Existing Dwellings.**

(a) In an effort to encourage neighborhood stability, conserve land, encourage water conservation, and create residential development based upon CPTED principles, property owners of existing dwellings may reduce front setbacks as outlined in this ~~chapter-section~~. More specifically, the intent of this ~~ordinance-section~~ is to allow additional front setback flexibility for residential remodeling for the following reasons:

- (1) To encourage neighborhood reinvestment by giving property owners more options when building new dwellings or expanding existing dwellings to meet changing family needs;
- (2) To conserve land and to enhance usable yard area;
- (3) To encourage water conservation using drought-resistant plants and by eliminating the need for large expanses of landscape areas within front setback; and
- (4) To encourage greater public safety by requiring architecture to be such that the dwelling has a greater tie to the street through the implementation of CPTED principles.

(b) The Community Development Department staff, irrespective of requirements in the underlying zone, may allow the reduction of the front yard building setback (minimums of ten feet from sidewalk to porch, 15 feet from sidewalk to living space, and 20 feet from sidewalk to garage) for dwelling structures when all of the following standards are met:

- (1) Front porches shall be added to the living area of dwellings and shall have a minimum depth of five feet and shall comprise a minimum of 50 percent of the width of the building's primary front facade (not including an attached garage). In no case shall the front porch be less than 15 feet in width.
- (2) Front porches shall be designed for display, sitting, and conversation and shall not be used for storage.
- (3) Attached garages must be clearly subservient to front porches, ~~setting~~ sitting back further than the porch as indicated in the diagram below.
- (4) CPTED principles shall be used in the design to promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. Architectural design shall be such that dwellings are strongly oriented towards the street. Architectural structure, materials and treatments are encouraged which may include, but are not limited to, the liberal use of second-story levels, expansive windows with architectural treatments, balconies, stoops, insets, etc., to create additional interest and tie to the street, and other such architectural elements in accordance with natural surveillance.
- (5) When remodeling an existing home, the new portion of the home shall be architecturally compatible, using similar exterior materials and colors, including similar window and door design.
- (6) Symbolic barriers (e.g., low level fences or hedges in the front setback) may be used to discourage crime and promote safety. Fences, if determined to be necessary or desirable, must be reviewed for their effectiveness in enhancing private space while not creating isolated uses or dead space void of natural surveillance. Fencing, where deemed appropriate, shall use picket fence materials or other similar open construction fencing, with the intent of promoting an open feeling and natural surveillance. Approved fences shall be compatible in color, texture, and design in relationship to building materials.
- (7) It is encouraged that the front yard area be re-landscaped using more drought tolerant plants, which may include a combination of trees, shrubs, and ground covers, using landscaping guidelines as contained in ~~the Water Efficient Landscaping Ordinance Section 21-25-4.~~
- (8) Sidewalk connections shall be made from front porches directly to street sidewalks.
- (9) Other design features which promote public safety and pedestrian activity, as approved by staff.

[GRAPHIC--Residential Conservation Setbacks in R-1-8 Zone]

(LDC 2008, § 15A-13-10; Ord. No. 13-04, 1-20-2013)

## **CHAPTER ~~15A-14~~ 21-14. STOREFRONT CONSERVATION OVERLAY ZONE**

### **Sec. 21-14-1. Storefront Conservation Development.**

In an effort to conserve land, encourage water conservation, and create development based upon CPTED principles, the Planning Commission may allow storefront-type development in mixed use and commercial areas of the City. Irrespective of requirements in the underlying zone, the Planning Commission may reduce building setback requirements with the use of approved urban conservation and suburban conservation setbacks and sidewalk zones, based upon the following criteria:

- (1) *Setback Areas*. Setback areas must comply with 12-foot, 16-foot, 20-foot, or 24-foot approved cross-sections as designed and updated by the City from time to time. The 12-foot cross-section may only be considered for development within Historic Sandy or a Transit Oriented Development (TOD). Setback areas are broken down into sidewalk zones specifically identified as the Display Zone, Clear Zone, and Furniture Zone. Approved sidewalk zones must consider the following standard design features as may be approved by the Planning Commission:
- a. *Display Zone (Located Immediately Adjacent to the Building)*.
    1. Display of goods, special sales, promotions, decorations for festivals, holidays, etc.
    2. Outdoor seating areas and outdoor eating areas, as appropriate.
    3. Approved newspaper racks, community bulletin boards, etc.
    4. Limited greenscape (e.g., potted plants, foundation plantings, water conservation plantings, etc.).
    5. Limited canopy overhangs for building entrances and eating areas.
    6. Proper access to store entrance from sidewalk grade.
  - b. *Clear Zone*.
    1. Walking zone for pedestrians.
    2. No obstacles.
  - c. *Furniture Zone (Adjacent to Curb Line)*.
    1. Street trees with tree wells or ground covers.
    2. Small scale downlit street lights, with or without banners, or other approved attachments.
    3. Street furniture (e.g., benches, trash receptacles, water fountains, etc.).
    4. Additional outdoor seating/eating areas, as appropriate.
    5. Other limited greenscape (e.g., potted plants, water conservation plantings, etc.).
- (2) *Architectural Treatment of Building*. In addition to the above requirements, building and architectural design shall be street oriented (eyes on the street) and shall consider the following design elements as may be approved by the Planning Commission:

[GRAPHIC]

- a. Parking located to the rear of buildings; or to the side only when deemed appropriate.
- b. Compliance with an overall area architectural theme with projecting wall signs, where appropriate.
- c. First level architectural articulation separate from above stories.
- d. Ample window placement (at least 50 percent of building elevation) to encourage eyes on the street.
- e. Building entrances directly onto the sidewalk.
- f. Liberal use of balconies, stoops, insets, etc., to create additional interest and tie to the street.

[GRAPHIC--Example: Entry-way Plaza]

- g. Walkways (paseos), courtyards, and small plazas should be considered where appropriate.
- h. Other building design features which promote economic development and safe pedestrian activity, as approved by the Planning Commission.

[GRAPHIC]

[GRAPHIC]

[GRAPHIC]

[GRAPHIC]

(LDC 2008, § 15A-14-01)

**CHAPTER ~~15A-15-21-15~~. SENSITIVE AREA OVERLAY ZONE****Sec. 21-15-1. Purpose.**

(a) This chapter shall provide standards, guidelines, and criteria having the effect of minimizing flooding, erosion, and other environmental hazards and protecting the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds.

(b) The standards, guidelines, and criteria established by this chapter shall include, but shall not be limited to, the following:

- (1) The protection of the public from the natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
- (2) The minimization of the threat and consequential damages of fire by establishing fire protection measures.
- (3) The preservation of natural features, wildlife habitat, and open space.
- (4) The preservation of public access to mountain areas and natural drainage channels.
- (5) The retention of natural features such as drainage channels, streams, hillside areas, ridge lines, rock outcroppings, vistas, trees, and other natural plant formations.
- (6) The preservation and enhancement of visual and environmental quality by use of natural vegetation, and the minimization of grading in hillside areas.
- (7) The assurance of an adequate transportation system for the sensitive area, to include consideration of the City's approved Transportation Plan. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.
- (8) The establishment of on-site and off-site traffic facilities that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at any time.
- (9) The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and preserve open space and natural landscape.
- (10) The establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
- (11) The encouragement of location, design, and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain.
- (12) The encouragement of the use of creative design teams composed of professional landscape architects, engineers, and others.
- (13) The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.

(LDC 2008, § 15A-15-01)

**Sec. 21-15-2. Scope and Application.**

(a) *Application of the Sensitive Area Overlay Zone.* The Sensitive Area Overlay Zone includes areas of 30 percent or greater slope; floodplain, streams, lakes, ponds and wet land areas; and areas with a high potential of damage from natural hazards, such as surface rupture during an earthquake, rock fall or debris flow, and other similar environmental conditions. Such areas are designated on the map entitled the "Sandy City Sensitive Area Overlay Zone Map." A copy of the map, drawn to scale of one inch equals 1,000 feet, is available for review in the Community Development Department. Regulations of this chapter may apply to an area outside of the mapped Sensitive Area Overlay Zone if the Director determines that the environmental conditions of the subject area qualify

it as a sensitive area, and the map shall thereafter be amended to include such area in the Sensitive Area Overlay Zone.

(b) *Effect of Provisions.* This chapter makes provisions in addition to those set forth elsewhere in this ~~Code~~ title. In the event of conflict between such other provisions and the provisions of this chapter, the more restrictive provisions shall apply.

(LDC 2008, § 15A-15-02)

### **Sec. 21-15-3. Review and Approval Procedure.**

(a) *Development Review.* To help expedite review of a development proposal, prior to submitting an application for development in a sensitive area, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this ~~Code~~ title.

- (1) If requested by staff, they shall attend a meeting where representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, ~~the~~ Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
- (2) At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this ~~Code~~ title, the International Building Code, International Fire Code and any other applicable ordinances or codes of Sandy City, and provide information concerning the City's review requirements and procedures.

(b) *Application.* Prior to any development activity taking place within a sensitive area, an application for development must be submitted to the Community Development Department and must contain the information and be in the format required by the applicable chapters of this ~~Code~~ title (subdivision, site plan review, planned unit development, etc.). All reports shall be prepared by a qualified person licensed in the State of Utah to practice their specialty. If a license is not required, the person shall have demonstrated expertise in the field of practice. In addition to the application requirements set forth in other chapters of this ~~Code~~ title, applications for development in sensitive areas shall include certain of the following as determined by the City Engineer:

- (1) General Development Application Form.
- (2) A topographic contour map, tied to a land-based survey, with coloration, shading or hatching indicating areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 20 and 30 percent, and areas of 30 percent or greater, with contour lines spaced no less than two feet apart vertically.
- (3) Location of the proposed project in relation to abutting public streets.
- (4) The total acreage, number of lots, and proposed density for proposed residential developments.
- (5) The total acreage, number of lots, and proposed density for proposed commercial developments.
- (6) The location and approximate size, in square feet, of the proposed lots, including sensitive areas of 30 percent or greater slope, and the usable land for each lot.
- (7) Location of known hazards (e.g., faults, natural drainage channels, rockfall, debris flow, etc.) and the boundaries of the 100-year floodplain, as applicable.
- (8) Location of other environmentally sensitive areas, including wildlife corridors.
- (9) Proposed location of structures in relationship to all environmentally sensitive areas.
- (10) A General Geotechnical/Geological Report, which shall include the following components, unless the City Engineer determines a specific component is not applicable to the proposal:
  - a. Soil Characteristics Component, which shall include data regarding the nature, distribution, and

- strength of soils within the project area as well as:
1. Unified classification of all soils with liquid limit, shrink-swell potential, and general suitability for development.
  2. Estimate of the normal highest elevation of the water table.
  3. Flood history and potential, proximity to known floodplain area and drainage channels, springs, and other hydrological features.
  4. Liquefaction analysis.
- b. Vegetation Component, which shall include a slope stabilization and a revegetation report which shall comply with ~~the Water Efficient Landscaping Ordinance~~ Section 21-25-4 and include:
1. Location and identification of existing vegetation.
  2. The vegetation to be removed and the method of disposal.
  3. The vegetation to be planted.
  4. Slope stabilization measures to be installed.
  5. Analysis of the environmental effect of development, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
  6. Topsoil stockpile areas.
- c. Geologic Conditions Component, which shall be site-specific and shall identify all known, suspected, and potential faults and other geologic hazards. Hazards may originate on- or off-site. They may have been previously mapped or unmapped. This component shall include, but is not limited to, the following:
1. Location of active and historical faults and a recommendation for a setback of proposed structures from the faults.
  2. Characteristics of the geological material and identification of anomalies of the terrain.
  3. Depth and geological evaluation of bedrock.
  4. Map of hazards or any features of interest.
  5. Boring and test pit logs and trench reports.
  6. Slope stability analysis, including the angle of repose.
- d. Debris Flow Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by the flow of rock, soil, organic material, and water in any combination of the above. The report will include, but is not limited to, the following:
1. Boring, test pit and trench logs.
  2. Estimates of the number and frequency of past events and their thickness and volume.
  3. Estimates of the recurrence, depth, and impact forces of future events.
- e. Rock Fall Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by a rock or rocks falling, rolling, sliding, or taking the form of an avalanche. The report shall include, but is not limited to, the following:
1. Estimates of the number and frequency of past events.
  2. Estimates of the recurrence and impact forces of future events.
  3. Modeling results.
- f. Grading and Drainage Plans. The plans shall include a Stormwater Management and Erosion Grading Plan on the methods by which surface water, natural drainages, flooding, erosion, and sedimentation loss will be accommodated during and after construction. The plan shall include the following information:

1. *Grading Plan.* The Grading Plan shall show existing and proposed elevation contours, tied to a land-based survey, and shall include elevations, lines, and grades, including the location and depth of all proposed cuts and fills of the finished earth surfaces using a contour interval of two feet or less. Access or haul road location, treatment, maintenance requirements and limits of disturbance shall be included.
  2. *Cleared Area.* The proposed area to be graded shall be clearly delineated on the plan, and the area amount stated in square feet.
  3. *Drainage Calculations and Details.*
    - (i) All calculations and any required details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures shall be shown.
    - (ii) Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Equations should include factors of:
      - A. Rainfall intensity and energy.
      - B. Soil erodibility.
      - C. Land slope and length of slope or topography.
      - D. Condition of the soil surface and land management practices in use.
      - E. Surface cover (e.g., grass, woodland, crop, pavement, etc.).
- (11) The City Engineer may require trenching, boring, and test pits along with additional information for developments in the Sensitive Area Overlay Zone.
  - (12) All reports shall identify any potential impacts or hazards resulting from construction or disturbance by the development and include written recommendations for construction of proposed improvements and other measures to mitigate potential impacts and hazards.
  - (13) The City may require proposed lots, streets and structures to be staked for field inspection.
  - (14) All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Sandy City shall be made available to the City Engineer, as a part of the review and approval process, so that the City Engineer can better advise the Planning Commission.
- (c) *Preliminary Review.*
- (1) Upon submittal of an application and all supporting information and attendance at a Development Review Meeting, if necessary, the application for the development proposal shall be forwarded to the reviewing departments and agencies. They will review it preliminarily to determine if the application and plan, together with all supporting information, is complete and complies with all the requirements of this ~~Code~~-title, including the sensitive area development standards as set forth hereafter, and other applicable City and agencies' standards.
  - (2) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted, or that some of the specifics of the plan or information do not comply with the requirements of this ~~Code~~-title, the applicant will be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised application, plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
  - (3) Upon resubmittal, the development proposal will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the application for the development proposal and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this Code and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the application is

incomplete and the review cannot proceed further until all required, necessary, and requested information is submitted.

- (4) When the application is determined to be complete, all development proposals in sensitive areas will be submitted to the Planning Commission for Preliminary Review. The Planning Commission will review the development proposal, including staff analysis, of all supporting information and all requested supplemental information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
- (5) After all requested information has been received and reviewed by the Planning Commission, the Planning Commission will determine if preliminary review is complete and impose development requirements.

(d) *Final Approval.*

- (1) After the Planning Commission determines that preliminary review is complete and imposes development requirements, the applicant shall submit to the Department a final development plan, together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission.
- (2) The Department, together with the other reviewing departments and agencies, shall review the final development plan to determine compliance with all requirements, corrections, additions, etc. When the final development plan has been determined to be complete and in compliance with all requirements, all fees paid and guarantees posted, the plan shall be approved and signed by the appropriate City departments and officials.

(e) *Appealing a Land Use Authority's Decision.* The applicant, a board or officer of the ~~municipality~~ City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision or determination made by the Land Use Authority in the administration or interpretation of ~~the land use ordinance~~ this title.

(f) *Panel of Experts for Appeals of Geologic Hazard or Sensitive Areas.* An applicant who has appealed a decision of the land use authority administering or interpreting the Sensitive Area Overlay Zone may request the City to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal. If the applicant makes a request for a panel of qualified experts, the City shall assemble the panel, which shall consist of, unless otherwise agreed by the applicant and the City:

- (1) One expert designated by the City;
- (2) One expert designated by the applicant; and
- (3) One expert chosen jointly by the City designated expert and the applicant's designated expert.

A member of this expert panel assembled by the City may not be associated with the application that is the subject of appeal. The applicant shall pay one-half of the cost of the panel as well as the City's appeal fee that is established by the City Council.

(LDC 2008, § 15A-15-03)

**Sec. 21-15-4. Development Standards for Sensitive Areas.**

(a) *Standards for Sensitive Areas Containing 30 percent or Greater Slopes.*

(1) *Usable Land.*

- a. Single-family structures shall be located only upon areas constituting usable land, which area shall be fully contiguous, be at least 5,000 square feet in size and have a minimum dimension, both length and width, of 50 feet.
- b. All other structures, including clustered single-family, multifamily, commercial, industrial,

- institutional, and accessory structures, shall be located upon usable land as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
- (2) *Setback requirements.*
- a. No dwellings or accessory structures shall be constructed within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.
  - b. All other structures which require a building permit, including commercial, industrial, institutional, and structures accessory thereto, shall be set back as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
  - c. Structures requiring a building permit shall be set back no further than 150 feet from a public or private street unless otherwise approved by the Fire Marshal.
- (3) *Trails.* A trail may be constructed to access upper/lower portions of residential/commercial property subject to the following conditions:
- a. No cut or fill of the hillside may be in excess of two feet. All cuts or fills shall be properly retained.
  - b. The trail should follow a meandering course and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.
  - c. The trail shall be screened with native landscape materials.
  - d. The Trail Plan shall be submitted to the Director and City Engineer for review and must be approved prior to any construction and/or hillside cuts.
- (4) *Fencing.* All fences located on slopes of 30 percent or greater shall be dark brown, dark green or black vinyl coated chainlink to blend in with the native landscaping. In no case shall the following types of fences be allowed: uncoated chainlink, masonry, block, wood, or other sight obscuring material. Fence construction shall comply with the Environmental Hazards Element as contained in the General Plan.
- (b) *Development Standards for All Sensitive Areas.*
- (1) *Maximum Impervious Material Coverage.* The maximum impervious material coverage that shall be allowed upon lots:
- a. Upon which structures are located, shall be 50 percent for those in residential zoning districts of R-1-15 or below and 40 percent for those in zoning districts of R-1-20 or above of the total lot area (excluding pad lots and clustered subdivisions), including dwelling units, accessory buildings, patios, decks, ~~and~~ driveways, etc.; provided, however, that the maximum impervious material coverage may exceed the allowable percentage upon review and approval of a special exception by the Planning Commission. The Planning Commission shall use the following criteria when making a decision to increase lot coverage:
    1. The home is of comparable size to other homes in the general vicinity;
    2. The increase is needed to create a safe drive access for the home; and
    3. The increase is the minimum required to meet Subsections (b)(1)a.1 and 2 of this section.
  - b. Upon which multifamily dwellings, commercial, industrial, institutional, pad lots, clustered subdivisions and accessory structures are proposed, shall be determined during site plan review and approved by the Planning Commission. The Planning Commission will base their decision on information received from the developer in relation to mitigation measures which can be imposed to handle excess runoff.
- (2) *Drainage and Erosion.*
- a. Lots shall be arranged so as to ensure adequate setbacks from drainage channels as determined by

the City Engineer after review of the submitted reports. No structures shall be allowed in the 100-year floodplain.

- b. Facilities for the collection of stormwater runoff shall be required to be constructed on development sites and according to the following requirements:
1. Such facilities shall be the first improvement or facilities constructed on the development site, with the exception of sewer and water lines.
  2. Such facilities shall be designed to detain safely and adequately the maximum expected stormwater runoff for a 25-year storm (together with the stormwater discharge from the site not to exceed 0.2 cubic feet per second per acre or at a rate not higher than the flow rate before development of the site, whichever is less) on the development site for a sufficient length of time to prevent flooding and erosion during stormwater runoff flow periods.
  3. Such facilities shall be designed to divert surface water away from cut or fill surfaces.
  4. As much as possible, the existing natural drainage system shall be utilized in its unimproved state.
  5. Where drainage channels are required, wide shallow swales, lined with appropriate vegetation, shall be used instead of cutting narrow, deep drainage ditches.
  6. Flow retarding devices, such as detention/retention ponds and recharge berms, shall be used, where practical, to minimize increases in runoff volume and peak flow discharge rate due to development. Areas which have shallow or perched groundwater or areas that are unstable shall be given additional consideration, and additional requirements may be imposed.
- c. Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between December 1 and April 15 of the following year.
- d. Erosion and sediment control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An Erosion and Sediment Control Plan (Storm Water Pollution Prevention Plan) shall be included in the Grading and Drainage Plans described in this chapter. The Erosion and Sediment Control Plan shall be prepared in accordance with the Jordan Valley Municipalities Permit (Permit UTS000001) and the Utah General Construction Permit (Permit UTRC00000) for projects that warrant compliance with the Utah General Construction Permit regulation.
- e. The area of the watershed shall be used to determine the amount of stormwater runoff generated before and after construction as follows:

The Rational Method or other method as approved by the City Engineer shall be used in computing runoff. The basic formula for the rational method is:

$Q = CIA$  in which:

$Q$  = Runoff in cubic feet per second (cfs)

$C$  = Coefficient of runoff

$I$  = Average rainfall intensity during time of concentration for 25-year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the most remote point of the section under consideration to the point of collection or discharge.

$A$  = Drainage area in acres.

The following ranges for  $C$  value are typical examples. The actual  $C$  value used shall be approved by the City Engineer.

<i>Table of Runoff Coefficients</i>
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<i>Type of Development</i>	<i>Runoff Coefficient</i>
Industrial and Commercial	0.80--0.90
Residential	0.30--0.40
Parks	0.15--0.24
Agricultural	0.10--0.20

- f. For all projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.
- g. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:
1. Land disturbing activity that generally disturbs one or more acres of land;
  2. Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
  3. Land disturbing of less than one acre of land, and, if in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
  4. The creation and use of borrow pits;
  5. Development of a single-family home;
  6. Processing of earthen materials such as top soil and gravel screening;
  7. Construction of parking lots;
  8. Demolitions.
- h. If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:
1. Grading permit.
  2. Subdivision Plan approval (residential).
  3. Site plan approval (commercial).
  4. Building permit.
  5. Road cut permit.
- i. Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.
- j. For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.
1. The online SWPPP management system shall meet audit requirements of the State of Utah.
  2. The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in the section above.
  3. Reports and data shall be made available upon request.
  4. City Staff shall have viewing access rights.

- k. As part of the Jordan Valley Municipalities Permit, Sandy City encourages a Low Impact Development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.
  - 1. All development that warrants compliance with the UGCP must include an LID analysis per the Sandy City Development Standards and Requirements for Stormwater.

(3) *Vegetation and Revegetation.*

- a. Vegetation shall be removed only when absolutely necessary for the construction of buildings, roads, and filled areas.
- b. All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation which has good erosion control characteristics.
- c. New plantings shall be protected with a mulch material and fertilized in conjunction with the planting and watering schedule described in Subsection (b)(3)e of this section.
- d. The use of persons or firms having expertise in the practice of revegetation (e.g., licensed landscape architects or certified nurserymen) shall supervise the planting and installation of revegetation cover.
- e. After the completion of off-site improvements, vegetation should be planted in all disturbed areas during the following time periods only:
  - 1. March 15 through May 15 and September 15 through October 31.
  - 2. If irrigated, planting may be done during summer months.
- f. Generally, no vegetation shall be removed on a continuous hillside, crest (upslope or downslope), with a slope 30 percent or greater. However, for uses such as trails and open space improvements, the City Engineer may approve designated areas of vegetation that can be removed or disturbed in conjunction with a Revegetation or Slope Stabilization Plan.
- g. Topsoil removed during site construction shall be reserved for later use on areas requiring vegetation or landscaping such as cut and fill slopes.
- h. All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces (e.g., roads, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
- i. The property owner and/or developer shall be fully responsible for any destruction or damage of native or applied vegetation identified as necessary for soil retention and shall be responsible to replace such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the Director.

(4) *Geology.*

- a. Dwellings and commercial buildings shall be set back from any active faults as required by the City Engineer.
- b. No dwellings, commercial buildings or off-site improvements shall be allowed on any area considered to be susceptible to landslide, rockfall or debris flow or problems associated with perched or shallow groundwater, except as approved by the City Engineer. Special requirements to mitigate the potential effects of such hazards may be imposed by the City Engineer prior to approval of the project or issuance of building permits.

(5) *Fire Protection.*

- a. Areas without a recognized water supply shall meet special requirements as established by the Planning Commission, upon recommendation of the City Fire Marshal.

- b. Each development site and building permit for lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the City Fire Department to see that it complies with the International Fire Code regarding access roadways for fire apparatus.
  - c. Spark arresters shall be installed in every fireplace constructed for indoor or outdoor use as regulated by the most current version of the International Fire Code.
  - d. Development adjacent to public lands shall provide access to these lands for fire protection vehicles and equipment.
  - e. Buildings and structures constructed in areas designated by Sandy City as Wildland--Urban Interface Areas shall be constructed using ignition-resistant construction as determined by the Fire Marshal. Section 502 of the ~~2006-2015~~ International Wildland--Urban Interface Code (IWUIC), as it may be amended from time to time, as promulgated by the International Code Council, shall be used to determine fire hazard severity. A copy of the map designating the Wildland--Urban Interface Area is located in the office of the Sandy City Fire Marshal.
- (6) *Grading, Cuts and Fill.*
- a. Exposed unstable surfaces of a cut or fill shall not be steeper than one vertical to two horizontal.
  - b. All permanent fill shall be stabilized and finished to reduce risk associated with settling, sliding or erosion.
  - c. The top and bottom edges of slopes caused by an excavation or fill up to ten vertical feet shall be at a minimum of three horizontal feet from the property line or public right-of-way lines.
  - d. The maximum vertical height of all cuts or fills shall be ten feet. Under exceptional circumstances, the Planning Commission may approve cuts or fills in excess of ten feet with a recommendation from the City Engineer. Cuts or fills shall be measured from natural grade to finished grade. The burden of demonstrating exceptional circumstances shall be on the developer of the property, but may include:
    - 1. Cutting or filling of areas designated as anomalies.
    - 2. Cutting to allow for required sight triangles.
    - 3. Areas previously modified, altered or disturbed.
    - 4. Cuts or fills as required by the City Engineer to mitigate any unsafe condition, such as slopes exceeding 50 percent.
    - 5. Unusual topographic features, such as bowls or rises that don't exceed slope limitations but may inhibit sound construction.
    - 6. Other conditions as approved by the Planning Commission.
  - e. All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope.
  - f. No grading, cuts, fills, or terracing will be allowed on a continuous hillside of 30 percent or greater slope, crest (upslope or downslope) unless otherwise determined by the Planning Commission upon recommendation of the Director and City Engineer.
- (7) *Streets and Ways.* Streets, roadways, and private streets, lanes and driveways shall follow as nearly as possible the natural terrain minimizing cuts and fills. In addition to the standards identified in ~~the Subdivision Design Standards within this title Chapter 21-21~~, the following additional standards shall apply:
- a. Access easements shall be provided to all adjoining developed and non-developed areas for emergency and firefighting equipment when determined necessary by the Fire Marshal. Driveways located upon each lot extending from a public or private street shall have sufficient width and design to admit and accommodate firefighting equipment in compliance with all City engineering

standards and the International Fire Code.

- b. A cul-de-sac may not exceed 600 feet in length. However, the Planning Commission may grant a special exception to extend the length of the cul-de-sac after considering a recommendation from the City Engineer and Fire Marshal based upon geographical constraints or if public safety will be improved above existing conditions.
- c. Variations of the street design standards developed to solve special visual aesthetics and functional problems may be presented to the Planning Commission upon recommendation from the City Engineer for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.
- d. Development sites which are located near canyon trails shall provide access to those trails. Parking areas at trailheads may be required by the Planning Commission.
- e. The maximum amount of impervious surface for streets and roadways shall not exceed 20 percent of the entire development site.
- f. The maximum grade of all streets or rights-of-way for vehicle traffic shall be 12 percent.

(8) *Architectural Design.*

- a. Buildings proposed for construction in hillside or canyon areas shall be designed to be visually compatible with the natural setting of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as wood or composite materials such as hardi-plank, brick (earth colors) and stone, with architectural-grade asphalt shingle or tile, are considered to be most appropriate.
- b. The Planning Commission shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. The design and materials shall comply with the City Architectural Design Standards. Building permits for such structures shall not be granted until building materials and colors have been approved by the Planning Commission.
- c. Innovative designs for single-family dwelling units (e.g., earth-sheltered dwellings with grass roofs, etc.), may be allowed after approval by the Planning Commission and Building and Safety Division.

(9) *Developer/Property Owner Responsibility.* The developer/property owner shall be jointly and severally responsible for making all improvements in accordance with the development site approval.

(10) *Guarantee for Improvements.* In addition to the provisions requiring the posting of a guarantee as set forth elsewhere in the ordinances of Sandy City, the property owner may be required by the Director and City Engineer to guarantee the completion of revegetation projects, the stabilization of grading sites, cuts and fill and construction of stormwater runoff facilities.

(c) *Jordan River Regulations.* In addition to those requirements specifically outlined in Chapter 17.10 of the Salt Lake County Code, the following requirements shall be completed prior to development:

- (1) The Jordan River Basin has been identified and mapped by Salt Lake County as having a "High Liquefaction Potential." Because of this special characteristic of this area, a site-specific natural hazards study for residential subdivisions, single-family structures, multifamily residential structures, industrial, and commercial buildings must be completed and accepted by the Sandy City Engineer before approval for required permits, licenses, and other approvals ~~is~~ are issued. The study shall address the soil conditions of the property to be developed, the natural hazards that exist, and proposed mitigation measures to mitigate, if possible, the natural hazards. If the natural hazard cannot be mitigated in a satisfactory manner, no approval shall be given by the Sandy City Engineer.
- (2) All developments shall comply with the recommendations as made by the Jordan River District and Parkway Development Study completed by Bingham Engineering and accepted by Sandy City in February 1995. Copies of that study are on file with the City for information and inspection by the public.

### Sec. 21-15-5. Special Exceptions.

(a) *Previously Platted Lots.* If a lot which contains or is adjacent to 30 percent or greater slopes was platted, approved and recorded prior to the adoption of sensitive area (or similar) regulations either in Salt Lake County or Sandy and such lot does not comply with Sandy City's current Sensitive Area Overlay Zone, a property owner may request a special exception from the Director to allow construction on the property at reduced or no setback from the 30 percent or greater slope. If it is determined that this exception applies, the lot will not be required to proceed through Sensitive Area Overlay Zone review though special requirements to protect the health, safety and welfare of the lot owner and residents of the City will be imposed before the issuance of a building permit. A property owner may request this exception only if the lot complies with the following:

- (1) *Qualifications.* Property which qualifies for the exception is limited to the following:
  - a. Subdivision lots approved and recorded prior to the enactment of sensitive overlay (or similar) regulations which were applicable to the property, or subdivision lots approved and recorded under different regulations than currently apply to the property; ~~and~~
  - b. The lot contains or is adjacent to 30 percent or greater slope and cannot be built upon in compliance with the setbacks required by the Sensitive Area Overlay Zone in effect at the time the request is made; ~~and~~
  - c. The lot does not have the amount of usable land area required by the Sensitive Area Overlay Zone in effect at the time the request is made; ~~and~~
  - d. The slope is stable and suitable for construction as determined by the City Engineer; ~~and~~
  - e. Measures can be imposed which mitigate or eliminate hazards created by construction near the slope; and
  - f. The development shall comply with all other requirements of ~~the Code~~ this title, including driveway slopes and cuts and fills, unless the Board of Adjustment approves a variance.
- (2) *Information to be Submitted.* The following information shall be submitted for review and recommendation of the Director and City Engineer prior to approval of a building permit:
  - a. Evidence that the lot was platted prior to the imposition of sensitive area overlay (or similar) regulations or in compliance with previous regulations.
    1. Evidence shall include copies of the subdivision plat approval and recordation and copies of the regulations which governed the subdivision at the time it was approved and recorded.
    2. If it is claimed that no regulations were in effect at the time the subdivision plat was approved and recorded, a statement from the appropriate governmental entity that a search of their records was conducted and that no regulations were in effect.
  - b. A geotechnical report from a licensed civil engineer that identifies the following:
    1. The depth of undisturbed soil below grade.
    2. Soil compaction and stability.
    3. Rock fall and debris flow potential.
    4. Angle of repose.
    5. Conditions on or near the property which if disturbed by construction may create hazards to the property or adjacent property.
    6. Recommendations for construction and siting to assure safety of the development and adjoining properties from these hazards.
  - c. Before the construction of a structure (e.g., single-family dwelling, multifamily dwelling, commercial building, accessory structure, pool, etc.) shall be allowed, an engineered plot plan stamped and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted and include the following information:

1. Location of all existing and proposed structures.
2. Existing and proposed contour lines at two-foot intervals.
3. Retaining walls or other measures to address the safety of the subject and adjoining properties if determined necessary by the City Engineer.
4. Existing and proposed vegetation types and locations.

(3) Imposition of Additional Requirements. The City Engineer and Director may impose requirements on the building permit as follows:

- a. To mitigate or eliminate anticipated impacts from development.
- b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and the City Engineer to assure that the mitigation measures are effective and remain in place and functional.
- c. That a notice be recorded on the property with the County Recorder that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.

(4) Application for Variance. If a property owner is requesting to build on the 30 percent or greater slope, an application for a variance from the Board of Adjustment shall be submitted.

(b) Previously Disturbed or Developed Slopes. A property owner whose property contains or is adjacent to 30 percent or greater slopes may request a special exception to allow construction at reduced setbacks or no setback from the slope or on the slope. A property owner may request the exception during the preliminary review or, upon individual lots, after final development approval.

(1) Qualifications. Property which qualifies for the exception is limited to the following:

- a. The property contains or is adjacent to areas of 30 percent or greater slope; ~~and~~
- b. The slope was previously disturbed or altered; ~~and~~
- c. The disturbance or alteration was conducted legally either prior to the imposition of any sensitive area regulations on the property or was consistent with the sensitive area regulations in effect at the time the disturbance or alteration was conducted; ~~and~~
- d. The slope is stable and suitable for construction as determined by the City Engineer; ~~and~~
- e. Measures can be imposed which mitigate or eliminate hazards created by construction near to or additional disturbance or alteration of the slope; ~~and~~
- f. All development on the property complies with all other requirements of ~~the current Development Code~~ this title, such as driveway slopes and cuts and fills, maximum impervious coverage, etc.; and
- g. No other exceptions or any variances are requested or necessary.

(2) Information to be Submitted. The property owner shall submit the following for review and recommendation of the Director and City Engineer to the Planning Commission:

- a. All submittals required for preliminary and final review of property within a Sensitive Area Overlay Zone.
- b. Evidence that the disturbance or alteration occurred legally prior to the imposition of sensitive area overlay (or similar) regulations or consistent with sensitive area overlay (or similar) regulations in effect at the time the disturbance or alteration occurred.
  1. Evidence shall include copies of permits from the governmental entity that had authority to issue such permits at the time the alteration/disturbance took place accompanied by copies of any sensitive area (or similar) regulations in effect at the time of the disturbance or alteration.
  2. If copies of permits are not available, the following may be acceptable: credible evidence in

the form of documents (including photographs) or sworn affidavits from an individuals with first-hand knowledge documenting when the work was done, by whom and whether it was legal or not, together with written statements from the appropriate governmental entity that a search of their records was conducted and that either no permit was found, no permit was required, and/or no regulations were in effect and that the work was consistent with all regulations in effect at the time it was performed.

- c. A study and report from a licensed civil engineer which specifically addresses the slopes upon which the applicant is requesting reduced setbacks, including geologic conditions, soils, and vegetation, impacts of development (including aesthetics) and recommended mitigation measures for those impacts. (This information may be contained in the Geologic Report submitted with the application).

(3) Granting of Special Exemption. The Planning Commission may grant the special exception and establish a reduced setback from the 30 percent or greater slope, determine that no setback from the slope is required or allow building on the slope if it finds that the property complies with all the qualifications for the exception listed above.

(4) Imposition of Additional Requirements. The Planning Commission shall impose requirements:

- a. To mitigate or eliminate anticipated impacts from development.
- b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and City Engineer to assure that the mitigation measures are effective and remain in place and functional.
- c. That a notice be recorded on the property that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.

(c) Determination of Anomalies for 30 Percent or Greater Slopes. The City Engineer shall review all requests for development on 30 percent or greater slopes to determine if anomalies exist. If an anomaly is determined to exist, the City Engineer shall forward to the Planning Commission a recommendation regarding development of the area affected by the anomaly. This recommendation will be made as part of the preliminary review of the project. The City Engineer shall consider the following criteria in making a recommendation:

- (1) An anomaly in the terrain is an isolated odd, peculiar or irregular terrain feature not consistent with the surrounding terrain. It is typically naturally occurring.
- (2) For engineering purposes there are two types of anomalies recognized:
  - a. Bump/bulge/dish. A bump, bulge or dish can be found on a hillside where the hill in general does not exceed the 30 percent slope limit but the bump, bulge or dish does. This type of anomaly should stand alone and be relatively small in area (less than the buildable area of a residential lot). It should not be part of a series of bumps, bulges or dishes that could be considered a single larger protected feature, thus no longer an anomaly. For example, in the course of excavating for a foundation, the anomaly is actually removed or filled. If the bump/bulge type terrain feature is determined to be an anomaly, setbacks standards (ten-foot minimum with 20-foot average) would apply only to the remaining areas designated as over 30 percent.
  - b. Ribbon. The ribbon represents a long narrow and abrupt ridge line. The terrain both above and below the ridge has a slope less than 30 percent, but the narrow ridge line, or ribbon, exceeds 30 percent over a small distance. The impact of a cut through the ribbon on drainage and erosion should also be considered. All standard specifications regarding construction or roads and driveways remain in place.
- (3) The following questions should be considered as a minimum when requesting a recommendation to declare a terrain feature an anomaly:
  - a. Is it truly an isolated feature not in proximity to other areas of 30 percent or greater slope?

- b. What is the relationship (i.e., orientation, distance) of this feature to other areas that exceed 30 percent or greater slope area (if they exist)?
- c. What cuts/fills are planned (i.e., will the feature disappear in the course of construction)?
- d. Can you maintain a slope of less than 30 percent after the cut/fill, or does the surrounding area have too much slope to accomplish that?
- e. Is the feature manmade?
- f. Does it reasonably conform to the intent of the definition?

(LDC 2008, § 15A-15-05; Ord. No. 15-04, 3-23-2015)

**Sec. 21-15-6. Construction, Grading and Contour Map and Issuance of Building Permits.**

(a) There shall be no construction, development, or grading upon the development site until final approval has been granted.

(b) Before the construction of a structure upon lots shall be allowed, an engineered plot plan stamped, dated and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted. The plot plan shall be drawn to a standard scale (at least one inch equals ten feet or other scale approved by the City Engineer) and shall be submitted to the Director or designated staff representative. The plot plan shall show lot lines, existing and proposed contours at two-foot intervals, location of proposed structures, walks, decks driveways, patio areas, etc. The plot plan shall also include vegetation, drainage, erosion controls, and location of limits of disturbance fencing (required) and be attached to the building permit.

(LDC 2008, § 15A-15-06)

**CHAPTER ~~15A-16~~ 21-16. FLOOD PLAIN OVERLAY ZONE**

**Sec. 21-16-1. Findings.**

(a) Flood hazard areas of Sandy City are subject to periodic inundation which may result in loss of life and property, health hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) Flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when structures are inadequately anchored, they may damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

(LDC 2008, § 15A-16-01)

**Sec. 21-16-2. Purpose of the Flood Plain Overlay Zone.**

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

- (1) Protect human life and health.
- (2) Minimize expenditure of public money for flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets, and bridges located in areas of special flood hazard.
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard.

- (8) Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

(LDC 2008, § 15A-16-02)

**Sec. 21-16-3. Methods of Reducing Flood Losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases of erosion, flood heights, or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters.
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

(LDC 2008, § 15A-16-03)

**Sec. 21-16-4. Lands to Which this Chapter Applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Sandy City.

(LDC 2008, § 15A-16-04)

**Sec. 21-16-5. Basis for Establishing the Areas of Special Flood Hazard.**

The areas of special flood hazard are those identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study, Salt Lake County, Utah, Unincorporated Areas," the most current and recent updates, with accompanying Flood Insurance Rate Maps (FIRM), Flood Boundary-Floodway Maps, and any revision thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Sandy City Hall, 10000 Centennial Parkway, Sandy City, Utah, 84070. When base flood elevation data has not been provided, the Public Utilities Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source in order to administer this chapter.

(LDC 2008, § 15A-16-05)

**Sec. 21-16-6. Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

(LDC 2008, § 15A-16-06)

**Sec. 21-16-7. Abrogation and Greater Restrictions.**

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

(LDC 2008, § 15A-16-07)

**Sec. 21-16-8. Interpretation.**

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

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body in its protection of the safety of life and property.
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(LDC 2008, § 15A-16-08)

**Sec. 21-16-9. Warning and Disclaimer of Liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Sandy City, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA) for any flood damages that result from the reliance on this chapter or any administrative decision lawfully made hereunder.

(LDC 2008, § 15A-16-09)

**Sec. 21-16-10. Relationship of Flood Plain Regulations to Zones.**

The regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the zone in which the land is located. Property located within said areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and these Flood Plain Overlay Zone regulations, the most restrictive provisions shall govern. Permitted and conditional uses allowed in the areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. All uses involving development as defined herein shall further meet the supplemental conditions and standards set forth in this chapter.

(LDC 2008, § 15A-16-10)

**Sec. 21-16-11. Special Flood Hazard Area Approval.**

(a) A conditional use permit shall be obtained before construction or development begins within an area of special flood hazard. Prior to issuance of a conditional use permit, the Planning Commission shall ensure that requirements of this chapter are met.

(b) Application for such approval shall be made on forms furnished by the Community Development Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed.
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria in this section.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(LDC 2008, § 15A-16-11)

**Sec. 21-16-12. Responsibility of the Public Utilities Director.**

The Sandy City Public Utilities Director shall be responsible to:

- (1) *Review Applications.*
  - a. Review all applications to determine if the proposed development is located in the floodway or floodplain. If located in the floodway or floodplain, ensure that the encroachment provisions of this section are met.
  - b. Review all applications to determine that the requirements of this chapter have been satisfied.
  - c. Review all applications to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.
- (2) *Maintain Information File.*
  - a. Obtain and record the actual elevation provided by a registered licensed engineer/surveyor (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially

- improved structures, whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures:
    1. Verify and record the actual elevation provided by a registered licensed engineer/surveyor (in relation to mean sea level) to which the structure has been floodproofed.
    2. Maintain the floodproofing certifications required in this chapter.
  - c. Maintain for public inspection all records pertaining to the provisions of this chapter.
- (3) *Verify Alteration of Watercourses.* Verify that:
- a. A permit has been obtained from the Salt Lake County Division of Flood Control and Water Quality for any alteration of a watercourse identified as a flood control facility in the ordinances of Salt Lake County or succeeding provision.
  - b. A permit has been obtained from the State Engineer for alteration of a natural stream channel.
  - c. Maintenance is provided for within the altered or relocated portion of said watercourse so the flood-carrying capacity is not diminished. Countywide facilities are maintained by Salt Lake County Flood Control Services, and City facilities are maintained by Sandy City.
  - d. Notification has been made to cities adjacent to the watercourse and to the State of Utah, Division of Comprehensive Emergency Management, prior to any alteration or relocation of a watercourse and evidence of such notification has been submitted to the Federal Emergency Management Agency.

(LDC 2008, § 15A-16-12)

#### **Sec. 21-16-13. Interpretation of Flood Insurance Rate Maps (FIRM) Boundaries.**

The Public Utilities Director shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard. Any person contesting the location of a boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 21-16-14.

(LDC 2008, § 15A-16-13)

#### **Sec. 21-16-14. Appeals.**

(a) The Board of Adjustment, as established by ~~the Development Code~~ this title, shall hear and decide all appeals and requests for special exceptions from the requirements of this chapter as provided in this title. The following conditions shall be considered in addition to those provisions:

- (1) The danger that materials may be swept into other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity of the facility of a waterfront location, where applicable.
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (7) The compatibility of the proposed use with the existing and anticipated development.
- (8) The relationship of the proposed use to the General Plan and floodplain issues for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and

bridges.

(b) Sandy City shall maintain the records of all appeal actions by the Board of Adjustment and report any special exceptions to the Federal Emergency Management Agency (FEMA) upon request.

(LDC 2008, § 15A-16-14)

**Sec. 21-16-15. Special Exceptions.**

(a) The Board of Adjustment shall decide all request for special exceptions that meet the following criteria:

- (1) Generally, special exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Section 21-16-14(a)(1) through (11) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
- (2) Special exceptions may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (3) Special exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Special exceptions shall only be issued upon a determination that the special exception is the minimum necessary considering the flood hazard to afford relief.
- (5) Special exceptions shall only be issued upon:
  - a. A showing of good and sufficient cause.
  - b. A determination that failure to grant the special exception would result in exceptional and undue hardship to the applicant.
  - c. A determination that the granting of a special exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in this section, or conflict with existing local laws or ordinances.

(b) Any applicant to whom a special exception is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(LDC 2008, § 15A-16-15)

**Sec. 21-16-16. Floodways.**

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (1) Encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited unless certification by a registered professional engineer or registered professional land surveyor is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(LDC 2008, § 15A-16-16)

**Sec. 21-16-17. Development Standards Within the Flood Plain Overlay Zone.**

In addition to the general development standards found elsewhere in this ~~Code~~title and all areas of special flood hazards, the following standards shall be required:

- (1) *Anchoring.*
- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.
  - b. All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and be capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may include:
    1. Over-the top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations. Manufactured homes less than 50 feet long may require one additional tie per side.
    2. Frame ties ~~be~~ provided at each corner of the home with five additional ties per side at intermediate points. Manufactured homes less than 50 feet long may require four additional ties per side.
    3. That all components of the anchoring system be capable of carrying a force of 4,800 pounds.
    4. That any additions to the manufactured home be similarly anchored.
- (2) *Construction Materials and Methods.*
- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) *Utilities.*
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) *Development Proposals.*
- a. All development proposals shall be consistent with the need to minimize flood damage.
  - b. All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - c. All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
  - d. FEMA approved base flood elevation data shall be provided for development proposals.
- (5) *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- (6) *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement,

elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Be certified by a registered professional engineer or architect that the standards of this Subsection (6) are satisfied. Such certifications shall be provided to the Community Development Director.
- (7) *Openings in Enclosures Below the Lowest Floor.* All new construction, substantial improvements, and fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of flood waters.
- (8) *Manufactured Homes.*
- a. Manufactured homes shall be anchored in accordance with this section.
  - b. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.
- (9) *Recreational Vehicles.* ~~Require that~~ Recreational vehicles are required to be on-site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the permit requirements and elevation and anchoring requirements.

(LDC 2008, § 15A-16-17)

**Sec. 21-16-18. Jordan River Flood Plain; Special Regulations.**

(a) *Adoption of Printed Volume.* Pursuant to the authority granted to the City by the laws of the State of Utah, the City hereby adopts by reference the provisions contained in an ordinance adopted and printed by Salt Lake County. The said ordinance is entitled Chapter 17.10 and was adopted by the Salt Lake County Commission on July 20, 1994, and is entitled "Jordan River Flood Channel Management Ordinance." Copies of ~~the~~ said printed ordinance are on file with the City for information and inspection by the public.

(b) *Amendments to Printed Ordinance.* The following amendments are hereby adopted with regard to the printed ordinance as set forth in Subsection (a) of this section:

- (1) The provisions of Section 17.10.070.A are hereby amended to read as follows:
 

"In addition to all required Sandy City permits, licenses and approvals, before construction or development begins within any area of the Jordan River flood channel established by Section 17.10.030, approval must be obtained from, and a special permit issued by, the County Engineering Division. Application for such approval and permit shall be made on forms furnished by the County Engineering Division and shall include, but not be limited to:"
- (2) The provisions of Section 17.10.080 are hereby amended to read as follows:
 

"Any applicant requesting approval for construction or development within any area of the Jordan River flood channel shall submit to the County Engineering Division and the Sandy City Public Utilities Department six copies of the following studies and reports:"

(c) *Additional Regulations.* In addition to those requirements specifically outlined in Chapter 17.10 of the Salt Lake County Code, the following requirements shall be completed prior to development:

- (1) The Jordan River Basin has been identified and mapped by Salt Lake County as having a "High Liquefaction Potential." Because of this special characteristic of this area, a site-specific natural hazards study for residential subdivisions, single-family structures, multifamily residential structures, industrial, and commercial buildings must be completed and accepted by the Sandy City Engineer before approval for required permits, licenses, and other approvals is issued. The study shall address the soil conditions of the property to be developed, the natural hazards that exist, and proposed mitigation measures to mitigate, if possible, the natural hazards. If the natural hazard cannot be mitigated in a satisfactory manner, no approval shall be given by the Sandy City Engineer.
- (2) All developments shall comply with the recommendations as made by the Jordan River District and Parkway Development Study completed by Bingham Engineering and accepted by Sandy City in February 1995. Copies of that study are on file with the City for information and inspection by the public.

(LDC 2008, § 15A-16-18)

## **CHAPTER ~~15A-17-21-17~~. DRINKING WATER SOURCE PROTECTION OVERLAY ZONE**

### **Sec. 21-17-1. Title; Applicability; and Authority.**

(a) *Title.* This chapter shall be known as the "Drinking Water Source Protection Overlay Zone." The provisions of this zone shall be effective within the boundaries of Sandy City and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the City as a result of hazardous and toxic substances entering the groundwater, including wells not owned by the City. This zone shall be liberally construed to effect the purposes set forth herein.

(b) *Applicability.* It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of the City to conform and comply with the applicable provisions contained in this zone. Ignorance of this provision shall not excuse any violations of the provisions of this zone.

(c) *Authority.* Sandy City has the authority to adopt this zone to facilitate compliance and management with drinking water source protection regulations pursuant to the Land Use and Development Act of the Utah Code Ann., the Utah Administrative Code, and other such authorities and provisions as in the statutory and common law of the State of Utah.

(LDC 2008, § 15A-17-01)

### **Sec. 21-17-2. Purpose and Intent.**

(a) The purpose of this zone is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety, and welfare of City residents and visitors. The intent of this zone is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within City boundaries and jurisdiction. This zone establishes criteria for regulating the storage, handling, use or production of hazardous or toxic substances within identified areas where groundwater is or could be affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this zone apply to new development/redevelopment and/or handling, movement, and storage of potentially hazardous materials.

(b) The degree of protection afforded by this zone is considered adequate for regulatory purposes. This zone does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the City, any officer, or employee thereof for any damages to the public water supplies from reliance on this zone, nor any administrative order lawfully made thereunder.

(c) A notice to cease or an exemption issued under this zone shall not relieve the owner of the obligation to comply with any other applicable Federal, State, regional or local regulations, rules, ordinances or requirements, nor shall said notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances, or requirements.

(LDC 2008, § 15A-17-02)

**Sec. 21-17-3. Extent and Designation of Recharge Areas and Protection Zones.**

(a) *Drinking Water Source Protection Zone Map.* The extent of the recharge areas and the protection zones may be seen on the most current Drinking Water Source Protection Zone Map (DWSPZ Map) on file in the Public Utilities Department. The recharge area boundary lines have been located along streets and or section lines for convenience of assessing which prohibition and restrictions apply to a specific property. This map shall be on file with the Sandy City Public Utilities Department and shall be maintained by the City and Public Water Systems whose groundwater resources lay within Sandy City boundaries and jurisdiction. Any amendments, additions, or deletions to this map shall be by the City and follow hearing and notice procedures established by this ~~Code~~ title.

(b) *Designation of Recharge Areas and Protection Zones.* The following recharge areas and protection zones are hereby designated within Sandy City:

- (1) Primary Recharge Area--as determined by the USGS (see DWSPZ Map).
- (2) Secondary Recharge--as determined by the USGS (see DWSPZ Map).
- (3) Protection Zone 1--area within a 100-foot radius from a well.
- (4) Protection Zone 2--area within a 250-day groundwater time of travel (TOT) to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source or the groundwater divide, whichever is closer (see DWSPZ Map).
- (5) Protection Zone 3--area within a three-year TOT to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ Map).
- (6) Protection Zone 4--area within a 15-year TOT to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ Map).

(c) *Determination of Location of Properties.* In determining the location of properties and facilities within the areas and zones depicted on the DWSPZ Map, the following rules shall apply:

- (1) Property located wholly or partially in a recharge area or a protection zone on the DWSPZ Map shall be governed by the restrictions applicable to that recharge area or protection zone.
- (2) Property located within more than one recharge area or protection zone as shown on the DWSPZ Map shall be governed by the restrictions applicable to the most restrictive protection zone.

(d) *Review of DWSPZ Map.* The DWSPZ Map shall be reviewed at least one time every five years, or more frequently if determined appropriate by Sandy City Public Utilities Department. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:

- (1) Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology.
- (2) Changes in well field configuration.
- (3) Changes in pumping rates for the well field.
- (4) Development of new wells, well fields, and/or springs.
- (5) Changes in water quality.

(LDC 2008, § 15A-17-03)

**Sec. 21-17-4. Permitted Uses, Public Utilities Approval, and Not Permitted Within Recharge Areas and Protection Zones.**

(a) *Releases.* No person shall discharge or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, to soils, air, groundwater, or surface water in any recharge area or protection zone that may have a deleterious effect upon the groundwater in Sandy City, unless the release is in compliance with Federal, State, and local regulations.

~~(b) *Not Permitted and Restrictions.* Table 1 is a summary matrix of Potential Contamination Sources and their not permitted, permitted, or if permitted, Public Utilities approval in the protection zones referenced in this chapter.~~

(b) *Review of Development Plans.* All development plans that lie within the primary recharge area shall be reviewed by a registered geologist who has demonstrated expertise in the assessment of recharge rates. Any development that will result in a loss of the beneficial use of groundwater or that may have an adverse or negative effect upon local groundwater quality shall be rejected. Plans that are rejected may be revised by the developer and resubmitted to Sandy City for subsequent review by a registered geologist.

(LDC 2008, § 15A-17-04)

#### **Sec. 21-17-5. Management Strategies and Performance Standards.**

(a) *Toxic, Hazardous, and Other Materials Handling Regulations.*

- (1) The general classes of substances to be regulated under this zone shall be those set forth in the Generic Regulated Substances List which is presented as ~~Exhibit 1 of this zone in Section 21-17-12.~~ The regulated substances shall include those set forth in the most current lists, as amended from time to time, entitled Identification and Listing of Hazardous Materials (40 CFR ~~Part~~-261, Subpart D) and List of Extremely Hazardous Substances (40 CFR 355, Appendix A and B) and which are in a form that they are, all or in part, capable of entering the groundwater.
- (2) The use and storage of regulated substances in designated protection zones and recharge areas shall be allowed provided that the quantities of these substances do not exceed the reportable quantity for each regulated substance as designated in 40 CFR 302 (pursuant to Section 311 of the Clean Water Act). An applicant may be exempted from the provisions of this section provided that he demonstrates to the Public Utilities Department and to the Utah Division of Drinking Water Quality that the regulated substances pose no hazard to groundwater.

(b) *Storage Containers.*

- (1) All regulated substances shall be stored in suitable containers to reduce the chance for the substances to be accidentally introduced into the environment. These storage containers shall be product-tight and, except where provided elsewhere in the zone, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire-protection water discharged in the storage area (secondary containment).
- (2) Storage containers which are stored outside must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides or bottom of the container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, State, and Federal standards.

(c) *Secondary Containment.*

- (1) Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance to be contained. The material shall be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment material.
- (2) The secondary containment system shall have sufficient capacity to contain ten percent of the volume of all containers and 100 percent of the volume of the largest single container, whichever is greater, plus the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and/or containment area are open to rainfall, the secondary containment system must also accommodate the volume of a 24-hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as timely a manner as necessary to prevent overflow of the system. Non-hazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous

waste under 40 CFR 261, it must be managed as a hazardous waste in accordance with all applicable requirements of 40 CFR 262 through 266 ~~of that regulation.~~

- (3) Vacuum suction devices, absorbent scavenger materials, or other devices approved by the Public Utilities Department shall be present on-site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity to hold the total quantity of regulated substances plus absorbent material.

(d) *Regulated Substances Emergency Management Plan.* An Emergency Plan shall be prepared and filed with the Public Utilities Department, the Fire Department, and the Police Department indicating the procedures that will be followed in the event of the release of a regulated substance so as to control and collect all such spilled material in such a manner to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater shall be required by the Public Utilities Department to submit a Regulated Substances Management Plan for the facility. The written plan will be used to demonstrate to the Public Utilities Department that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this zone. The plan should not be implemented without the approval of the Public Utilities Department.

(e) *Reporting of Spills.* Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40 CFR Part 261, Subpart D), 40 CFR Appendix VIII--Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the City and designated water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the City within 15 days of discovery of the spill.

(f) *Best Management Practices.* Under the provisions of this zone, all potential contamination sources within the City's boundaries shall incorporate and utilize Best Management Practices (BMPs) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this zone to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Division of Drinking Water Quality and the U.S. Environmental Protection Agency.

(g) *Underground Storage Tanks.*

- (1) Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in recharge areas and protection zones designated under this chapter shall require a secondary containment system for the tank and associated underground piping and an automatic leak detection system.
- (2) A permit from the Utah Department of Environmental Quality, Environmental Remediation and Response Division shall be required for the removal or closure of USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a State-licensed company. If removal of the USTs is not feasible, the lines shall be disconnected and capped, and the tank shall be filled with an inert substance such as washed sand.
- (3) Best management practices implementation is required for all underground storage tanks.

(h) *Septic Tank Systems.*

- (1) No person shall place, maintain, or operate on-site sewage disposal from a septic tank within the primary recharge area, Zone 1, Zone 2, or within 300 feet of any public street in which a public sewer is laid. Septic systems in Zones 3 and 4 shall comply with the Utah State Department of Health Care of Waste Disposal Regulations, Part IV and Part V.
- (2) Nonresidential activities which have septic tank systems shall have installed a four-inch-diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner which will permit ready access by Department personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances.

- (3) A septic holding tank that does not discharge into the soil would be preferred. The contents of such a septic holding tank are removed and can be treated or disposed of at an appropriate facility.

(i) *Sewage Collection, Transmission, and Disposal.*

- (1) No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the Department. The owner or operators of any waste water treatment plant, sanitary sewer, force main, gravity sewer, or lateral shall notify the Department within 24 hours of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within Zones 1 through 4, and the primary recharging area.

- (2) All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards and shall have routine inspections during and after construction.

- (3) No person shall place, maintain, or operate a wastewater treatment plant within Zones 1 or 2.

(j) *General Stormwater Management.*

- (1) All future stormwater management systems to be constructed and implemented for facilities within the protection zones and recharge areas shall be permitted in accordance with applicable local, state, and federal laws and regulations.

- (2) The discharge of stormwater into drainage wells, open sinkholes, or sumps shall be prohibited without some form of treatment. This treatment shall be applied to at least the first one-half-inch of runoff from the area tributary to the well or open sinkhole.

- (3) The Clean Water and Storm Water Regulations require municipalities and industries to identify, monitor, and limit urban runoff that may enter rivers, thus potentially affecting groundwater quality.

(k) *Deicing Salt Storage and Application.* Deicing salt shall be stored on an impermeable pad and shall be covered. Deicing salt application shall use best management practices and shall evaluate substitute products and technologies.

(l) *Landfills.* Expansion or creation of new landfills is prohibited in the primary recharge area, Zone 1, and Zone 2. Existing landfills in the primary recharge area or in Zone 1 shall be required to comply with the provisions of UAC R315-301-1 through 301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and groundwater. If the monitoring detects contamination, the following corrective measures may be required:

- (1) Cover the landfill with suitable low-permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.
- (2) Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.

(m) *Environmental Quality Monitoring.* Facilities which have had, or appear to have had, unauthorized releases to soil or groundwater shall be required by the Department to monitor soil and groundwater in and adjacent to the facility. At the request of the Department, the facility will submit a Monitoring Plan for review. The plan shall be implemented with the approval of the Department. Facilities that undergo closure may be required to monitor soil and groundwater in and adjacent to the facility subject to closure. All costs associated with the closing and monitoring of the site will be paid for by the operator of the facility.

(LDC 2008, § 15A-17-05)

**Sec. 21-17-6. Table; Land Use Matrix for Potential Contamination Sources.**

The following table identifies uses which have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows:

- (1) Permitted Uses (P)--The risk of contamination is considered relatively low in the specified zone if regulatory requirements and best management practices are implemented and, therefore, the use is permitted.

- (2) Requires Public Utilities Approval (R)--The risk of contamination is moderate in the specified zone. The use may be permitted only after review and approval by the Public Utilities Department. Approval is subject to implementation of best management practices and compliance with other reasonable conditions as may be established by the Public Utilities Department. The Utah Division of Drinking Water Quality shall review all requests before Public Utilities Department approval is given.
- (3) Not Permitted (N)--The risk of contamination is very high in the specified zone. The use is not permitted.

Storm Water: R-317-8-3.8(1)(a) Pretreatment: Contact Local Municipal Wastewater Plant  
 R-317-8-3.8(b)(c)+(d)

<i>Table 21-17-6--Land Use Matrix for Potential Contamination Sources</i>						
<i>Potential Contamination Source</i>	<i>Protection Zone</i>					<i>Best Management Practice(s)</i>
	<i>Primary Recharge</i>	<i>Secondary Recharge</i>	<i>Zone 1</i>	<i>Zone 2</i>	<i>Zones 3 and 4</i>	
Abandoned wells	N	N	N	N	N	
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	R	N	R	R	BMP--Department of Agriculture
Airport maintenance and fueling sites	R	R	N	R	R	
Appliance repair	P	P	N	P	P	
Auto operations and fleet vehicle maintenance facilities (commercial):						BMP--SL Co. Health
•Dealership maintenance departments						
•Tire						
•Auto body	R	R	N	R	R	
•Engine repair						
•Rust proofing						
•Oil and lube shops						
•Vehicle rental with maintenance						
Beauty salons	R	P	N	R	P	
Boat building and refinishing	R	P	N	R	R	
Car washes	R	R	N	R	R	Contact Local Planning

						Department
Cemeteries, golf courses, parks, and plant nurseries	R	R	N	R	R	
Chemical reclamation facilities	R	R	N	R	R	
Chemigation wells	R	R	N	R	R	
Concrete, asphalt, and tar companies	R	R	N	R	R	
Dairy farms and animal feed lots (more than 10 animal units)	R	P	N	N	P	
Dry cleaners (with onsite chemicals)	R	R	N	N	P	
Dry cleaners (without onsite chemicals)	P	P	N	P	P	
Embalming services	R	R	N	R	R	
Farm operations						
•Dump sites	N	R	N	R	R	
•Maintenance garages	R	R	N	R	R	
•Manure piles (< ____ cubic feet)	R	R	N	R	P	
Food processing, meat packing, and slaughterhouses	R	R	N	N	P	
Fuel, oil, and heating oil distribution and storage facilities	N	R	N	R	R	
Furniture stripping, painting, and finishing businesses	R	R	N	R	R	
Gasoline service stations (including underground storage tanks)	R	R	N	R	R	
Hospitals and medical, dental, and veterinary offices	R	R	N	R	R	
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment, etc.	N	R	N	R	R	
Industrial waste disposal/impoundment areas	N	R	N	R	R	
Junk and salvage yards	N	R	N	R	R	SL Co. BMP
Landfills and transfer stations	N	R	N	R	P	
Laundromats	R	P	N	P	P	

Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	N	R	N	R	R	
Mining operations						
•Radiological	R	R	N	P	P	
•Sand and gravel excavation and processing	R	P	N	P	P	
Municipal wastewater treatment plants	R	R	N	N	P	
Photo processing and print shops	R	R	N	R	R	
Railroad yards	R	P	N	P	P	
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	P	N	R	R	Follow manufacturer's directions for use and storage
Residential underground storage tanks	N	R	N	R	P	
RV waste disposal stations	R	R	N	N	P	
Salt and salt-sand piles	R	R	N	R	R	DEQ/UDOT BMP
Septic tank drain field systems	N	R	N	N	R	
Sumps	R	R	N	N	R	
Stormwater detention basin and snow storage sites	R	R	N	R	P	
Toxic chemical storage and oil pipelines	N	N	N	N	N	
Wood preservative treatment facilities	N	R	N	R	R	
UAC:	Utah Administrative Code					
UDDWQ:	Utah Division of Drinking Water Quality					
UDOGM:	Utah Division of Oil, Gas, and Mining					
UDSW:	Utah Division of Solid Waste					
RCRA:	Resource Conservation and Recovery Act					

(LDC 2008, § 15A-17-06)

### Sec. 21-17-7. Exclusions and Exemptions.

Exclusions and exemptions shall not pertain to Zones 1 and 2 within 100 feet from the well field in the recharge areas.

- (1) *Exclusions.* The following substances are not subject to the provisions of this chapter, provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater:
  - a. Required substances stored at residences that do not exceed ten pounds or five gallons and used for personal, family, or household purposes.

- b. Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than 20 pounds or ten gallons.
  - c. Prepackaged consumer products available through retail sale to individuals for personal, family, or household use that are properly stored.
  - d. Water based latex paint.
  - e. Fertilizers and treated seed (except as noted in ~~the ordinance~~ this chapter).
  - f. Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment, or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.
  - g. Compressed gases
  - h. Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.
- (2) *Continuous Transit.* The transportation of any regulated substances through any protection zone or recharge area shall be allowed provided that the transporting vehicle is in continuous transit.
- (3) *Vehicular and Lawn Maintenance Fuel and Lubricant Use.* The use of any petroleum product solely as an operational fuel in the vehicle or lawn maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this chapter. These spent products shall be properly disposed of in compliance with applicable Federal, State, and local regulations.

(LDC 2008, § 15A-17-07)

#### **Sec. 21-17-8. Enforcement, Violation, and Penalties.**

(a) *Inspections.* The Department shall be granted the right, under this chapter, to enforce the provisions of this chapter for Sandy City. An authorized officer of Sandy City or the Salt Lake City-County Department of Health has the right to conduct inspections of facilities to determine compliance with this chapter. The authorized officer or the Salt Lake City-County Department of Health shall inform the Department and other City entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of Sandy City and/or the Salt Lake City-County Department of Health shall enforce the provisions of this chapter without regard to whether the wells within Sandy City boundaries are owned by Sandy City. Noncompliance with the provisions of this chapter is a violation. If the facility is not complying with the requirements of this chapter, penalties (e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This chapter regulates businesses within the protection zones and primary and secondary recharge areas within the City.

(b) *Notice of Violations.*

- (1) Whenever it is determined that there is a violation of this chapter or the regulations promulgated pursuant hereto, the Notice of Violation shall:
- a. Be in writing.
  - b. Be dated and signed by the authorized City agent that made the inspection or determined the violation.
  - c. Specify the violations.
  - d. Provide a specific date that the violations will be corrected by.
  - e. State that if the violation is not corrected by a specific date, a hearing may be requested before the Department.
- (2) If a Potential Contaminant Source (PCS) is out of compliance with the provisions of this chapter, but does not pose an immediate threat to public health, then a written warning of violation may be issued within 30 days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the Department if the PCS is found not to employ BMPs, and there is an immediate threat to public health and safety or if the violation is not corrected within the timeframe specified in a written warning previously issued to

the PCS. In the event the PCS fails to comply with a cease and desist order within the specified time period, the Department has the authority to file a request for the Department to initiate proceedings for issuance of penalties and other relief as necessary.

- (3) Any PCS or person found in violation of any provisions of this chapter will be served with a written notice stating the nature of the violation and providing a reasonable timeframe for compliance. Violations of the provisions of this chapter constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak, or discharge of a regulated substance and the Department deems the activity to pose a real and present danger of contaminating surface water or groundwater which would normally enter the public water supply, the Department has the authority under this chapter to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of this chapter if use of regulated substances in a protection zone or a primary or secondary recharge area exceeds 20 gallons or 160 pounds at any time. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.

(c) *Appeals.*

- (1) Persons cited under the enforcement provisions of Subsections (a) and (b) of this section shall be afforded a process for appealing the ruling of the Department. If the appeal pertains to a written warning of violation requesting the PCS to correct an unintentional violation in a reasonable amount of time, the PCS can submit to the Department a written statement demonstrating compliance or explaining a process for coming into compliance. This written response is required no later than 30 days from the date of issuance of the warning.
- (2) If the appeal pertains to a cease and desist order issued by the Department, the PCS can submit a written appeal response no later than ten days from the date of issuance of the order. The written appeal shall contain:
- a. Documentation of compliance; or
  - b. Response to specific violations cited in the cease and desist order, and the remedial actions planned to bring the facility into compliance; and
  - c. Schedule for compliance.
- (3) Upon receipt of the written appeal, the Department shall be required to review the appeal within ten days of its receipt and respond to the PCS. If the Department determines that the written response from the PCS is adequate and noncompliance issues are addressed, the PCS will be notified by mail and no further action will be required. If the Department determines that the appeals response is inadequate, the PCS may request a hearing before the Department. This hearing shall be held within 30 days of receiving the cease and desist order and shall remain in effect until the hearing is conducted.

(LDC 2008, § 15A-17-08)

**Sec. 21-17-9. Other.**

(a) *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other restrictions, including land use codes or development regulations, conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

(b) *Disputes.* Disputes arising from the delineation of DWSP Zones and primary and secondary recharge areas shall be directed to the Sandy City Public Utilities to review specific detailed delineation maps showing the boundaries. The boundaries have been defined for ease of implementation of this chapter, according to major City streets.

(LDC 2008, § 15A-17-09)

**Sec. 21-17-10. Liability.**

Any person subject to regulation under this chapter shall be liable with respect to regulated substances

emanating on or from the person's property for all cost of removal or remedial action incurred by the City and/or Salt Lake City-County Department of Health and for damages for injury to, destruction of, or ~~less-loss~~ loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this chapter. Such removal or remedial action by the City and/or Salt Lake City-County Department of Health may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup, or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates an emergency hazardous or is expected to create an emergency hazardous situation.

(LDC 2008, § 15A-17-10)

**Sec. 21-17-11. Administration.**

The policies and procedures for administration of any protection zone or primary and secondary recharge area established under this chapter, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in any existing zoning ordinance in the City, as the same is presently enacted or may from time to time be amended.

(LDC 2008, § 15A-17-11)

**Sec. 21-17-12. Exhibit 1, Generic Regulated Substance List.**

- (a) Acid and basic cleaning solutions.
- (b) Antifreeze and coolants.
- (c) Animal dips.
- (d) Arsenic and arsenic compounds.
- (e) Battery acids.
- (f) Bleaches and peroxide.
- (g) Brake and transmission fluid.
- (h) Brine solution.
- (i) Casting and foundry chemicals.
- (j) Caulking agents and sealants.
- (k) Cleaning solvents.
- (l) Corrosion and rust preventatives.
- (m) Cutting fluids.
- (n) Degreasing solvents.
- (o) Disinfectants.
- (p) Dyes.
- (q) Electroplating solutions.
- (r) Engraving and etching solutions.
- (s) Explosives.
- (t) Fertilizers.
- (u) Fire extinguishing chemicals.
- (v) Food processing wasters.
- (w) Formaldehyde.
- (x) Fuels and additives.
- (y) Glues, adhesives and resins.

- (z) Greases.
- (aa) Hydraulic fluid.
- (bb) Indicators.
- (cc) Industrial and commercial janitorial supplies.
- (dd) Industrial sludges and stillbottoms.
- (ee) Inks, printing, and photocopying chemicals.
- (ff) Laboratory chemicals.
- (gg) Liquid storage batteries.
- (hh) Medical, pharmaceutical, dental, veterinary, and hospital solutions.
- (ii) Mercury and mercury compounds.
- (jj) Metal finishing solutions.
- (kk) Oils.
- (ll) Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds.
- (mm) Painting solvents.
- (nn) Pesticides and herbicides.
- (oo) Photo development chemicals.
- (pp) Plastic resins, plasticizers and catalysts.
- (qq) Poisons.
- (rr) Polishes.
- (ss) Polychlorinated biphenyls (PCBs).
- (tt) Pool chemicals.
- (uu) Processed dust and particulates.
- (vv) Radioactive sources.
- (ww) Reagents and standards.
- (xx) Refrigerants.
- (yy) Roofing chemicals and sealers.
- (zz) Sanitizers, disinfectants, bactericides, and algacides.
- (aaa) Soaps, detergents and surfactants.
- (bbb) Solders and fluxes.
- (ccc) Stripping compounds.
- (ddd) Tanning industry chemicals.
- (eee) Transformer and capacitor oils and fluids.
- (fff) Wastewater.
- (ggg) Water and wastewater treatment chemicals.

(LDC 2008, § 15A-17-12)

**Sec. 21-17-13. Exhibit 2, Map of Primary and Secondary Recharge Areas.**

The full-sized, detailed map is on file with the Public Utilities Department.

[GRAPHIC]

(LDC 2008, § 15A-17-13)

## **CHAPTER ~~15A-18~~ 21-18. HISTORIC RESOURCES OVERLAY ZONE**

### **Sec. 21-18-1. Purpose.**

The purpose of this ~~section~~ chapter is to provide regulations for those areas, districts, sites, and buildings in the Sandy area which have been designated as having significant character, interest, or value as part of the development, heritage, or cultural characteristics of Sandy City, the State of Utah, or the Nation.

(LDC 2008, § 15A-18-01)

### **Sec. 21-18-2. Duties of Community Development Department and Historic Preservation Committee.**

(a) *Community Development Department.* The Community Development Department is hereby charged with the administration and enforcement of the provisions of this chapter ~~of the ordinance~~.

(b) *Sandy City Historic Preservation Committee.* The Sandy City Historic Preservation Committee, hereinafter "Historic Committee," has been established to recommend to the City and aid property owners in maintaining and enhancing the worthwhile historical resources of Sandy City. The duties of the Historic Committee are as follows:

- (1) To make recommendations to the City Council concerning the designation of historic areas, districts, landmark sites and buildings of historic significance.
- (2) To make recommendations to the City Council on matters pertaining to historic resources.
- (3) To make recommendations to the City Council concerning guidelines for rehabilitation and new construction pertaining to historic resources and areas.
- (4) To aid property owners in maintaining and enhancing their properties in a manner consistent with adopted or otherwise established guidelines.

(LDC 2008, § 15A-18-02)

### **Sec. 21-18-3. Designation of Historic Areas, Districts, Landmark Sites, and Buildings of Historic Significance.**

(a) *Qualification for Designation.* An area, neighborhood, or district may be designated as a historic area or historic district. Any site, natural feature, structure, or building may be designated as a landmark site or building of historic significance if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of Sandy City, the State of Utah, or the Nation; and if it falls into one or more of the following categories:

- (1) *Historical Significance.*
  - a. It is the location of, or is associated in a significant way with, a historic event which had a significant effect upon the City, State, or Nation.
  - b. It is associated in a significant way with the life of a person important in the history of the City, State, or Nation.
  - c. It is associated in a significant way with an important aspect of the cultural, political, or economic heritage of the community, City, State or Nation.
- (2) *Architectural Significance.*
  - a. It embodies the distinctive visible characteristics of an architectural style, period, or a method of construction.
  - b. It is an outstanding work of a designer or builder.
  - c. It contains elements of extraordinary or unusual architectural or structural design, detail, use of materials, or craftsmanship.
  - d. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.

- (3) *Historic Area Significance.* Because of its prominent location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of the City and contributed to the distinctive quality or identity of the City.
- (b) *Procedure for Designation.*
- (1) Any person, group, or association may nominate a prospective area, district, site, or building for formal designation and inclusion in the Sandy Historic Registry. Nominations shall be filed with the Community Development Department.
  - (2) The Historic Committee shall review all nomination and make recommendations to the City Council.
  - (3) Prior to an action by the City Council, a public meeting shall be held. Notice of which shall be set forth in the public hearings, public meetings and notification requirements section of this ~~Code~~ title.
  - (4) Following a determination of formal designation by the City Council, notice of the determination shall be mailed to the owners of property affected by the designation, together with a copy of this chapter and any pertinent development guidelines. Such designation shall also be entered in the Sandy Historic Registry.

(c) *Historic Sandy Registry.* The Historic Sandy Registry contains a list of all areas, districts, sites, and buildings in the Sandy area which have been designated as having significant character, interest, or value as part of the development, heritage, or cultural characteristics of City, State, or Nation. This information is on file with the Community Development Department.

(LDC 2008, § 15A-18-03)

#### **Sec. 21-18-4. Designated Historic Resources.**

(a) *Historic Areas.* Historic areas are relatively large areas which are generally distinguished by, but not limited to, a common development, heritage, or cultural characteristic. Likely, they are synonymous with a particular neighborhood. A historic area may contain one or more historic districts within its boundaries and will likely contain several landmark sites, and buildings of historic significance. Those areas within Sandy City which have been designated as historic areas are as follows:

[GRAPHIC--Map 15A-18-04(A)(1); Historic Sandy Neighborhood Historic Resource Overlay]

(1) *Historic Sandy Neighborhood.*

- a. *Boundaries.* The Historic Sandy Neighborhood is that area bounded by 9000 South on the South, State Street on the west, 8400 South and its westward extension on the north, and 700 East on the east. The boundaries of the neighborhood shall also include the commercially zoned area on the west side of State Street between 8640 and 8900 South.
- b. *Purpose.* The Historic Sandy Neighborhood encompasses the major part of the original town site of Sandy City and contains a significant inventory of older and unique architectural styles. Lot and block sizes in this area are also characteristic of 19th Century Utah town sites, with historic and other older dwellings which often do not conform to current development standards. The purpose of the design guidelines as they pertain to the Historic Sandy Neighborhood is to:
  1. Preserve buildings and related structures of historic and architectural significance.
  2. Allow improvements to existing structures or new construction to be conducted without conflict and without eroding the scale and historic character of the neighborhood.
  3. Preserve and enhance entryways into the Historic Sandy Neighborhood through design and streetscape standards, where appropriate.

(b) *Historic Districts.* Historic districts are generally smaller and more distinctive than historic areas. Historic districts will likely contain several landmark sites and buildings of historic significance. Those areas within Sandy City which have been designated as historic districts are as shown in Figure 1.

[GRAPHIC--Figure 1: Sandy Historic District, 2006]

(c) *Landmark Sites and Buildings.* Landmark sites and buildings of historic significance are distinctive individual sites. Designated sites and buildings are as listed in the Sandy Historic Registry on file with the Community Development Department.

(LDC 2008, § 15A-18-04)

**Sec. 21-18-5. Historic Development Guidelines.**

(a) *Establishment of Guidelines.* Guidelines for exterior design criteria shall be adopted by the Planning Commission upon the recommendation of the Historic Committee to aid applicants in formulating plans for development or redevelopment relating to designated historic resources.

(b) *Application of Guidelines.* The guidelines shall apply to the following instances:

- (1) All rehabilitation, restoration, or reconstruction of, or addition to, the exterior of any improvement which constitutes all or part of a historic area, historic district, landmark site or a building of historic significance.
- (2) A demolition or relocation of any improvement which is all or part of a building within a historic area, historic district, landmark site or a building of historic significance.
- (3) New construction within a historic area or district, upon any landmark site or on the property associated with a building of historic significance.
- (4) Any signs placed on any building within a historic area or district, upon any landmark site, or on the property associated with any building of historic significance.
- (5) Any fences, walls, and major landscaping elements within a historic area or district, on a landmark site, or on the property associated with a building of historic significance.

(c) *Compliance with Guidelines.* Compliance with the adopted guidelines by any property owner shall be voluntary, except in the case where a Contract of Compliance has been agreed to by the property owner of a building or site within a designated historic district, of a landmark site, or of a building of historic significance.

(LDC 2008, § 15A-18-05)

**Sec. 21-18-6. Demolition of Designated Historic Resources.**

(a) *Permit Processing Requirements.* When any application is made for a demolition permit for a building within a historic area or district, or a building of historical significance, the Director may delay approval of the demolition for a period of up to 30 days in order to:

- (1) Make a historical record, both written (history, floor plans and elevations) and photographic, of the structure and site.
- (2) Review the condition of the building to determine the impact of the demolition to the neighborhood and the technical feasibility of preservation of the structure.
- (3) Allow the Historic Committee to consider and make recommendations regarding the application.
- (4) Make the owner aware of economic incentives available to rehabilitate historic resources.
- (5) Encourage the property owner not to demolish the building until an attempt can be made to locate either suitable tenants to make the building economically viable again or to find a purchaser who is willing to acquire and rehabilitate the structure.

(b) *Permit Delays.* Upon findings of fact by the Historic Committee, or other groups identified by the Director, that preservation of the building is warranted and in the best interest of the City, the permit may be delayed for an additional 30-day period in order to find funding or other means to compensate the applicant for purchase of the building or for its preservation.

(c) *City Council Action.* If the additional 30-day period identified in Subsection (b) of this section is not found to be adequate, a third 30-day delay may be instituted by the City Council.

(LDC 2008, § 15A-18-06)

**CHAPTER ~~15A-19~~ 21-19, SPECIAL DEVELOPMENT (SD) DISTRICTS**

**Sec. 21-19-1. Special Development District SD.**

(a) *Purpose.* The Special Development District (SD) Zone designation is provided in order to allow the most efficient and creative development of lands that have unique or unusual characteristics. The SD District is intended to be used for development when it can be shown that no other zone classification would be adequate or appropriate for reasonable development.

(b) *Qualification.* For an applicant to qualify for SD ~~zone~~-District, classification the following conditions shall be present:

- (1) The property to be classified shall be at least two acres in size.
- (2) The applicant shall demonstrate to the Planning Commission and City Council that development on the property would be substantially constrained by unusual topographic or other natural features, by difficult platting or ownership configuration, by an unusual or difficult impact from public utility structures or other public structures or facilities, or that a similarly unusual hardship condition exists.
- (3) The entire site proposed for SD District classification shall be included in a development plan for review and Planning Commission approval.

(c) *Land Uses Allowed.* Land uses allowed within an SD District shall be established by the review process as described in Subsection (e) of this section.

(d) *District Designation.* When the land uses to be allowed in a specific SD District are determined, a permanent suffix for the district shall be established that shall be shown on the Sandy City Zone District Map. The suffix shall describe the dominant land use characteristic of the district, as illustrated:

- (1) SD-R (residential uses).
- (2) SD-I (industrial uses).
- (3) SD-C (commercial uses).
- (4) SD-X (mixed residential and commercial uses).

(e) *Development Plan.*

- (1) A development plan shall be presented to the Director for review and presentation to the Planning Commission. The Planning Commission shall review the plan, along with comments from the Director. The Commission shall recommend approval, recommend approval with conditions, or recommended disapproval.
- (2) The development plan shall be a conceptual proposal for general development of the entire site proposed for SD classification and shall include the following:
  - a. A legal description and a map drawn to scale showing site boundaries, site orientation, major streets that serve the site and zoning classification and uses on abutting properties.
  - b. The general location of proposed land uses (including structures) and land area to be devoted to each use.
  - c. Existing contours and a general estimate of finished grades and contours.
  - d. Location and type of existing vegetation.

(f) *Specific Development Standards and Regulations.*

- (1) The Planning Commission or the Director may prepare specific development standards and regulations for the proposed site provided such standards and regulations are in conformity with Planning Commission adopted policies, programs, and plans and all applicable chapters of this ~~code~~-title. Such standards and regulations may include, but are not limited to:
  - a. The height, location and bulk of buildings.
  - b. The location, arrangement, and configuration of open space and building setback.

- c. The location and design of off-street parking areas.
- d. The number, size and location of all signs.
- e. Permitted or conditional uses.
- f. Such other regulations and standards as may be necessary to accomplish the purposes and intent of the SD District.

(2) Unless otherwise specified within the SD District, all current development standards shall apply.

(g) *Zone Change Process.* A petition for an amendment to the Sandy Land Development Code for an SD Zone Classification shall conform to the process as described in the Amendment to Zone District Map and Land Development Code. Information for the petition shall include the development plan approved by the Planning Commission.

(h) *Reversion.* There will be an annual review of SD zones. If substantial construction is not initiated within a year of the zone approval, the classification may be reverted to the previous classification, or that of an abutting district.

(LDC 2008, § 15A-19-01)

**Sec. 21-19-2. SD (R-1-9)—1300 E. and 12000 S.**

(a) *Purpose.* The Residential R-1-9 District is established to provide a residential environment within Sandy City that is characterized by moderate densities, medium-sized homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling, residential facility for elderly persons.
- f. Dwelling, residential facility for the handicapped.
- g. Dwelling, group, planned.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).

- p. Home occupation, Category II.
- (c) *Development Standards.*
- (1) *Lot and Yard Regulations.*
  - a. *Lot Size.* An area of not less than 9,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
  - b. *Frontage.* The minimum width of any lot for a dwelling shall be 80 feet, measured 30 feet back from the front property line.
  - c. *Front Yard Requirements.*
    - 1. All buildings shall be set back 30 feet from the front property line.
    - 2. Where lots front on cul-de-sacs or elbows, the front setback may be smaller, provided that no dwelling is closer than 20 feet from the front property line.
    - 3. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this Code ~~code~~ title to the contrary, be developed with a front setback of at least 20 feet.
    - 4. Garages and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
    - 5. Corner Lots. On corner lots, the front setback shall be a minimum of 30 and 20 feet, respectively, irrespective of which way the home faces.
  - d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet and the total distance of the two side setbacks shall be at least 18 feet. The zero lot line side yard setback shall be zero and at least 18 feet (between dwelling structures).
  - e. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line.
  - f. *Accessory Buildings and Uses.* Regulated as per ~~for~~ R-1-9 Standards.
    - 1. *Size of Buildings.* All dwellings shall be comprised of the following minimum square footage:
      - (i) *One-story.* Split level and split entry: 1,300 square feet.
      - (ii) *Two-story.* Total both levels: 1,625 square feet.
      - (iii) *Garages.* All dwellings shall provide at least a double space garage.
    - 2. *Height of Buildings.* All buildings shall be no higher than 35 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.

(LDC 2008, § 15A-19-02; Ord. No. 12-14, 5-15-12)

**Sec. 21-19-3. SD-MU MIXED USE—7800 S. 1300 E. and 9400 S. 1300 E.**

- (a) *Purpose.* The purpose of the Special Use District (Mixed Use) is to provide for mixed uses, such as professional office, multifamily and quasi-public.
- (b) *Uses Allowed.*
- (1) *Permitted Uses.*
  - a. Athletic, tennis or health club.
  - b. Business and financial services.
  - c. Commercial retail sales and service up to 10,000 square feet for the entire development site.

- d. Commercial school.
- e. Medical and health care offices.
- f. Nursing care facility.
- g. Quasi-public uses such as a library or other governmental facilities.
- h. Recreation, indoor.
- i. Religious or cultural activity.
- j. Research and development park.
- k. Restaurant.
- l. Theater, concert hall.

(2) *Conditional Uses.*

- a. Planning Commission review is required as set forth in ~~the Conditional Use chapter of the Development Code Chapter 21-33.~~
- b. In addition, after the Planning Commission has reviewed the requested conditional use, it shall forward its recommendation concerning said use to the City Council.
- c. The City Council shall review the use and the Planning Commission recommendation and shall then either deny or permit the conditional use and shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare and in conformance with the provisions of ~~the ordinance this title, particularly the ordinance establishing standards for conditional uses Chapter 21-33.~~
- d. All responsibilities delegated to the Planning Commission in ~~the Standards for Conditional Uses section of the Conditional Use chapter of the Development Code Chapter 21-33~~ shall be the responsibility of the City Council for the purposes of this zone.
- e. All relevant time periods shall refer to the date of action of the City Council.
  - 1. Animal kennel, veterinary office.
  - 2. Arcade.
  - 3. Automotive self-service station.
  - 4. Commercial retail Sales and service over 10,000 square feet for the entire development site.
  - 5. Recreation center (outdoor).
  - 6. Restaurant, drive-in.
  - 7. Commercial parking garage.
  - 8. Industry, light.
  - 9. Park and ride facilities.

(c) *Development Standards.*

- (1) *Building Height.* Buildings shall be erected to a height of no greater than 35 feet for any part intended for human occupancy.
- (2) *Commercial and Industrial Standards.* Planning Commission review is required as outlined in ~~site plan review Chapter 21-32.~~
  - a. *Building Location.*
    - 1. No building shall be closer than five feet from any private road or driveway with the exception of any portion that contains a drive-up window or counter. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space and under the same ownership as the structure, may abut the space and have openings onto such appurtenances.

2. The public street right-of-way shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front yard in all cases.
- b. *Driveway Access and Design.*
1. Unobstructed and direct driveways shall be provided from commercial off-street parking or loading facilities to a street or alley. Loading driveways may coincide with driveways to parking facilities.
  2. In establishing permissible curb openings and sidewalk driveway crossings for access to private property, such curb openings or driveways shall not be authorized where they are unnecessary or where they would interfere with the movement of vehicular traffic, with public improvements, or with the rights of the public in the adjacent street or alley, and in no case shall any curb opening be of greater width than necessary for reasonable access to the property to be served. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the length of the curb opening. The curb opening or width of each driveway shall be defined as the throat width of the driveway at the inside point of the curb transition radius at the top face of the curb.
- (3) *Frontage on Arterial or Major Collector Streets.* Uses on parcels with at least 150 feet of frontage are allowed only one access onto an arterial or a major collector street as designated on the Official Street Map. Uses on parcels with less than 150 feet of frontage shall be required to share a common driveway in order to ensure 150 feet of distance between driveways.
  - (4) *Frontage on Minor Collector or Local Streets.* Uses on parcels with at least 70 feet of frontage are allowed only one access onto a minor collector street or local street as designated on the Official Street Map. Uses with less than 70 feet of frontage shall be required to share a common driveway in order to ensure 70 feet of distance between driveways.
  - (5) *Additional Driveway Openings.* If a capacity or safety need for more than one driveway opening can be demonstrated to the City Engineer, additional driveway openings may be allowed.
  - (6) *Off-Street Parking Accessibility.* Where commercial uses share a property line, off-street parking lots serving the properties shall be made accessible to each other, where possible.
  - (7) *Driveways and Curb Design.*
    - a. One-way driveways shall be not less than 12 feet nor more than 25 feet in width, except that no two complementary one-way driveways may total more than 40 feet in width. Two-way driveways shall be not less than 25 feet nor more than 32 feet in width. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening.
    - b. Driveways shall be located a minimum of five feet from the side property line, measured from the nearest end transition point. This does not apply to side property lines abutting public rights-of-way.
    - c. Driveways shall have a minimum end transition (curb radius) of ten feet and a maximum of 30 feet. There shall be at least 24 feet of full height curb between the end transition point (point of curvature of the curb lines) of any two driveways, except as noted in ~~paragraphs (4) and (5)~~ Subsections (c)(7)d and e of this section.
    - d. Where a common driveway is of the split, one-way directional type, there shall be at least five feet between the end transition points of the two driveways.
    - e. Wherever a common driveway is constructed serving two or more properties, the common curb opening shall have a maximum width of 36 feet.
    - f. The total width of all curb openings shall not exceed 40 percent of the frontage. For corner lots, the total width of curb openings shall not exceed 30 percent of the combined frontages.

- g. No throat of a driveway of curvature for any driveway curb opening shall be permitted within 25 feet of the public right-of-way of an intersecting street.
- h. No curb opening will be approved which contemplates vehicle encroachment on any portion of the street right-of-way for loading, standing, or unloading.
- i. Curb openings must serve only those off-street parking spaces or loading zones that conform to Sandy City standards.
- j. Curb openings shall be entirely within the extension of the side property lines extended perpendicular to the street centerline.
- k. Curb openings and driveways shall be paved and shall provide for adequate drainage.
- l. Curbs for driveway approaches shall be of the radius type and be provided with wheelchair ramps.
- m. Upon the issuance of a building permit, any unused or abandoned curb openings or portion thereof shall be restored to the original curb section by the removal of existing material and replacement of curbing at the expense of the abutting property owner. Upon refusal or neglect of the owner or agent to restore the curb and gutter to their original section, the City shall proceed to do such work and all expenditures so incurred shall be charged against the owner or agent.
- n. Improvements in the public right-of-way shall be designed and constructed in conformance with the applicable specifications. The minimum design vehicle shall be the single unit truck.
- o. No object shall be so situated as to interfere with the required sight-distance of intersections as set forth in the AASHTO specifications.
- p. Special Requirements for Service Stations. The maximum and required width of an access way through the perimeter landscaped strip to a service station shall be 32 feet for two-way vehicular movement and 12 feet for one-way vehicular movement. No more than one two-way driveway shall be permitted for any street frontage up to 100 lineal feet, nor more than two one-way accessways shall be permitted for any street frontage and for frontages of more than 100 lineal feet. Two two-way accesses, each a maximum and required width of 24 feet, are permissible, but shall not be built on the same frontage as any other driveway, said standards to be applicable to any one ownership.
  - 1. Areas in which autos, trailers, etc., are stored for rental as an accessory use must be screened by a wall or opaque fencing to a minimum height of six feet. See ~~Fence Regulations Chapter 21-28~~.
  - 2. The outside display of oil, tires and miscellaneous auto supplies for sale, either permanent or temporary, shall not be permitted in any public right-of-way, nor in front of or in the required landscaped setback.
  - 3. Fuel pump islands located at service stations shall be set back a minimum of 30 feet from the front property line.

(8) *Landscaping.*

- a. Percent of Lot to be Landscaped. A minimum of 15 percent of any lot on which there will be a commercial or industrial use shall be landscaped. Such landscaping shall be composed of natural landscaping elements, including lawn, shrubs, trees and planted ferns.
- b.  Commission May Reduce Percentage of Required Landscaping. The regulations described in this section shall be mandatory, except that the Planning Commission may reduce the 15 percent requirement by five percent in return for any one or a combination of the following (the applicant shall show during site plan review that the reduction of the requirement will not create undo impact on abutting properties):
  - 1. The planting of specified trees that are larger than the minimum size shown in Subsection B below.
  - 2. Expansion in depth of the front yard landscape requirement (as shown in sub-section

- i. The use of a berm of at least three feet high above curb level in the required front yard landscape area.
  - c. *Front Yard.*
    1. A minimum of 15 feet of landscaping shall be provided, as measured from the front property line after any required street dedication. This standard shall apply to all frontages. Frontages on arterial streets shall be planted with trees (as specified by the Street Tree Planting Guide) or two-inch caliper in size at intervals of 30 feet.
    2. The Planning Commission may approve the elimination of the parkstrip in a commercial district allowing the sidewalk to be placed against the curb and gutter. If the elimination of the parkstrip is approved by the Planning Commission, the sidewalk shall be increased to five feet. In addition, the front landscape area shall be 19 feet. Trees shall be planted in the front landscaped area according to the Streetscape Guide. If the sidewalk meanders, 24 feet of landscaping ~~is~~ required.
  - d. *Side and Rear Yards.* There shall be a minimum of three feet of landscaping between parking areas and side or rear property lines (except between commercial uses where not visible) and a minimum of three feet of landscaping between an access driveway and a side of rear property line, unless said driveway is to be used for common access by an adjacent lot. Other side and rear setback areas that are open to view from public rights-of-way or from residential property shall have a minimum of ten feet of landscaping.
  - e. *Parking in Landscaped Area.* Parking within the minimum landscaped area is prohibited.
  - f. *Landscaping in Parking Area.*
    1. Landscaping planters and/or raised barrier sidewalks shall be installed along buildings and any paved areas to provide safety to pedestrians and protect the structure.
    2. All landscaped areas abutting any paved area shall be curbed.
    3. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than 3 1/2 feet above street level within the area required for minimum sight distances as specified in the Geometric Design Guide (AASHTO) for local roads and streets.
    4. Any traffic channelization island shall be fully landscaped.
    5. Trees shall be required in parking strips at a minimum interval of 30 feet according to the Street Planning Guide for arterial and collector streets.
    6. Boundary landscaping around the perimeter of parking areas shall be separated by a concrete curb or wall at least six inches higher than the parking area. For the purpose of calculating the minimum percentage of landscaping in parking areas, boundary landscaping may be included.
    7. All unpaved areas not utilized for parking, access, or storage, shall be landscaped utilizing ground cover, shrub and tree materials, and/or dry landscape materials (but not to exceed more than ten percent dry landscaping). Undeveloped areas proposed for future expansion shall be maintained free of weeds and trash.
- (9) *Screening Boundaries of Residential Districts.* An opaque screen shall be installed and maintained along lot lines that coincide with all zoning boundaries, other than streets, where the premises abut residential uses. Except as otherwise provided, it shall have a total height of not less than six feet, nor more than seven feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. For commercial areas abutting residential districts, a screen shall consist of one, or any combination, of the following types:
- a. *Walls.* Construction materials shall only include ceramic tile, stone, brick, concrete panel, concrete blocks, or other materials as approved by the Planning Commission. Posts must be reinforced with rebar and wire as specified by the Engineering Department.
  - b. *Signs.* No signs or sign supports shall be permitted on any required screening.

- c. *Commission May Approve Other Screening.* Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, such as in the case of hillside developments, the Planning Commission may review and approve other methods of screening such as bermed landscaping, open construction, screen height, placement of screen or other types of screening.
- (10) *Storage, Trash and Mechanical Equipment.* Storage areas which do or do not contain garbage or rubbish containers (dumpsters) shall be screened with landscaping or opaque fencing. Each wall or fence shall be at least six feet in vertical height or equal in height to the containers or dumpsters to be screened and shall be sufficient to screen such facilities from a public street or neighboring lot. See ~~fence regulations~~ Chapter 21-28.
- a. No outdoor storage display or dumpster shall be located within 30 feet of any residential district and no storage display or dumpster shall be permitted in the required front yard setback.
- b. All mechanical equipment (air conditioning, transformers, etc.) shall be screened with opaque material.
- (11) *Lighting.* Reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking and loading areas, and preventing any bright, direct illumination upon adjacent property or any public right-of-way. No unshielded white lights, reflectors, spotlights, strobe lights, or search lights shall be so located that they are pointed towards or are directly visible from frequently-traveled public rights-of-way.
- (12) *Signs.* Signs are permitted subject to the provisions of the Sandy City on-premises and off-premises sign regulations.
- (13) *Parking Lots and Loading.*
- a. *General.* There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision for ingress and egress by standard-sized automobiles in accordance with the requirements herein.
- b. *Parking Areas, Development and Maintenance.* Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot or an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:
1. *Curb.* The perimeter of the paved surface shall be finished with concrete curb and handicap ramp, where necessary.
  2. *Landscaping.* The planting of trees, lawn and shrubs or other approved material is required within appropriate areas, especially along street frontage, and along boundaries that abut residential lots.
  3. *Surfacing.* Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic, brick or concrete surfacing, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.
  4. *Lighting.* Lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining residential premises.
  5. *Off-Premises Parking.*
    - (i) Where parking is to be provided off of the premises, a recorded document, signed by the owners of the property, stipulating to the permanent use of the site for parking shall be filed with the Community Development Department. Such parking shall be within 200 feet of the use for which the parking is being provided.

- (ii) Required parking may be separated on the same site by landscaping or building elements.

(14) *Off-Street Loading.*

- a. For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial or industrial use, to or from which delivery of materials or merchandise are regularly made by motor vehicle, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one for each additional 20,000 square feet or major fraction thereof. Additional parking may be required depending upon the use.
  - 1. Each loading space shall be not less than 12 feet in width and 25 feet in length and 14 feet high if covered or enclosed.
  - 2. Such loading space may occupy the rear or side yard, except that it shall be located no closer than 30 feet from the edge of the dock to any residential district. Loading areas shall be screened from view from public streets.

(LDC 2008, § 15A-19-03)

**Sec. 21-19-4. Elderly Housing Zone--Brim and Associates—11000 S. 700 E., 10600 S. 300 E., and 8300 South Highland Drive.**

(a) *Purpose.* The SD(EH) Zone is established to provide an area for elderly housing, including nursing homes, convalescent centers and assisted living centers. This zone is not intended for hospitals, clinics or health care centers. To ensure neighborhood compatibility, all developments shall be approved by the Planning Commission as a part of site plan review.

(b) *Uses Allowed.* The only uses permitted are those specifically listed or otherwise interpreted to be similar to those listed as permitted by the Planning Commission.

- (1) Nursing care facility.
- (2) Residential health care facility.

(c) *Development Standards.*

- (1) *Parcel Size.* A planned elderly center shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit. In no case shall any project developed under this ordinance ~~section~~ be under one acre in size.
- (2) *Building Height.* The maximum height for all buildings shall be 35 feet from average grade.
- (3) *Building Setbacks.* It shall be within the authority of the Director to determine for any lot in this district, as to which property ~~line or lines~~ shall be considered as side or as rear lines for the purpose of administering this ordinance ~~section~~. No building shall be closer to a public street right-of-way than 30 feet.

- a. *Front Setbacks.* The public street right-of-way shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases. Canopies, overhangs, and similar coverings may project into the front setback area a maximum of ten feet.
- b. *Side Setbacks.* Side setback areas shall be a minimum of ten feet, excluding canopies and overhangs, except where a side property line abuts a residential district, in which case the side setback area shall be a minimum of 30 feet.
- c. *Rear Setbacks.* Rear setback areas shall be a minimum of ten feet, except where a rear property line abuts a residential district, in which case the rear setback area shall be a minimum of 30 feet.

~~It shall be within the authority of the Community Development Director to determine for any lot in this district, as to which property line or lines shall be considered as side or as rear lines for the purpose of administering this ordinance.~~

- (4) *Parking.* Parking for all uses shall be in accordance with the following ratio: one-half spaces per bed. No parking shall be permitted in the minimum front, side, or rear landscape setback areas, except where a side or rear landscape setback area abuts a residential zone.
- (5) *Loading.* All loading and unloading operations shall be performed on the site. Off-street berths, where required according to the schedule below, shall be provided in addition to required off-street parking and shall not be located within driveways. Each loading berth shall not be less than 12 feet wide, 25 feet long and, if enclosed or covered, 14 feet high. Adequate turning and maneuvering space are to be provided between the lot lines.
- (6) *Driveway and Curb Opening.* In establishing permissible curb openings and sidewalk driveway crossings for access to private property, they shall not be authorized where they would interfere with the movement of vehicular traffic, with public improvements, or with the rights of the public in the adjacent street or alley, and in no case shall any curb opening be of greater length than necessary for reasonable access to the property to be served thereby. In determining the length of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the length of the curb opening. The curb opening or width of each driveway shall be defined as the throat width of the driveway at the inside point of the curb transition radius at the top pace of the curb. The following standards shall apply in determining the size of curb openings and location of driveways:
- a. Driveways shall have a minimum end transition (curb radius) of ten feet and a maximum of 30 feet. There should be at least 24 feet of full-height curb between the end transition point (point of curvature at the curb lines) of any two driveways serving one piece of property.
  - b. Curb openings for driveways shall be regulated by the following standards:
    1. Where the width of the adjacent public right-of-way is less than 80 feet, no curb opening for a driveway shall be longer than 30 feet, except as noted in Subsection (c)(6)c of this subsection.
    2. Where the width of the adjacent public right-of-way is 80 feet or more, no curb opening for a driveway shall be greater than 33 feet, except as noted in Subsection (c)(6)c of this subsection.
    3. Wherever a common driveway is constructed serving two or more properties, that common driveway and curb opening will have a maximum width not to exceed 36 feet.
  - c. The total length of all curb openings shall not exceed 40 percent of the frontage. For corner lots, the total length of curb openings shall not exceed 30 percent of the combined frontages.
  - d. No point of curvature for any driveway curb opening shall be permitted within the following distances of the points of curvature for intersection curb turns:
    1. 25 feet if the intersection is signalized;
    2. 25 feet if the intersecting street's right-of-way is greater than 66 feet; and
    3. 12 feet if the intersecting street's right-of-way is equal to or less than 66 feet.
  - e. Where the construction of more than one curb opening is required, a concrete safety curb between curb openings, along and inside the property line, shall be provided when the property located between two driveways is used for the purpose of movement, storage or parking of vehicles.
  - f. No curb opening will be approved which contemplates a vehicle's encroachment on any portion of the street right-of-way for loading, standing or unloading.
  - g. Curb openings must serve only legal off-street parking spaces or loading zones.
  - h. Curb openings shall be entirely within the extension of the side property lines extending perpendicular to the street centerline.
  - i. Curb openings and driveways shall be paved and provide for adequate drainage.
  - j. Curbs for driveway approaches shall be of the radius type and be provided with wheelchair ramps.

- k. Any unused or abandoned curb openings or portion thereof shall be restored to the original curb section at the expense of the abutting property owner. Upon refusal or neglect of the owner or agent to restore the curb and gutter to their original section, the City shall proceed to do such work and all expenditures so incurred shall be charged against the owner or agent.
- l. Improvements in the public right-of-way shall be designed and constructed in conformance with the applicable specifications. The minimum design vehicle shall be the single unit truck.
- m. No object shall be so situated as to interfere with the required sight-distance of intersections as set forth in the AASHTO specification.

(7) *Storage Areas.*

- a. All outdoor storage, including vehicle storage, shall be visually screened from access streets, freeways, and adjacent property. Said screening shall form a complete opaque screen up to a point six feet in vertical height, but need not be opaque above that point. Such requirement shall not apply to loading docks.
- b. No storage shall be permitted between a frontage street and the building line. Furthermore, no outdoor storage shall be located within 30 feet of any district zoned for residential use.

(8) *Mechanical Equipment.*

- a. All mechanical equipment (air conditioning, transformers, etc.) on the ground shall be screened with opaque material.
- b. All mechanical equipment located on the roof shall be screened with opaque material where deemed appropriate by the Planning Commission.

(9) *Refuse Collection Areas.*

- a. All outdoor refuse collection areas shall be visually screened from access streets and adjacent property by a complete opaque screen.
- b. No refuse collection areas shall be permitted between a frontage street and the building line.

(10) *Landscaping and Suggested Amenities.*

- a. The preservation of natural features that enhance the development and will benefit the community (including trees, scenic points, view corridors, historic buildings or locations, unique geological formations and other community assets).
- b. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total planned development and shall project the residential character thereof.
- c. Building Spaces. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
- d. The landscaping upon the entire site shall conform to the following minimum requirements:
  - 1. *Front Setback.* A minimum of 15 feet measured from the front property line after any required street dedication. This standard shall apply to both frontages of a corner parcel.
  - 2. *Side and Rear Setback.*
    - (i) A minimum of three feet between parking areas and side or rear property lines.
    - (ii) A minimum of three feet between an access driveway and a side or rear property line, unless said driveway is to be used for common access by an adjacent commercial parcel.
    - (iii) Other side and rear setback areas that are open to view from public rights-of-way or from residentially zoned property.

- (iv) Irrespective of other requirements, developments abutting residential districts shall have a minimum of ten feet of perimeter landscaping and shall have large trees and shrubs planted to form a buffer between uses. Buffer areas may be approved with interval landscaping when not open to view from public rights-of-way and where it can be shown that the buffer areas will conform to the intent of this ~~ordinance~~ section.
- (11) *Screening at District Boundaries.* An opaque screen shall be installed and maintained along all district boundaries, other than streets, where the premises abut areas zoned for residential uses, unless otherwise provided.
- a. Except where otherwise provided, the screen shall have a total height of six feet.
  - b. Acceptable construction materials for screens shall only include ceramic tile, stone, brick, concrete panel, concrete block, or such other materials as the Planning ~~and Zoning~~ Commission may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the Engineering Department.
  - c. No signs or sign supports shall be permitted on any required screen.
  - d. Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, such as in the case of hillside developments, the Planning Commission may review and approve other methods of screening such as bermed landscaping, open construction, screen height, placement of screen or other types of screening.
- (12) *Signs.* Signs are permitted in this district subject to the provisions of Chapter 21-26.
- (13) *Procedure.* All permitted uses proposed for development shall be subject to the site plan review process and submittal requirements as outlined in Chapter 21-32.

(LDC 2008, § 15A-19-04)

**Sec. 21-19-5. SD(R)3.75—8125 S. 865 E.**

(a) *Purpose.* The Residential SD(R)3.75 District is established to provide a residential environment within Sandy City that is characterized by moderate densities, a variety of housing sizes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

- (b) *Uses Allowed.*
- (1) *Permitted Uses.*
  - a. Agriculture (which does not include the keeping of farm animals).
  - b. Dwelling, single-family.
  - c. Home occupation.
  - d. Home occupation, Category I.
- (2) *Conditional Uses.*
  - a. Accessory apartments.
  - b. Bed and breakfast facility.
  - c. Cemetery, columbarium, crematory, mausoleum.
  - d. Day care, group.
  - e. Dwelling, earth-sheltered.
  - f. Dwelling, group planned.
  - g. Dwelling, residential facility for elderly persons.
  - h. Dwelling, residential facility for the handicapped.
  - i. Model home.

- j. Park and ride facilities, on arterial streets.
  - k. Planned unit development.
  - l. Public service.
  - m. Public utility station.
  - n. Recreation, outdoor.
  - o. Religious, cultural activity.
  - p. School, private or quasi-public.
  - q. School, public.
  - r. Zero lot line development (detached only).
  - s. Alcoholic beverage Class E.
  - t. Home occupation, Category II.
- (c) *Development Standards.*
- (1) *Lot and Yard Regulations.*
- a. *Lot Size.* An area of not less than 7,150 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
  - b. *Frontage.* The minimum width of any lot for a dwelling shall be 65 feet, measured 30 feet back from the front property line.
- (2) *Building Setbacks.*
- a. *Front Yard Requirements.*
    - 1. *Property line setback.* All buildings shall be set back 30 feet from the front property line.
    - 2. *Front setback.* Where lots front on cul-de-sacs or elbows, the front setback may be smaller, provided that no dwelling is closer than 20 feet from the front property line.
    - 3. *Slope.* Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this Code ~~title~~ to the contrary, be developed with a front setback of at least 20 feet.
    - 4. *Corner Lots.* On corner lots, the front setback shall be a minimum of 25 feet and 20 feet, respectively, regardless of which way the home faces.
  - b. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least six feet and the total distance of the two side setbacks shall be at least 14 feet.
  - c. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of 20 feet on interior lots and 15 feet on corner lots. On irregular lots the minimum setback may be an average, provided that no portion of the building is closer than ten feet to the property line. Cul-de-sac lots, with a depth measurement of less than 90 feet measured at the shortest distance between front and rear property lines, may obtain approval from the Planning Commission during preliminary subdivision approval for a 15-foot rear setback.
  - d. *Accessory Buildings and Uses.* Regulated as per R-1-12 standards.
- (3) *Size of Buildings.* All dwellings shall be comprised of the minimum square footage as follows:
- a. Main floor of rambler, or upper two levels of split level, and split entry: 1,000 square feet.
  - b. Two-story: 1,500 square feet.
  - c. All dwellings shall provide at least a double-car garage.
- (4) *Height of Buildings.* All buildings in an R-1-8 District shall be no higher than 30 feet. Dwelling structures

less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.

- (5) *Parking Provisions.* At least two off-street parking spaces shall be provided and maintained for each dwelling unit.
- (6) *Streetscape Requirements.* A Streetscape Plan shall be submitted by the developer and approved by staff. The plan shall consist of two-inch caliper minimum deciduous trees, to be planted on a maximum of 25-foot centers. A minimum of two street trees on each street frontage for each lot will be required. The street trees shall be planted by the developer, prior to a Certificate of Occupancy being issued on any dwelling. The species of tree shall also be approved by staff.
- (7) *Building Materials.* In each subdivision 75 percent of the homes shall have an amount of brick or rock, located anywhere on the structure, which is equal to or greater than 40 percent of the area of the front facade. The building plans must show on the elevations, the area of the front facade in square feet, and the area in square feet and location of the required brick or rock. The remaining 25 percent of the homes have no masonry requirements.

(LDC 2008, § 15A-19-05)

**Sec. 21-19-6. SD Magna/2000 East—9400-9800 S. 2000 E.**

(a) *Purpose.* The purpose of the Magna/2000 East Specific Development District is to provide for a mixture of uses including retail commercial and various densities of residential uses, in a style and setting which will enhance not only the development of a particular property, but the surrounding neighborhood and community as a whole. Therefore, in order to better bring about this desired enhancement, the SD Magna/2000 District is divided into subdistricts to address each particular use more specifically (See Exhibit "A" of "The Little Cottonwood Project Design and Development Standards"). Additionally, more extensive standards are adopted for the various aspects or elements of development than would generally be required by the ~~Sandy City Development Code~~ this title.

(b) *Subdistricts.* The following subdistricts are included within the Magna/2000 East Specific Development District.

- (1) SD/CC Planned Center/Community Commercial--9400 S. 2000 E.
- (2) SD/PUD(15) Planned Unit Development (at a base density of 15 Units per Acre)--9800 S. Highland Drive (West side) SD/PUD(6) Planned Unit Development--9800 S. Highland Drive (East side).
- (3) SD/R(4.25) Single-family Residential--Approximately 9700 S. 2100 E.
- (4) SD/R(3.75) Single-family Residential--Approximately 9800 S. 2100 E.

(c) *Review Procedure.* Planning Commission review is required according to the standards outlined in for each individual phase or portion of the development, or any major amendment to an adopted site plan.

(d) *Development Standards.* The development standards listed below shall apply to the development as a whole. In addition, specific development standards as listed within each subdistrict, as well as "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City, shall be followed.

- (1) *Streetscape Plan.* A Streetscape Plan approved by the Planning Commission shall be required before approval of any part of a development bordering an affected arterial or collector street (i.e., 9400 South, 9800 South, and Highland Drive). Such plan shall show improvements for the entire width of each arterial and/or collector street and all transition areas for those portions of the streets which are part of or immediately adjacent to the SD Magna/2000 District. The purpose in showing adjoining areas is not to obligate the developer to off-site improvements, but rather to facilitate the transition from neighboring areas and to set standards for future streetscape improvements to those neighboring areas.
- (2) *Grading Plan.* In addition to the requirements of ~~Section 15-19 "Grading and Excavating," Chapter 21-27,~~ the Preliminary Grading Plan for the entire SD District shall be reviewed and accepted by the Planning Commission prior to acceptance of the Final Grading Plan by the City Engineer. Details and standards of grading are as contained in "The Little Cottonwood Project Design and Development Standards."

- (3) *Landscape Plan.* An approved Landscape Plan for each development or phase of development within a subdistrict shall be required before final site plan approval of that portion of the development. The purpose of the plan shall be to show not only the proposed landscape treatment for the subject development, but the transition from adjoining development. Specific requirements of the Landscape Plan are as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.
- (4) *Screening and Buffering.* Specifications for required screening and buffering are as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City. The colored decorative masonry barrier wall along the western border of the commercial subdistrict, and the colored decorative masonry barrier wall along the western border of the PUD Subdistrict shall each be erected when construction begins in that individual subdistrict. The perimeter landscaping shall be installed as soon as possible after completion of the wall, according to the timetable set forth by the Planning Commission at site plan review.
- (5) *Pedestrian Corridors.* A prominent feature of the Magna/2000 East SD District is the development of pedestrian corridors to buffer the commercial area from the adjoining uses. Pedestrian corridors shall not be interpreted to include service driveways, roadways, dumpsters, parking, or other uses related to the building. Such corridors shall be developed as follows:
  - a. The pedestrian corridor along the western edge of the development, between the commercial and neighboring single-family residential area, shall have a width of at least 50 feet.
  - b. The pedestrian corridor along the southern edge of the commercial area shall have a width of at least 30 feet.
  - c. Additional requirements for development of the Pedestrian Corridors are as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.

(LDC 2008, § 15A-19-06)

**Sec. 21-19-7. SD/CC--Planned Center/Community Commercial Subdistrict.**

(a) *Purpose.* The purpose of the CC Planned Center/Community Commercial Subdistrict is to allow for retail businesses and related uses to be grouped together into a well-planned and -designed shopping center as a complimentary portion of the community center for the Alta Canyon Quadrant. The development is characterized by a shopping center which follows the current development trend by emphasizing several large national tenants, with fewer smaller tenant spaces being provided. This zone is intended to increase commercial investment in the City and encourage the location of new types of businesses needed in the area; not simply encourage the relocation of existing local businesses in a new commercial setting.

(b) *Location and Size of Subdistrict.* The location of the CC Subdistrict is in the northwest portion of the SD District, at the southwest quadrant of the intersection of 9400 South and Highland Drive (2000 East). The CC Subdistrict shall consist of no more than 30 net acres, exclusive of public street dedications and adjoining pedestrian corridors.

(c) *Uses Allowed.*

- (1) *Permitted Uses.* A commercial center, community is allowed as a conditional use. Upon issuance of a conditional use permit and completion of site plan review, the following uses shall be allowed as permitted uses:
  - a. Arcade.\*
  - b. Athletic, tennis, or health club.
  - c. Automotive self-service station.\*
  - d. Automotive service station.\*
  - e. Business or financial services.
  - f. Commercial retail sales and services.

- g. Commercial school.
- h. Medical and health care offices.
- i. Public service.
- j. Recreation center.\*
- k. Recreation, indoor.
- l. Religious or cultural activity.
- m. Restaurant.
- n. Restaurant, drive-in.\*
- o. Theater, concert hall.\*\*
- p. Alcoholic beverage Class A.\*
- q. Alcoholic beverage Class B.\*
- r. Alcoholic beverage Class D.

\*These uses require a conditional use permit if located within 250 feet of a residentially zoned district.

\*\*These uses are not permitted if located within 250 feet of a residentially zoned district.

(2) *Conditional Uses.* The following uses may be allowed but shall require a separate conditional use permit:

- a. Auto repair, minor.
- b. Commercial parking garage.
- c. Industry, light.
- d. Motel/hotel.
- e. Park and ride facilities.
- f. Public schools.
- g. Public utility station.
- ~~h. Reserved.~~
- h. Alcoholic beverage Class E.
- i. Alcoholic beverage entertainment.
- j. Alcoholic beverage State store.

\*\*These uses are not permitted if located within 250 feet of a residentially zoned district.

(d) *Development Standards.* Developments within the CC Subdistrict shall comply with all provisions of ~~the Commercial/Industrial Development Standards Chapter Chapter 21-23~~, with the following exceptions:

(1) *General Site Design.* A commercial center shall be designed as an integrated complex of leasable spaces in a single building or group of buildings. A master site plan shall be prepared for site plan review following requirements of ~~the "Site Plan Review" chapter Chapter 21-32~~. In addition to requirements of ~~the aforementioned chapter Chapter 21-32~~, the site plan shall show the relationship of buildings to parking facilities, pedestrian walkways or corridors, landscaped areas, service entrances, and abutting streets.

(2) *Building Location and Setbacks.*

- a. Buildings shall be set back from public street rights-of-way a minimum of 30 feet. Except for any portion of a building that contains a drive-up window or counter, no building shall be closer to any private road or driveway than five feet.
- b. Buildings or structures within the planned center may abut the adjacent pedestrian corridors, but in no case shall a building or structure be closer than 50 feet to the western boundary of the SD District.

- c. Buildings or structures to be located on pad sites shall be located no closer than five feet to the property lease line, except for any portion that contains a drive-up window or counter.
- (3) *Building Height.* No building shall exceed a height of 35 feet along the required building setback line (measured from the finished grade at a point on the property line perpendicular to the building). Building height may be increased at a ratio of 1:1 beyond the required building setback, to a maximum building height of 45 feet for those portions of the building located at least 20 feet beyond the required setback line.
- (4) *Driveways and Curb Openings.* No driveway accessing an arterial or collector street shall be approved closer than 200 feet from the intersection of Highland Drive and 9400 South. Distances between driveways shall otherwise comply with Chapter 21-24.
- (5) *Parking and Loading.*
- a. The number and size of required parking spaces shall be according to requirements set forth in Chapter 21-24.
  - b. All required off-street parking shall be provided on the site of the planned center. However, parking facilities should not be located in one consolidated area of a particular site, but should be separated by landscaping or building elements. Parking areas will be interconnected with drives to provide for on-site traffic circulation.
  - c. No parking shall be permitted in the required landscape areas.
  - d. All loading and unloading shall be performed on-site. Such on-site loading areas shall be in addition to required off-street parking and shall not be located within driveways.
  - e. Additional requirements shall be as found in ~~Commercial/Industrial Development Standards Chapter~~ Chapter 21-23.
- (6) *Landscaping.*
- a. Landscaping of planned centers shall cover a minimum of five percent of the parking area.
  - b. Where a planned center abuts a public street right-of-way, there shall be at least 39 feet of landscaping measured from the back of street curb to the back of parking lot curb, exclusive of driveways. The 39-foot landscaped area shall include a sidewalk which complies with the approved Streetscape Plan.
  - c. Landscaping planters and/or raised sidewalks shall be installed along buildings and any paved areas.
  - d. All required landscaped areas abutting any paved area shall be curbed.
  - e. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than 3 1/2 feet above street level within the area required for minimum sight distances as specified in the Geometric Design Guide (AASHTO) for local roads and streets.
  - f. Landscaping in parking areas may be required at site plan review for channelization and shall be considered in calculating the five percent landscaping requirement for parking areas.
  - g. Boundary landscaping around the perimeter of parking areas shall be separated by a concrete curb or wall at least six inches higher than the parking area.
  - h. All unpaved or undeveloped areas of an approved development which are not utilized for parking, access, or storage, shall be landscaped utilizing ground cover, shrub and tree materials, and/or dry landscape materials. This shall include undeveloped pad sites.
  - i. All areas included within a future development phase shall be trimmed and maintained in accordance with the City's soil, erosion and blowing dust ordinances.
- (7) *Lighting.* Electrical reflectors, spotlights, floodlights and other sources of illumination may be used for buildings, landscaping, signs, parking and loading areas, provided they are equipped to concentrate the illumination upon the building, landscaping, signs, parking and loading areas, and prevent any bright,

direct illumination upon adjacent residential areas or any public right-of-way. No unshielded lights, reflectors, or spotlights shall be so located that they are shining towards or are directly visible from frequently-traveled public rights-of-way.

(8) *Screening of Storage, Trash and Mechanical Equipment.* Standards are as listed in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.

(9) *Signage.*

a. Signs are subject to the provisions of the Sandy City on-premises and off-premises sign regulations as found in ~~the Signage and Outdoor Advertising Chapter~~ Chapter 21-26.

b. No signs or sign supports shall be permitted on any required screening.

(e) *Additional Development Standards.* In addition to the Development Standards as listed above, all developments within the CC Subdistrict shall comply with the standards as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.

(f) *Development Phasing.* Phasing of development is allowed; however, no development within this subdistrict shall be given final site plan approval until a final Engineering Plan and Streetscape Plan are approved for the extension of Highland Drive from 9400 South to 9800 South. Furthermore, no portion of any development shall be occupied until required street improvements for Highland Drive have been completed.

(LDC 2008, § 15A-19-06A)

#### **Sec. 21-19-8. PUD (15) and (6)--Planned Unit Development Subdistricts.**

(a) *Purpose.* The purpose of the PUD Planned Unit Development Subdistrict is to provide an area for alternative types of housing from those generally found in the surrounding neighborhood. More specifically, the intent is to provide an area for higher density housing characterized by up-scale, high-quality developments with abundant amenities, to serve those citizens who may no longer feel the need or have the desire to maintain a large lot, single-family home.

(b) *Location and Size of Subdistrict.* Generally, the PUD Subdistrict is located toward the southwest portion of the Magna Development property, on either side of the Highland Drive right-of-way. This subdistrict is not defined by acreage, but by the natural boundaries imposed by the adjoining CC and R(3.75) Subdistricts of this development, Highland Drive, and the Alta Canyon Recreation Center (See Exhibit "A" of "The Little Cottonwood Project Design and Development Standards"). For all intents and purposes, the PUD Subdistrict, as divided by Highland Drive, is considered as having two separate and distinct areas; including, but not limited to, the calculation of any density and bonuses related thereto, and the submission and request for site plan and all other approvals.

(c) *Permitted Uses.*

(1) Dwelling, single-family.

(2) Dwelling, multiple-unit.

(3) Dwelling, planned group.

(4) Dwelling, residential facility for elderly persons (non-business).

(5) Dwelling, residential facility for the handicapped.

(6) Home occupation, Category I.

(d) *Conditional Uses.*

(1) Commercial uses of an accessory nature which are shown to be compatible and necessary for the development project.

(2) Day care, group.

(3) Model home.

(4) Religious or cultural activity.

(5) Alcoholic beverage Class E.

- (6) Home occupation, Category II.
- (e) *Density Allowances.*
  - (1) A base density of 15 dwelling units per gross acre is permitted for that portion of the PUD Subdistrict located on the west side of Highland Drive. However, upon site plan review and approval by the Planning Commission, if the amenities required under Subsection (g) of this section are provided, as confirmed at site plan review, an allowable density of up to 22 units per acre over the entire western portion of the PUD Subdistrict (refer to "~~Incentive Bonuses~~" Subsection (e)(1)a of this section) is permitted. Since clustering of units is allowed and encouraged, unit density on any portion of the site may exceed 22 units per acre so long as the average density for the entire western portion of the PUD Subdistrict does not exceed 22 units per acre.
    - a. *Incentive Bonuses.* The following are desirable amenities or design option, the provisions of which may be exchanged for bonus concessions on development requirements as provided below:

<del>(f)</del> <i>Design Options</i>	<i>Bonus Allowed</i>
<del>(a)</del> Provision of at least 10 percent increase in common open space	Additional 5 percent higher density for each 10 percent
<del>(b)</del> Creation of significant recreation facilities	Up to 5 percent higher density
<del>(c)</del> Placement of all required parking within the principal structures	Up to 20 percent higher density
<del>(d)</del> Exterior material 75 percent brick/stone	Up to 10 percent higher density
<del>(e)</del> The separation of pedestrian, vehicular and bicycle traffic	Up to 5 percent higher density
<del>(f)</del> Exterior property brick fenced or appropriately landscaped or bermed	Up to 5 percent higher density

Density bonuses shall be derived from the base zoning.

- (2) A maximum density of six dwelling units per gross acre is permitted for that portion of the PUD Subdistrict located on the east side of Highland Drive. Since clustering of units is allowed and encouraged, unit density on any portion of the site may exceed six units per acre so long as the average density for the entire portion of the PUD Subdistrict does not exceed six units per acre.
  - (f) *Development Standards.* All development shall be subject to the provisions listed below, as well as "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City. In addition, the Planning Commission shall require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as reasonably necessary.
    - (1) *Setbacks.* Specific yard, setback, and/or lot size requirements shall be determined by the Commission at the time of site plan review. However, in no case shall the setback of any portion of any main building be located closer than 30 feet to any outside boundary of the development or to any public right-of-way; except that any main building within the western PUD shall have a minimum 50-foot setback from any abutting single-family residential district.
    - (2) *Height of Buildings.* No building shall exceed a height of 2 1/2 stories or 35 feet.
    - (3) *Minimum Dwelling Size.*
      - a. Western PUD: mix of dwelling unit sizes to be approved by the Planning Commission.
      - b. Eastern PUD: R-1-8 standards.
    - (4) *Open Space.*

- a. Open space shall be provided and shall not cover less than 50 percent of the net site area (site area less public street rights-of-way). The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets or alleys. Said open space shall be devoted to landscaping, patios, recreational areas, and preservation of natural features.
  - b. At least 50 percent of the required open space shall be designated for use as public and/or common open space (recreational, park, or environmental amenity). Private open space (that is provided for each dwelling unit for personal use) shall be located immediately adjacent to, or within, the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of that dwelling unit. Unless otherwise approved by the Commission, landscaped roof areas or decks attached to individual units may not be calculated as part of the required public or common open space.
- (5) *Streets and Street Access.*
- a. The design of public and private streets within a PUD shall follow Sandy City standards for width of right-of-way and construction (minimum road width of 27 feet with a 52-foot right-of-way). Existing City standards of design and construction (such as relocating sidewalks) may be modified if it is deemed appropriate by the Planning Commission.
  - b. Minor streets within the PUD shall not be connected to local residential streets outside the development. Emergency access, in the form of a crash gate, may be required at site plan review.
  - c. Access to any development shall comply with acceptable traffic engineering standards. Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic.
  - d. The interior street system of a PUD project shall be dedicated to the City as a utility easement. All private streets shall be conveyed to a private association, where one exists, as established in Section 21-20-7.
  - e. Adequate emergency vehicle access shall be provided as specified by applicable codes.
- (6) *Required Parking.* Parking spaces shall be provided as required in Chapter 21-24, except as follows for multiple-family units:
- a. One-bedroom unit: 1.5 parking spaces per unit.
  - b. Two-bedroom unit: 1.8 parking spaces per unit.
  - c. Three or more bedroom unit: 2.0 parking spaces per unit, plus one-half space for each bedroom over three.
  - d. Guest parking spaces:
    - 1. 0.2 parking spaces per unit for the first 100 units;
    - 2. 0.1 parking spaces per unit for additional units.
  - e. Recreational vehicle storage shall be provided in a secured on-site location. Such site shall be screened either through structures or landscaping, from single-family areas bordering the SD District.
- (7) *Pedestrian and Bicycle Paths.* Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, nonresidential, and recreation facilities in or adjacent to the development. The paths must be designed in conjunction with any adjoining recreational trail and in consideration of any pedestrian and/or bicycle overpasses, underpasses or of any traffic signalization.
- (8) *Landscaping on Right-of-Way.*
- a. Where a PUD is adjacent to a public right-of-way, a permanent open space of at least 20 feet in width shall be required along the property lines. This area shall be kept free of all structures, except fencing, and shall be permanently maintained in street trees and other landscaping.

b. All parking areas, covered or open, shall have a minimum five-foot landscaped buffer adjacent to any public right-of-way.

(9) *Privacy*. Each PUD shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants; the screening of objectionable views or uses; and the reduction of noise.

(10) *Security*. The development shall be designed to support security services, taking into account public safety recommendations from the Sandy City Police Department.

(11) *Signage*. The size, location, design, and nature of signs, if any, shall be located and constructed according to the standards and requirements outlined in Chapter 21-26.

(g) *Required Amenities*. Successful multifamily housing close to single-family neighborhoods requires good planning, visually appealing design, and a buffer of landscaping and open space to define the different land uses. Therefore, and because of the purpose envisioned by the creation of the SD Magna/2000 East SD District, certain amenities normally allowed under ~~the Density Allowances Section~~ Subsection (e) of this section are required of any development within the PUD Subdistrict. The required amenities of this chapter are as follows:

(1) *For All Development*.

a. Quality exterior materials including brick, stone, synthetic stucco, prefinished panel, or other materials of similar quality, durability, and low maintenance as accepted by the Planning Commission at the time of site plan review.

b. Exterior fencing shall be architecturally designed brick or block fences, wrought iron fences, or structural sound wood fences, and/or additional landscape buffers, with the width and landscaping specifications as determined by the Planning Commission at the time of site plan review.

c. Project entrance features as specified by "The Little Cottonwood Project Design and Development Standards."

d. Suitable street lighting with coordinated light fixtures that are architecturally compatible with the development as contained in "The Little Cottonwood Project Design and Development Standards."

e. Specific design with regard to project identity signage, street signs, home addressing, etc., as contained in "The Little Cottonwood Project Design and Development Standards."

(2) *For Apartment Developments*.

a. A minimum of one parking stall per unit shall be covered or enclosed.

b. Quality interior provisions including such amenities as fireplace, vaulted ceilings, and in-unit washer/dryer, as determined by the Planning Commission.

c. The project shall be designed with significant recreation features such as a clubhouse, a swimming pool, and tennis courts.

d. The project shall be designed with significant site amenities such as a water feature and extensive high-quality landscaping throughout the project.

e. Pedestrian, bicycle and/or recreational trails shall be a part of any development.

(h) *Nonresidential Uses*. Nonresidential uses shall be subject to the requirements of Section 21-20-7.

(i) *Maintenance of Common Facilities*. Maintenance of common facilities shall be subject to the requirements as listed in Section 21-20-7.

(j) *Planned Unit Development Review Process*. The review process for any development within this zoning subdistrict shall be as contained in Section 21-20-7.

(k) *Additional Requirements*. In order to further mitigate the impact of the PUD Subdistrict on the residential zone to the west, the following additional requirements shall apply to a tract approximately 100 feet in width extending south from the southern border of the Commercial Subdistrict for 750 feet:

- (1) *Average Density.* Construction within the tract shall not exceed an average of 12 units per acre.
- (2) *Height of Buildings.* No building within the tract shall exceed a height of two stories or 27 feet.
- (3) *Setbacks.* In no case shall the setback of any building within the tract be less than 30 feet from the adjoining residential zone. Furthermore, no parking areas shall be allowed in any setback within the tract abutting the adjoining residential zone.
- (4) *Minimum Dwelling Size.* The minimum dwelling size in the tract shall comply with the regular R-1-8 standard.
- (5) *Enclosed Parking.* Each unit within the tract shall have access to an attached, enclosed garage.

(LDC 2008, § 15A-19-06B)

**Sec. 21-19-9. SD R(4.25)--Single-Family Residential Subdistrict.**

(a) *Purpose.* The purpose of the SD R(4.25) Single-Family Residential Subdistrict is to provide a residential area within the SD Magna/2000 East District which is compatible with the surrounding neighborhood. This subdistrict is characterized by medium sized, high-quality, single-family dwellings in a typical neighborhood setting, but on lots which are somewhat larger than those found in the adjacent neighborhood (see Exhibit "H" of "The Little Cottonwood Project Design and Development Standards").

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Dwelling, planned group.
- c. Dwelling, residential facility for elderly persons.
- d. Dwelling, residential facility for the handicapped.
- e. Model home.
- f. Public utility station.
- g. Recreation, outdoor.
- h. Religious, cultural activity.
- i. Alcoholic beverage Class E.
- j. Home occupation, Category II.

(c) *Density Requirement.* The density of the development shall not exceed 4.25 dwelling units per acre (gross density).

(d) *Development Standards.*

(1) *Lot and Yard Requirements.*

- a. *Lot Size.* An area of not less than 8,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of the entire development shall not be less than 9,000 square feet.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 70 feet, measured 30 feet from the front property line, with a minimum average lot width of 75 feet for the entire development.

- c. *Front Yard Requirements.*
  - 1. All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this ~~Code title~~ to the contrary, be developed with a front setback of at least 20 feet. Garages, or the garage portion of the main structure, may extend to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
  - 2. On corner lots, the front setback shall be a minimum of 25 feet and 20 feet, respectively, regardless of which way the home faces.
- d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet.
- e. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line, or a 30 percent slope limitation.
- f. *Accessory Buildings and Uses.* Regulated as per R-1-9 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,200 square feet. Two-story dwellings shall have a minimum size of 1,500 square feet. All dwellings shall be provided with at least a double space garage.
- (3) *Height of Buildings.* No building shall be higher than 30 feet.
- (4) *Pedestrian Access.* Pedestrian access to the adjacent open space area shall be provided through a minimum ten-foot-wide corridor between a street and the open space, at a location determined by the Planning Commission at the time of site plan approval.

(LDC 2008, § 15A-19-06C)

**Sec. 21-19-10. SD R(3.75)--Single-Family Residential Subdistrict.**

(a) *Purpose.* The purpose of the SD R(3.75) Single-family Residential Subdistrict is to provide a residential area within the SD Magna/2000 East District which is compatible with the surrounding neighborhood, but which provides an up-scale alternative to the single-family housing commonly found in the area. Generally, this subdistrict contains somewhat larger lot sizes than the surrounding neighborhood, and consists of large, high-quality, single-family dwellings in a mini-neighborhood setting with such features as limited access, and special landscape and streetscape treatments (see Exhibit "I" of "The Little Cottonwood Project Design and Development Standards").

- (b) *Uses Allowed.*
  - (1) *Permitted Uses.*
    - a. Agriculture.
    - b. Dwelling, single-family.
    - c. Home occupation.
    - d. Home occupation, Category I.
  - (2) *Conditional Uses.*
    - a. Dwelling, planned group.
    - b. Dwelling, residential facility for elderly persons.
    - c. Dwelling, residential facility for the handicapped.
    - d. Model home.
    - e. Public utility station.

- f. Recreation, outdoor.
- g. Religious, cultural activity.
- h. Alcoholic beverage Class E.
- i. Home occupation, Category II.

(3) *Supplemental Uses*. All supplemental uses shall be subject to the provisions of ~~the Development Code~~ this title, except that the square footage and location for extended living areas is amended as follows:

- a. The total square footage used as an extended living area may not exceed either 30 percent of the main dwelling's total floor area, or a total of 1,200 square feet.
- b. The location of the extended living area may be in a building which is separate from the main dwelling. In such case, location requirements are the same as those for an accessory building.

(c) *Density Requirement*. The density of the development shall not exceed 3.75 dwelling units per acre (gross density).

(d) *Development Standards*.

(1) *Lot and Yard Requirements*.

a. *Lot Size*. An area of not less than 8,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of the entire development shall not be less than 10,000 square feet.

b. *Frontage*. The minimum width of any lot for a dwelling shall be 75 feet, measured 30 feet from the front property line.

c. *Front Yard Requirements*.

1. All buildings shall be set back 25 feet from the front property line. Where lots front on cul-de-sacs, elbows, or for those lots which are located along the northern ridge line, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Garages, or the garage portion of the main structure, may extend to a setback line of 20 feet.

2. On corner lots, the front setback shall be a minimum of 25 feet and 20 feet, respectively, regardless of which way the home faces.

d. *Side Yard Requirements*. All dwelling structures and other main buildings shall be set back from each side property line a minimum distance of eight feet.

e. *Rear Yard Requirements*.

1. All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 25 feet, or on irregular lots, an average of 25 feet, provided that no portion of the building is closer than ten feet to the property line.

2. Location of a dwelling structure shall not be within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. See "The Little Cottonwood Design and Development Standards" for specifics of grading and slope treatments.

f. *Accessory Buildings and Uses*. Regulated as per R-1-12 standards.

(2) *Size of Buildings*. All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.

(3) *Height of Buildings*. No building shall exceed a height of 35 feet.

(4) *Special Design Standards*. All development within the SD R(3.75) Subdistrict shall follow "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.

(LDC 2008, § 15A-19-06D)

**Sec. 21-19-11. SD(H)--Hospital—9400 S. 1300 E. and 1380 E. 9400 S.**

(a) *Purpose.* The SD(H) Zone is established to provide an area for a hospital and related uses such as medical offices and other health service or related facilities.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Hospital.
- b. Medical and health services offices.
- c. Business and professional offices.
- d. Convalescent center.

(2) *Conditional Use.*

- a. Public Facilities.

(c) *Development Standards.* Planning Commission review is required according to standards outlined in the development review process and Special Development (SD) District. The following standards are to be considered as applying specifically to development in an SD(H) District, in addition to general standards provided in development, site and subdivision standards, and landscaping standards:

- (1) *Area Requirements.* One acre
- (2) *Frontage Requirements.* 100 feet.
- (3) *Building Height Requirements.* Not to exceed 100 feet for the main hospital building, and not to exceed 35 feet for any other building, except that any other building may exceed a height of 35 feet but no more than 100 feet, when it can be found by the Planning Commission that the additional height is not obtrusive to surrounding areas.
- (4) *Sign Standards.* All signs shall comply with Chapter 21-26.
- (5) *Parking Standards.* Parking shall comply with off-street parking standards contained in ~~the Sandy City Development Code~~ this title.

(LDC 2008, § 15A-19-07)

**Sec. 21-19-12. SD(R-1-8)—11800 S. 1000 E.**

(a) *Purpose.* The intent in establishing the SD (R-1-8) Zone is to provide a residential environment within the City which is characterized by uncrowded buildings, well-kept lawns, trees and other landscaping, a minimum of vehicular and pedestrian traffic and quiet residential conditions favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Churches.
- c. Fences, walls and hedges as specified in the R-1-8 Zone ~~of the Sandy City Land Development Code~~.
- d. Parks.
- e. Playgrounds.
- f. Single-family dwellings and accessory buildings.
- g. Schools.
- h. Other community facilities in harmony with the intent of the R-1-8 Zone.

- i. Home occupation, Category I.
- (2) *Conditional Uses.*
  - a. Dwelling, residential facility for elderly persons.
  - b. Dwelling, residential facility for the handicapped.
  - c. Home occupation, Category II.
- (c) *Development Standards.*
  - (1) *Area Requirements.* A lot of not less than 8,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. The 22 lots along the eastern edge of this property shall have a 10,000 square foot minimum.
  - (2) *Frontage Requirements.* The minimum width of any building lot for a dwelling shall be 75 feet measured at a distance of 30 feet back from the front lot line.
  - (3) *Building Height Requirements.* No building shall be erected to a height greater than 35 feet, and no building shall be erected to a height less than ten feet or one story above grade. Where the ground level or top of the building is uneven or varies in height, average elevation thereof shall apply.
  - (4) *Side Setback Requirements.* All dwellings and other main buildings shall be set back from the side property line a distance of at least eight feet.
  - (5) *Rear Setback Requirements.* All dwellings and other main buildings shall be set back from the rear property line at least 20 feet on interior lots, and 15 on corner lots. On irregular lots, the minimum setback can be an average, provided that no portion of the building is ~~no~~ closer than ten feet to the property line.
  - (6) *Size of Building.* All dwellings shall comprise at least 1,200 square feet of gross livable area and must provide a minimum double space garage. Two-story and bi-level structures shall have a minimum of 1,500 square feet on the main level, and provide a minimum double space garage.
  - (7) *Other Requirements.*
    - a. All dwellings shall have 55 percent brick on the front side of the structures.
    - b. There shall be a minimum of ten different house plans used in this development.

(LDC 2008, § 15A-19-08)

**Sec. 21-19-13. Residential District SD(R-1-10) (HEGESSEY)—9200 S. 2750 E.**

(a) *Purpose.* The Residential SD(R-1-10) District is established to provide a residential environment within Sandy City that is characterized by low densities, large homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

- (b) *Uses Allowed.*
  - (1) *Permitted Uses.*
    - a. Agriculture (not including the keeping of farm animals).
    - b. Dwelling, single-family.
    - c. Home occupation.
    - d. Home occupation, Category I.
  - (2) *Conditional Uses.*
    - a. Accessory apartments.
    - b. Bed and breakfast facility.
    - c. Cemetery, columbarium, crematory, mausoleum.
    - d. Day care, group.
    - e. Dwelling, earth-sheltered.

- f. Dwelling, group planned.
  - g. Dwelling, residential facility for elderly persons.
  - h. Dwelling, residential facility for the handicapped.
  - i. Model home.
  - j. Planned unit development.
  - k. Public service.
  - l. Public utility station.
  - m. Recreation, outdoor.
  - n. Religious, cultural activity.
  - o. School, private or quasi-public.
  - p. School, public.
  - q. Building lots that do not have frontage on a public street.
  - r. Home occupation, Category II.
- (c) *Development Standards.*
- (1) *Lot and Yard Regulations.*
- a. *Lot Size.* An area of not less than 9,000 square feet shall be provided and maintained for each dwelling, with average lot size being at least 10,500 square feet, and uses accessory thereto.
  - b. *Frontage.* The minimum width of any lot for a dwelling shall be 80 feet, measured 30 feet back from the front property line.
  - c. *Front Yard Requirements.* All building shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this ~~Code~~ title to the contrary, be developed with a front setback of at least 20 feet. Garages and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
  - d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet and the total distance of the two side setbacks shall be at least 18 feet.
  - e. *Rear Yard Requirements.*
    - 1. All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line.
    - 2. For platted lots located directly adjacent to the Deer Creek Underground Aqueduct, the rear yard setback shall be at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line. Prior to the issuance of any building permit for a single-family dwelling upon these properties, a vinyl fence shall be installed along the rear property line. No encroachment of any kind into the viaduct property shall be permitted.
  - f. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
  - g. *Accessory Buildings and Uses.* Regulated as per R-1-10 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of at least 1,300 square feet for rambler and 1,625 square feet for two-story. All dwellings shall be provided with a double or triple car garage.

- (3) *Height of Buildings.* All buildings in an SD(R-1-10) District shall be no higher than 30 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.
- (4) *Planned Unit Developments (PUDs).* PUDs in an SD(R-1-10) District may be allowed up to a maximum of four dwelling units per gross acre.
- (5) *R.V. Parking.* R.V.s shall not be allowed in side yard setbacks of less than ten feet.
- (6) *Front Yard Landscaping.* Homeowners shall complete front yard landscaping within one year of final occupancy.
- (7) *Hillside Dedication.* Designated hillside areas shall be dedicated to the City for continuation of the linear hillside park and associated trail system.

(LDC 2008, § 15A-19-09; Ord. No. 12-14, 5-15-2012)

**Sec. 21-19-14. SD(Harada)—7575 S. Union Park Avenue.**

(a) *Purpose.* The purpose of this zone is to provide an area of professional and business offices, non-retail services, restaurants, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. Developments shall have architecture that is compatible with residential uses. All site plans for proposed development shall be reviewed and approved by the Planning Commission.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Business and financial services.
- b. Medical and health care services.
- c. Mortuary, funeral home.
- d. Research park.
- e. Accessory uses associated with an approved use.
- f. Mixed use development.

(2) *Conditional Uses.*

- a. Alcohol beverage Class B license.
- b. Bed and breakfast facility.
- c. Day care, group.
- d. Nursing home.
- e. Plant nursery.
- f. Public service.
- g. Public utility station.
- h. Recreation, indoor.
- i. Residential facility for handicapped.
- j. Residential facility for elderly.
- k. Hotel/motel.
- l. Restaurant (sit-down only).
- m. Compatible, low traffic generating retail uses, as determined by the planning commission.
- n. Retirement home.
- o. School, commercial.

- p. School, private or quasi-public.
- q. Social or reception center.
- r. Alcoholic beverage package agency (Type 4, as defined by the Utah Department of Alcoholic Beverage Control).
- s. Alcoholic beverage Class D License.
- t. Restaurant, drive-up window (east of Union Park Avenue Only).
- u. Assisted living facility, both limited and large capacity.

(c) *Development Standards.* Planning Commission review is required according to standards outlined in Chapter 21-32. The following standards are to be considered as applying specifically to development in this zone, in addition to general standards provided in ~~the Commercial/Industrial Development Standards Chapter Chapter~~ Chapter 21-23:

- (1) *Building Height.* Buildings shall be erected to a height no greater than 35 feet from average grade, except for the following: With the anticipated uses of this property, structures oriented towards Union Park Avenue may exceed 35 feet in height, as may be approved by the Planning Commission.
- (2) *Setback requirements.* All buildings shall be set back at least 30 feet from all property lines, except that the Planning Commission may allow 20-foot setbacks along Union Park Drive where there is landscaping between the structure and the street. Uses may be developed conjointly at the side yards with shared party walls. If buildings are not joined, there shall be at least a ten-foot setback from each side and a 30-foot rear setback. Side yards and rear yards shall be developed and landscaped as described in Chapter 21-25.
- (3) *Architecture and Signs.* Development shall have an overall architectural and signage theme, and shall be so designed to enhance residential compatibility.
- (4) *Landscaping.* Development shall be appropriately landscaped with ground covers, trees, and shrubs, with special attention given to the preservation of existing vegetation and hillside areas. Landscape berms and heavy tree cover is encouraged, particularly as a replacement for fences and walls.
- (5) *Access.* Development shall have appropriate access based upon the type of uses approved, as may be recommended and approved by the Traffic Engineer and Planning Commission. Mixing of traffic with the adjacent neighborhood should be controlled through the use of limited secondary access or emergency access.
- (6) *Site Plan Review.* All site plans shall be reviewed by the Planning Commission. In addition to the typical site plan submittals, the following shall also be submitted for review by the Commission: Traffic Study and a market analysis based upon the type of land uses proposed, overall Grading Plan, and overall Landscape Plan with particular attention given to the "backside" slope of the development and along the residential interface.

(LDC 2008, § 15A-19-10; Ord. No. 10-22, 7-12-2010; Ord. No. 15-03, 1-22-2015)

**Sec. 21-19-15. SD (1300 East PO)—9050 S. 1300 E.**

(a) *Purpose.* The SD (1300 East PO) Zone is established to provide an area for professional and business offices with limited height and other development standards compatible with those of contiguous properties. Developments adjacent to residential areas shall have a residential look to enhance compatibility.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Residential facility for elderly persons.
- b. Residential facility for the handicapped.

(2) *Conditional Uses.*

- a. Art gallery.

- b. Artist's studio.
- c. Bed and breakfast facility.
- d. Business and financial services.
- e. Day care, group.
- f. Medical and health care offices.
- g. Mortuary, funeral home.
- h. Nursing care facility.
- i. Plant nursery.
- j. Public utility station.
- k. Religious or cultural activity.
- l. Sculpture park.

(c) *Development Standards.* The following standards are to be considered as applying specifically to development in the SD (1300 East PO) Zone, in addition to general standards provided in ~~the Commercial/Industrial Development Standards Chapter~~ Chapter 21-23. Where conflict may be found to exist, the provisions of this zone district shall prevail.

- (1) *Planning Commission Review.* Review of all preliminary and final site plans in the SD (1300 East PO) Zone is required by the Planning Commission according to the standards outlined in Chapter 21-32. A Traffic Study shall be submitted before Planning Commission review, as may be required by the Transportation Engineer.
- (2) *Building Setbacks.*
  - a. *Front Yard.* All buildings shall be set back at least 30 feet from all front property lines.
  - b. *Side Yard.*
    - 1. There shall be at least a ten-foot setback from each side property line.
    - 2. Where nonresidential uses abut residential uses outside this zoning district, nonresidential buildings shall be set back at least 30 feet from the property line and the side yard shall be developed and landscaped as described in ~~the Commercial/Industrial Development Standards Chapter~~ Chapter 21-23.
  - c. *Rear Yard.*
    - 1. *Rear Setback.* There shall be at least a 30-foot rear setback.
    - 2. *Nonresidential setbacks.* Where nonresidential uses abut residential uses outside this zoning district, nonresidential buildings shall be set back at least 30 feet from the property line and the rear yard shall be developed and landscaped as described in ~~the Commercial/Industrial Development Standards section of this chapter~~ Chapter 21-23.
    - 3. *Building Height.* Buildings that abut nonresidential uses shall be erected to a height no greater than two stories. Buildings that abut residential uses outside this zoning district shall be erected to a height no greater than one story. In no case shall a single-story building height exceed 21 feet, nor a two-story building exceed 30 feet, measured from grade to the peak of the roof. Buildings may be required to be different heights to enhance visual quality and to increase residential compatibility.
    - 4. *Landscaping.* All developments shall follow the landscape requirements of Chapter 21-25 standards, except that a minimum of 15 feet of landscaping shall be placed between parking areas and side and rear property lines, and minimum setback areas between buildings and side and rear property lines shall also be landscaped.
    - 5. *Lighting.* Reflectors, spotlights, floodlights and other sources of illumination may be used to

illuminate buildings, landscaping, signs, parking and loading areas, provided they are equipped with proper devices concentrating the illumination upon the above, and preventing any bright, direct illumination upon adjacent property or any public right-of-way.

6. *Residential Compatibility.* Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood. Building materials shall be reviewed for compatibility with adjoining residential properties, and shall include extensive building elevations of brick or stone.

(d) *Extended Hours.* Any nonresidential use within 100 feet of a residential use where such use desires to operate after 8:00 p.m. and before 7:00 a.m. of the following day shall require a separate conditional use permit for extended hours.

(LDC 2008, § 15A-19-11)

**Sec. 21-19-16. SD (JHS)(MILLER)--Historic Jordan High School District—9400 South State Street.**

(a) *Purpose.* The SD(JHS)(MILLER) Historic Jordan High School District is established to stimulate economic development by allowing for a diversity of land uses that are accessible to regional transportation facilities and developed within a planned commercial center. This district is intended to stimulate creative development and site design for highway commercial uses.

(b) *Substantial Construction.* In the event that no substantial construction of the planned commercial center is underway after two years from the date of approval of the SD(JHS)(MILLER) District designation, the Community Development Director may recommend to the Planning Commission that the designation revert to the previous zone designation.

(c) *Uses Allowed.*

- (1) A planned commercial center is allowed as a conditional use, and all uses in the SD(JHS)(MILLER) Zone are conditional uses. Upon completion of conditional use permit review, the Planning Commission may also approve a list of businesses consistent with the land uses listed within this section. This list of businesses will not require further review by the Planning Commission, but must comply with the original terms of the planned commercial center conditional use permit.
- (2) Regardless of the size and ownership of individual parcels, a development plan must be submitted showing both existing and reasonable projected development on adjoining properties, determined through consultation with adjoining property owners. The intent of the above is to effectuate the end result of an overall planned development with appropriate cross-easements, consistent site standards, etc., even though properties may be individually owned.
- (3) For those land uses not listed, the use shall not be permitted.

a. *Land Use Category.*

1. Alcoholic beverage entertainment.
2. Alcoholic beverage Class A license.
3. Alcoholic beverage Class B license.
4. Alcoholic beverage private club as ancillary use to principal licensed business only.
5. Arcade entertainment.
6. Business or financial services.
7. Commercial retail sales and services.
8. Commercial, parking garage.
9. Day care, group.
10. Medical and health care offices.
11. Mixed use, residential and office use.

12. Mixed use commercial/residential development.
13. Motel, hotel.
14. Park and ride facilities.
15. Public service.
16. Recreation center.
17. Recreation, indoor.
18. Recreation, outdoor.
19. Research park.
20. Restaurant.
21. Religious or cultural activity.
22. School, commercial.
23. School, commercial (low-impact).
24. School, private or quasi-public.
25. Social or reception center.
26. Street vendors.
27. Theater.

(d) *Development Standards.* The following standards are to be considered as applying specifically to development in the SD(JHS)(MILLER) District, in addition to general standards provided in ~~the Commercial/Industrial Development Standards Chapter Chapter 21-23.~~

- (1) *Planned Commercial Centers.* Regardless of the size and ownership of individual parcels, a planned commercial center master development site plan must be submitted to the Planning staff for review and approval by the Planning Commission. The plan must show both existing and reasonable projected development on adjoining properties, determined through consultation with adjoining owners.
  - a. The intent of the above is to achieve a consistent overall planned development with consistent site standards when the project area is completely built out. Standards that will be applied to planned commercial centers are located in ~~the Commercial/Industrial Development Standards Chapter Chapter 21-23,~~ except as amended in this section.
  - b. Expansion of existing shopping center projects not previously having a planned commercial center approval shall require Planning Commission approval at the time of expansion, unless it is determined unnecessary through consultation with the Community Development Director and the Planning Commission.
  - c. Remnant parcels left from old developments or rebuilds of existing parcels or pads within existing center developments are required to make reasonable compliance with planned commercial center standards through consultation with the Community Development Director and the Planning Commission.
- (2) *Lot Size.* Lots shall be of sufficient size to assure compliance with all building setbacks and off-street parking requirements.
- (3) *Building Setbacks.*
  - a. *Front Yard.* All buildings shall be set back an average of 30 feet from State Street. Buildings located within 150 feet from the corner of State Street and 9400 South Street, as measured along the frontage of each street, shall be set back a minimum of 50 feet from the front property line.
  - b. *Side Yard.* Uses may be developed conjointly at the side yards with shared party walls.
    1. If buildings are not joined, there shall be at least a ten-foot setback from each side property

line, and side yards shall be properly developed, as specified in ~~the Commercial/Industrial Development Standards Chapter~~ Chapter 21-23.

2. Buildings, including parking structures, shall be set back a minimum of 20 feet from the property line along 9400 South, 8370 South and 150 East.
- c. *Rear Yard*.
1. All buildings shall be set back at least 20 feet from rear property lines.
  2. Where buildings or uses abut a residential district (excepting recognizable holding zones for future commercial development), buildings shall be set back at least 30 feet from the property line, and the rear yard shall be developed and landscaped as established in ~~the Commercial/Industrial Development Standards Chapter~~ Chapter 21-23.
- (4) *Building Height*.
- a. Buildings may be built to a maximum height of ten stories, except within 250 feet of an R-1 Residential District, where the maximum height shall be 65 feet.
- (5) *Green Space*. The Overall Development shall incorporate a minimum of 22 percent coverage of greenspace, which is green landscaping, trees, shrubs, fountains, brick pavers, etc.
- (6) *Traffic Study*. The developer shall be required to complete a Comprehensive Traffic Study prior to site plan review.
- (7) *Parking Structures*. While not required, it is strongly encouraged to incorporate parking structure within the overall development plan.
- (8) *Building Material*. All building exteriors shall be constructed of brick or similar material. All building materials shall be of the highest commercial quality.
- (9) *Residential Boundary Buffer*. There shall be installed an appropriate buffer, including landscaping, between the commercial development and all residential district boundaries. Said buffering design and materials shall be determined by the Planning Commission during site plan review.

(LDC 2008, § 15A-19-12; Ord. No. 12-24, 6-18-2012)

**Sec. 21-19-17. SD(MDM)--Medical Device Manufacturing District—9450 South State Street.**

(a) *Purpose*. The SD(MDM) Medical Device Manufacturing District is established to provide an area approved for professional and business offices, research and development, and medical device manufacturing.

(b) *Uses Allowed*.

(1) *Permitted Uses*.

- a. Industry, medium (limited to medical device and product manufacturing).
- b. Professional offices.
- c. Research and development.
- d. Ancillary uses associated with the permitted uses (e.g., equipment and vehicle storage, parking structure/terrace, warehousing and distribution).

(2) *Conditional Uses*.

- a. Public utility station.

(c) *Development Standards*. To ensure neighborhood compatibility, all developments shall be approved by the Planning Commission as a part of site plan review.

- (1) *Building Height*. Professional office buildings shall be no taller than 150 feet in height along State Street or 9400 South. Other buildings on the property shall be no taller than 65 feet. Parking structures are limited to four levels, unless screened from public view.
- (2) *Setback Requirements*. All buildings shall be set back at least 30 feet from residential property lines, at

least 20 feet from public rights-of-way, and at least ten feet from all other exterior property lines. Parking structures shall be located at least 100 feet from residential property and arterial streets, and at least ten feet from all other exterior property lines. Setbacks for a public utility station will be as determined by the Planning Commission.

- (3) Signs. Signs will be in compliance with ~~the Sandy City Sign Ordinance Chapter 21-26~~.
- (4) Hours of Operation. Operations at the property are conducted 24/7, including shipments and deliveries.
- (5) Landscaping. Development shall be appropriately landscaped with ground cover, trees, and shrubs. A minimum of 15 feet of landscaping is required along public streets and at least ten feet of landscaping where the property abuts residential properties. At least five percent of the parking lot areas will be landscaped.
- (6) Development Master Plan. The Planning Commission shall review and approve a Development Master Plan, with phasing, prior to approval of a site plan.
- (7) Parking. The number of parking spaces at the property may be determined by the City Planning Commission based on a parking demand study.
- (8) Shipping and Receiving. The property must be able to accommodate at least 35 truck trips per any 24-hour period.
- (9) General Development Standards. All general development standards found within this title (Chapters 23 through 25) shall be complied with unless otherwise regulated in this SD District.

(d) Reversion. If BD Medical vacates the property, or if there is a significant change in the use of the land, the zoning classification may be reverted to the previous classification or that of an abutting district after consideration by the City Council.

(Ord. No. 18-16, § 1, 6-25-2018)

**Sec. 21-19-18. SD-CC--Timberline--9400 S. 900 E.**

(a) Purpose. The SD-CC Timberline District allows for retail businesses and related uses to be grouped together into a well-planned and -designed community commercial center. The Community Center District is available to commercial developments of a scale and location to serve an area of one or more of Sandy planning communities and/or areas that may extend beyond Sandy City.

(b) Prerequisites for District Designation. For a parcel to qualify for CC District designation, it shall comply with the following:

- (1) A parcel shall be at least 20 acres in land area. Parcels may be added to an existing CC District. Development in an added parcel shall be planned to become integrated with the existing community center, and to comply with all applicable development standards.
- (2) A CC District shall be located on an arterial or major collector street, preferably at an intersection of such streets.
- (3) An applicant for CC District designation shall have completed the pre-application conference for site plan review.
- (4) An applicant for CC District or substantial expansion of an existing CC District shall submit to the Director of Community Development a fiscal impact analysis of the proposed center. The analysis shall be prepared by a person or organization that is professionally qualified to perform fiscal impact analysis.
- (5) In the event that no substantial construction of the community center is underway after one year from the date of approval of the CC District designation, the Community Development Director may recommend to the City Council that the designation revert to the previous zone designation. In the event that the CC designation is the initial zoning, the parcel shall be merged with an abutting district.

(c) Uses Allowed. A commercial center, community is allowed as a conditional use upon completion of site plan review and issuance of the conditional use permit.

- (1) Permitted Uses.

- a. Animal kennel, veterinary offices.
- b. Arcade.
- c. Athletic, tennis, or health club.
- d. Automotive self-service station.
- e. Automotive service station.
- f. Business or financial services.
- g. Commercial retail sales and services.
- h. Commercial school.
- i. Medical and health care offices.
- j. Public service.
- k. Recreation center.
- l. Recreation, indoor.
- m. Religious or cultural activity.
- n. Restaurant.
- o. Restaurant, drive-in.
- p. Theater, concert hall.
- q. Alcoholic beverage Class A.
- r. Alcoholic beverage Class B.
- s. Alcoholic beverage Class D.

(2) *Conditional Uses.*

- a. Commercial parking garage.
- b. Industry, light.
- c. Motel/hotel
- d. Any permitted use that is not integrated with the planned center or which occupies a separate lot or its own street frontage.
- e. Alcoholic beverage Class E.
- f. Alcoholic beverage entertainment.

(d) *Development Standards.* Developments in a CC District shall comply with the requirements set forth in ~~Section the Commercial/Industrial Chapter Chapter 21-23~~ with the following exceptions:

- (1) *Building Height.* No building shall exceed the height of a plane intersecting a line 35 feet above the finished grade of any property line at the normal 30-foot building setback line perpendicular from said boundary and rising at not more than a 50 percent slope above the horizontal plane from said line. The maximum height shall not exceed 45 feet.

(LDC 2008, § 15A-19-14)

**~~Sec. 15A-19-15. Repealed~~**

**Sec. 21-19-19. SD-R-1-10--Thomas—2760 E. 9725 S.**

(a) *Purpose.* The Residential (SD R-1-10) District is established to provide a residential environment within Sandy City that is characterized by moderate densities, moderately large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

- (b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Alcoholic beverage Class E.
- q. Home occupation, Category II.

(c) *Development Standards.*(1) *Lot and Yard Regulations.*

- a. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.
- c. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this Code to the contrary, be developed with a front setback of at least 20 feet. Garage and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
- d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 20 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 20 feet (between dwelling structures).
- e. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet,

- provided that no portion of the building is closer than ten feet to the property line.
- f. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
  - g. *Accessory Buildings and Uses.* Regulated as per for R-1-10 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of the minimum square footage indicted in ~~the table in~~ R-1-10 Standards. All dwellings shall provide at least a double space garage.
  - (3) *Height of Buildings.* All buildings in an R-1-10 District shall be no higher than 35 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.
  - (4) *Planned Unit Developments (PUDs).* PUDs in an R-1-10 District shall be allowed a maximum of four dwelling units per gross acre.

(LDC 2008, § 15A-19-16; Ord. No. 12-14, 5-15-12)

**Sec. 21-19-20. SD(Carnation)—10600 S. 1000 E.**

(a) *Purpose.* The SD(Carnation) Zone is established to provide an area for convenience commercial retail services and professional and business offices with development standards compatible with those of contiguous properties.

(b) *Uses Allowed.*

- (1) *Permitted and Conditional Uses.* Permitted or Conditional Uses shall follow the use list for the CvC Zone, as listed ~~the Commercial Land Use Matrix in Section 21-8-2,~~ with the following exceptions:
  - a. All alcoholic beverage related land uses shall be not permitted within this district with the exception of Class A licenses.
  - b. All automotive-related land uses, including repair, oil change, gasoline dispensing, rental and other service activities, shall be not permitted within this district.

(c) *Development Standards.* The following standards shall apply specifically to development in the SD(Carnation) Zone. Where a specific standard is not mentioned, the development requirements of the CvC Zone District shall apply, in addition to general standards provided in ~~the Commercial/Industrial Development Standards Chapter Chapter 21-23.~~ Where conflict may be found to exist, the provisions of this zone district shall prevail.

- (1) *Planning Commission Review.* Review of all preliminary and final site plans in the SD(Carnation) Zone is required by the Planning Commission according to the standards outlined in ~~the Site Plan Review section of this Development Code Chapter 21-32.~~ A Traffic Study shall be submitted before Planning Commission review, as may be required by the Transportation Engineer.
- (2) *Building Setbacks.*
  - a. *From all Streets.* All buildings shall be set back at least 30 feet from the 10600 South Street right-of-way line. All buildings shall be set back at least 15 feet from the 1000 East realignment right-of-way line.
  - b. *Interior Yard.* There shall be at least a ten-foot setback from each interior property line.
- (3) *Landscaping.* The minimum depth of landscaping along the 10600 South street frontage and adjacent to all drive access points for the Dimple Dell Recreation Center Drive access roads shall be ten feet. Landscaping along the 1000 East Realignment shall be at least 15 feet.

(LDC 2008, § 15A-19-17)

**Sec. 21-19-21. Special District Mixed Use--SD-X--Ski Connect—9200 S. 1000 E.**

(a) *Purpose.* The purpose of the Special District Mixed Use SD-X Ski Connect is to provide for master-planned mixed use development to act as a cohesive development combining retail, commercial, higher density residential, office and public uses as specified below, under a Master Plan and standards which encourage

integration of uses and appropriate transition to abutting zones.

(b) *Master Development Plan (MDP)*. Development of any uses must be proceeded by an MDP which shows the following:

- (1) A reasonable modification of terrain from that required for mining uses to grades appropriate to other uses permitted within the SD-X Zone. Such plan should include an overall site and elevation analysis, grading profiles, revegetation plans, and an analysis of buffering necessary to appropriately transition between the property and neighboring residential areas.
- (2) Proposed land uses, residential densities, locations of open space, their acreage and integrations, and internal traffic circulation. Circulation plans shall include combined access points and shared easements between properties.
- (3) A general landscaping theme including common roadway berming and other landscaping integrations.
- (4) Pedestrian Access and Trails Plan, as outlined in Subsection (d)(6) of this section.
- (5) The Master Plan shall also include a conceptual layout showing the mix of office, retail commercial and residential uses proposed to be included on the site.

Any such plan must be approved by the Planning Commission prior to development.

(c) *Uses Allowed*.

- (1) *Matrix Explanation*. The matrix below lists all permitted uses within the SD(X) Zone. ~~The letters "P," "C," or "N" shall mean "Permitted," "Conditional," or "Not Permitted" respectively. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively.~~ For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

<i>Land Uses in SD(X) Zone</i>	
Uses	District
	<del>SD(X)</del>
Accessory apartments	N
Accessory structure (unless otherwise specified)	C
Agriculture	N
Alcohol or tobacco specialty store	N
Alcoholic beverage entertainment	N
Alcoholic beverage Class A license	P
Alcoholic beverage Class B license	P
Alcoholic beverage Class C tavern	N
Alcoholic beverage Class D license	C
Alcoholic beverage Class E license	C
Alcoholic beverage package agency	N
Alcoholic beverage private club License I	N
Alcoholic beverage private club License II	N
Alcoholic beverage state liquor store	P

All-terrain vehicles (ATV) sales and service	C
Alzheimer's facility	C
Ambulatory surgical facility	P
Ancillary commercial as part of a mixed use building	C
Animal hospital, veterinary office	P
Animal kennel, commercial	N
Animals (household pets or farm)	S
Aquarium	C
Arcade	P
Art gallery	P
Assisted living facility--large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	C
Assisted living facility--limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	C
Auto, light trucks, RV dealerships (new)--sale and services agencies	N
Auto, light trucks, RV dealerships (used)--sale and services agencies	N
Auto, light truck, RV, rental and leasing agencies	C
Automotive self-service station	C
Automotive service and repair--major	N
Automotive service and repair--minor	C
Automotive service station	C
Automotive service station, non-mechanical	C
Auto, truck, RV, equipment storage	N
Bed and breakfast facility	N
Birthing center	N
Boarding house	N
Botanical gardens	P
Business or financial services	P
Car wash	C
Cemetery, columbarium, mausoleum	N
Commercial, heavy	N
Commercial, parking	P
Commercial repair services	P
Commercial retail sales and services	P
Commercial, specialty	P
Commercial uses of a complimentary nature which are shown to be compatible and necessary for the development project	P
Community center	C

Community correctional facility	N
Comprehensive mental health treatment	C
Congregate care facility	N
Correctional facility	N
Crematory, embalming facility	N
Dance hall	N
Day care, adult	C
Day care, child	C
Day care, elderly	C
Day care, group	C
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	C
Dwelling, duplex	C
Dwelling, earth-sheltered	N
Dwelling, group planned	C
Dwelling, multiple unit	C
Dwelling, single-family	P
Earth station	C
Educational facility with housing	N
Equestrian facilities	N
Equipment sales and services	N
Extended living areas	N
Fraternity or sorority house	N
Garage sales (residential)	S
Guest house	N
Half-pipe ramps	N
Home health agency	C
Homeless shelter	N
Home occupation, Category I	P
Home occupation, Category II	C
Hospice	P
Hospital	N
Hotel	C
Industry, light	N
Industry, medium	N
Jail	N
Juvenile detention facility	N
Juvenile secure facility	N

Library	C
Manufactured homes	N
Manufactured/mobile home park	N
Medical and health care offices	P
Mixed use development	C
Mobile homes	N
Model home	C
Modular home	N
Mortuary, funeral home	N
Motel	C
Multifamily, 8 U/A	C
Non-depository institution	N
Nursing care facility	N
Nursing home, convalescent home, and rest home (must comply with development standards for that zone- (i.e., setback, height, bulk, min/max square footage))	C
Park and ride facilities	P
Parking, structure/terrace	P
Parking, Underground	P
Parks, public and private	C
Pawnshop	N
Permanent make-up	C
Planned unit development	C
Plant nursery	C
Prison	N
Professional office	P
Protective housing facility	N
Public service	C
Public utility station	C
Recreation center	C
Recreation, indoor	P
Recreation, outdoor	C
Recyclable materials collection/drop-off facility	N
Rehabilitation/treatment facility	N
Religious or cultural activity	C
Research and development facility	C
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	C

Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	C
Residential health care facility, residential care facility	C
Residential lease, short term	N
Restaurant	P
Restaurant, drive-up window	C
Satellite dish (ground or roof mount)	S
School, charter	P
School, commercial	C
School, commercial (low-impact)	P
School, private or quasi-public	C
School, public	C
Secondhand merchandise dealer (only allowed as an ancillary use with a fine jewelry store, non-depository institutions, or a pawnshop)	P
Sexually oriented business (escort agencies, outcall service agencies and semi-nude dancing agencies)	N
Sheltered workshop	P
Skatepark	N
Small health care facility	P/C
Social detoxification facility	N
Social or reception center, fraternal organizations	C
Solar equipment	S
Solid waste conversion facility	N
Stadium	N
Storage (mini-storage) facilities	N
Street vendors	N
Tattoo parlor	N
Theater	C
Trade or vocational school	P
Transitional care development	N
Transitional Housing Facility (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	N
Twin home	C
Warehouse, wholesale	N
Waste transfer station	N
Wind energy conversion system	S
Wireless telecommunication	S

Zero lot line development	C
Zoological gardens	N

- (d) *Development Standards.* All uses must be developed according to the following standards:
- (1) *Lot size.* No minimum is specified; however, lots shall be of sufficient size to ensure compliance with all building setback and off-street parking requirements as determined appropriate by the design of the project and approved by the Planning Commission.
  - (2) *Building Setback.* All buildings shall be set back at least ten feet from a public right-of-way or private road. Uses may be developed conjointly at the side yards with shared party walls. If buildings are not joined, there shall be at least a ten-foot setback from each side property line, and side yards shall be properly developed, as specified by Chapter 21-25. Where nonresidential buildings or uses abut residential districts of uses, buildings shall be set back at least 30 feet from the property line, and the side yard shall be developed and landscaped as established in Chapter 21-25.
  - (3) *Building Height.* No building shall exceed a height of 45 feet from finished grade to the peak of the roof line. An additional height bonus is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 30 feet) to a maximum height of 55 feet.
  - (4) *Residential Uses.* Residential uses shall be developed in accordance with either the PUD standards, the multifamily standards, or other residential standards in ~~the Sandy City Development Code~~ this title. Overall residential density shall not exceed 20 units per acre; however, dedicated green space and open space can be utilized in calculation of overall residential density.
  - (5) *Sign Regulations.* All signage shall conform to the sign regulations as outlined in the ~~Sandy City Development Code~~, sign regulations of this title.
  - (6) *Master Plan.* Regardless of the size and ownership of individual parcels, a Pedestrian Access and Trails Plan ("PATP") for the overall development must be submitted to the Planning staff for review and approval by the Planning Commission. The plan must show pedestrian access and trails in all phases of the development (including any phasing plans) and both existing and future access to development on adjoining properties, determined through consultation with City staff and adjoining property owners.
  - (7) *Large Retail Uses.* Large retail uses (big boxes) shall be limited to no more than two on the overall site unless otherwise approved by the Planning Commission.
  - (8) *Pedestrian Access.*
    - a. All buildings within the development shall be designed to be pedestrian-friendly by way of connecting walkways.
    - b. Sites shall be designed to allow for safe pedestrian access from parking areas to the building, from building to building, from the building to adjacent developments and from buildings to the public sidewalk to minimize the need to walk within the parking lot among cars.
    - c. Pedestrian access may be accomplished with raised planters and sidewalks with the planters being at least five feet in width and the sidewalk being at least six feet in width. At least one sidewalk/planter connection between the building and perimeter street is required.
    - d. Pedestrian connections shall also be made, when feasible, between developments, between buildings within a development, to any streets adjacent to the property and to any pedestrian facilities that connect with the property.
    - e. Walkways and connections to trail systems shall be incorporated into the project.
    - f. Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order to break up expanses of hard surfacing and to encourage pedestrian interest and activity.
    - g. Extensive use of crosswalks shall be incorporated within the project, at intersections, mid-blocks, within parking lots, or other needed pedestrian connections. Crosswalks shall be configured to be

a design feature of the development (i.e., heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use). Bulb-outs and other pedestrian designs shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and act as a refuge for crossing pedestrians.

(9) *Parking.*

- a. Developments will not be allowed to be over-parked without justification and approval from the Planning Commission. Developments are encouraged to provide employees with access to multi-modal transit systems (i.e., eco passes, etc., for bus and light rail) in order to decrease the need for parking and transit trips to the development site.
- b. Developments may also be under-parked if justified with a walkable design that demonstrates such.
- c. The use of shared parking with adjacent sites is encouraged according to the shared parking provisions of ~~the Sandy City Off Street Parking Ordinance Chapter 21-24~~ in order to reduce unnecessary parking areas and to encourage pedestrian activity.

(10) *Traffic Impact Mitigation.* As each phase of the development is submitted for site plan review, the Traffic Impact Study shall be updated, based upon the actual uses proposed and in accordance with the recommendations of the Sandy City Transportation Engineer.

(11) *General Standards.*

- a. The development standards of ~~the Commercial/Industrial Development Standards Chapter Chapter 21-23~~ shall also apply to this zone.
- b. The Sandy City Architectural Design Standards shall be applied to the design of this development.

(LDC 2008, § 15A-19-18; Ord. No. 10-26, 7-30-2010; Ord. No. 14-01, 3-6-2014)

**Sec. 21-19-22. S.D.(R2.0) Residential District (Sunset Ridge Subdivision, Sodorborg, and Andrus Properties—3000 E. 9200 S.).**

(a) *Purpose.* The S.D.(R2.0) Residential District is established to provide a residential environment within Sandy City that is characterized by low densities, large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. Agriculture (which does not include the keeping of farm animals) is allowed; special provisions are included for the allowance of farm animals on an individual district basis by consent of property owners. ~~Numbers following the land uses refer to Definitions.~~

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home Occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.
- h. Planned unit development.

- i. Public service.
  - j. Public utility station.
  - k. Recreation, outdoor.
  - l. Religious, cultural activity.
  - m. School, private or quasi-public.
  - n. School, public.
  - o. Zero lot line development (detached only).
  - p. Home Occupation, Category II.
- (c) *Development Standards.*
- (1) *Lot and Yard Regulations.*
- a. *Density Requirement.* Developments shall not have greater than two dwelling units per gross acre.
  - b. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of any development shall not be less than 15,000 square feet.
  - c. *Frontage.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.
  - d. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this Code ~~to the contrary~~, be developed with a front setback of at least 20 feet. Garage and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
  - e. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 18 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 18 feet (between dwelling structures).
  - f. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 30 feet, or on irregular lots, an average of 30 feet, provided that no portion of the building is closer than ten feet to the property line.
  - g. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
  - h. *Accessory Buildings and Uses.* Regulated as per for R-1-20 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.
- (3) *Height of Buildings.* Same as R-1-10 Zone
- (4) *Planned Unit Developments (PUDs).* PUDs in an S.D. (R2.0) Residential District shall be allowed a maximum of 2 1/2 dwelling units per gross acre. Refer to ~~the Planned Unit Development District Section of the Residential Development Standards Chapter Section 21-20-7~~ Section 21-20-7 for development standards.

(LDC 2008, § 15A-19-19)

**Sec. 21-19-23. S.D.(R2.3) Residential District (Granite Farm Property--3100 E. 9500 S.).**

- (a) *Purpose.* The S.D.(R2.3) Residential District is established to provide a residential environment within

Sandy City that is characterized by low densities, large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. Agriculture (which does not include the keeping of farm animals) is allowed; special provisions are included for the allowance of farm animals on an individual district basis by consent of property owners. ~~Numbers following the land uses refer to Definitions.~~

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home Occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Home Occupation, Category III.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Density Requirement.* Developments shall not have greater than 2.3 dwelling units per gross acre.
- b. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of any development shall not be less than 15,000 square feet.
- c. *Frontage.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.
- d. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this ~~Code~~ Code title to the contrary, be developed with a front setback of at least 20 feet. Garage and carports, or the garage portion where the garage is part of the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).

- e. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 18 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 18 feet (between dwelling structures).
  - f. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 30 feet, or on irregular lots, an average of 30 feet, provided that no portion of the building is closer than ten feet to the property line.
  - g. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
  - h. *Accessory Buildings and Uses.* Regulated as per for R-1-15 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.
  - (3) *Height of Buildings.* Same as R-1-10 Zone.
  - (4) *Planned Unit Developments (PUDs).* PUDs in an S.D.(R2.3) Residential District shall be allowed a maximum of 2 1/2 dwelling units per gross acre. Refer to ~~the Planned Unit Development District Section of the Residential Development Standards Chapter Section 21-20-7.~~

(LDC 2008, § 15A-19-20)

**Sec. 21-19-24. SD(PO)(Union Heights) Professional Office District--7700 S. 1300 E.**

(a) *Purpose.* The SD(PO)(Union Heights) Professional Office Zone is established to provide an area for professional and business offices, service and employment activities, which locations and site improvements are built such that a desirable appearance is projected toward public streets and such that compatibility can be maintained with adjacent land uses. It is intended that development within this zone be a walkable community, that is, that patrons to one location within the development can walk safely and serenely to other areas of the development to minimize unnecessary vehicle use. This is achieved by the clustering of buildings, placement of plazas and other outdoor features, and so on.

(b) *SD(PO)(Union Heights) Zone Subdistricts.* The zone also establishes subdistricts within the SD(PO)(Union Heights) Zone which are described hereafter.

- (1) The "Professional Office Subdistrict" (PO) is established as a subdistrict within the SD(PO)(Union Heights) Zone to encourage high-rise office building type development along the Union Park Avenue Corridor. This district extends from the existing gas station development to the north end of the zone, and from the existing gas station development to the west end of the zone.
  - (2) The "Convenience Commercial Subdistrict" (CvC) is established as a subdistrict within the SD(PO)(Union Heights) Zone to encourage small scale support commercial uses, such as a gas station, small retail shops, and perhaps a fast food restaurant. This district includes the existing gas station site, beginning at the northwest corner of the intersection of 7720 South and 1300 East approximately 220 feet north along 1300 East, and approximately 220 feet west along 7720 South.
- (c) *Uses Allowed.*
- (1) Regardless of the size and ownership of individual parcels, a development plan must be submitted showing both existing and reasonable projected development on adjoining properties, determined through consultation with adjoining property owners. The intent of the above is to effectuate the end result of an overall planned development with appropriate cross-easements, consistent site standards, etc., even though properties may be individually owned.
  - (2) The matrix below lists all permitted uses within the PO and CvC Subdistricts of the SD(PO)(Union Heights) commercial zone. The letters "P," "C," or "N" shall mean "Permitted," "Conditional," or "Not Permitted," respectively.

<i>Land Use</i>	<i>PO Subdistrict</i>	<i>CvC Subdistrict</i>
Alcoholic beverage Class A	N	P
Alcoholic beverage Class B	C	C
Alcoholic beverage Class D	N	C
Alcoholic beverage Class E	C	C
Athletic, tennis or racquet club	C	N
Automotive self-service station	N	C
Automotive service station	N	C
Business or financial services	P	P
Commercial retail sales and services--ground floor only	P	P
Commercial retail sales and services--2nd floor and above	C	N
Day care, group	C	N
Medical and health care offices	P	N
Parking structure	P	N
Restaurant	P	P
Restaurant with drive-up window	C	C
School, commercial	C	N
Social or reception center	C	C
Theater	P	N

(d) *Development Standards.* The following standards are to be considered as applying specifically to development in the SD(PO)(Union Heights) District, in addition to general standards provided elsewhere in this Code title:

- (1) *Building Height.* One building may be erected to a height no greater than 88 feet, as measured from original grade to highest occupied story, including parapets at the building perimeter. Height measurement does not include required mechanical structures, such as an elevator penthouse or HVAC equipment. All other buildings shall be no taller than 45 feet in height as measured from existing grade at the center of the building to the top of perimeter parapet walls, except for theater and retail entrance features, which shall not exceed 56 feet in height measured from the base of such features. A theater tower shall be permitted not to exceed 90 feet in height measured from the base of the tower. Parking structures shall be located at least 100 feet from a residential use and shall be limited to three levels not exceeding 25 feet in height measured from existing grade at the center of the structure. A religious or cultural building/activity is not considered a residential use for the purposes of this SD Zoning District.
- (2) *Setback Requirements.* All structures, including parking structures, shall be set back at least 30 feet from all residential use property lines, at least 20 feet from all property lines adjoining public streets, and at least ten feet from all other exterior property lines. A religious or cultural building/activity is not considered a residential use for the purposes of this SD Zoning District. The gas station shall be deemed part of the development for the purposes of this section.
- (3) *Landscaping.* Landscaping guidelines are established to maintain the site qualities that exist in the High Point and Union Park areas and minimize alteration, removal, or degradation of landscaping that currently exists in the area. All front yard landscaping (areas adjacent to a public right-of-way) shall have

a minimum depth of 15 feet.

- a. Landscape Plans. No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.
- b. Timeline. Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Division as seasonal conditions may dictate.
- c. Land Areas to be Weed-Free or Landscaped. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.
- d. Bond Required. The developer shall bond for such landscape improvements to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.
- e. Plant Materials.
  1. 60 percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.
  2. 40 percent small trees and shrubs in a combination with deciduous trees with a caliper of 1 1/2 to two inches and evergreen trees with a height of four feet.
  3. Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.
  4. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species-type, location, and spacing of trees shall be as shown on the approved Landscape Plan, in compliance with designated streets within the City's Streetscape Plan. Spacing of trees along public rights-of-way may be modified to preserve vistas into the site as approved by the Planning Commission.
- f. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
- g. Maintenance. It shall be the responsibility of the developer to properly maintain landscaped areas, including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner. Pruning trees for exposure is prohibited.
- h. Vegetation Removal.
  1. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable individual caliper in compliance with the City's Streetscape Plan, unless otherwise approved by the Planning Division.
  2. When utility connections or other disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Community Development Director.

(4) Grading and Drainage.

- a. Drainage from any lot must follow current Sandy City requirements. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.
- b. A site plan with grading, drainage, and clearing plans must be approved by the Planning Commission before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade.

- (5) *Utilities.* All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.
- a. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.
  - b. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.
  - c. Prior to construction, contact must be made with "Blue Stakes" to identify underground utility lines.
- (6) *Signage.*
- a. *General Signage.* Signing on the office building shall be limited to pan channel wall signs in compliance with Chapter 21-26, with a maximum of four signs per facade on two building facades, with one of the signs being a building identification sign.
  - b. *Low-profile (monument) signs.* Freestanding monument signs may be permitted with the following limitations: The sign shall have as the prominent feature the name of the building (i.e., "Union Heights," etc.). The top two feet of the sign is to be utilized to identify the name of the project. Because of this limitation on sign copy, the overall height of the sign may be increased to eight feet, but if placed upon a landscape berm, may not exceed an overall height of 11 feet above sidewalk grade. The sign shall not be located upon the public right-of-way. It may not extend into the required sign visibility triangle, unless otherwise approved by the City Transportation Engineer. The lettering font style for tenant identification shall be the same for all tenants. The materials for the sign (i.e., the base and decorative elements of the structure) are to be similar to that of the development.
- (7) *Architectural Design and Materials.* The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Requirements applicable to all buildings are ~~stated below~~ as follows:
- a. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular traffic and adjacent properties.
  - b. Basic materials shall be limited to no more than four types of materials per building and all buildings within the development shall possess a similar architectural theme. Preferred materials include, but are not necessarily limited to, architecturally treated pre-cast concrete, brick, stone, granite, ceramic tile, architectural metals and non-reflective glass, with limited amounts of stucco only. Ground level finishes shall generally be the more durable materials, such as stone, metals and glass, while the upper floors may utilize stucco. Color, building materials, and architectural design may vary if approved by the Planning Commission as being compatible with surrounding development.
  - c. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.
  - d. In general, color of exterior building materials shall be composed of earth tones to encourage buildings to blend into the environment. They shall be limited to no more than four major colors per development. If glass surfaces are to be tinted, such tinted glass shall be considered as one of the colors allowed and shall conform to the color requirements included herein.
  - e. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building, whether located on the ground or on the roof. Screen materials shall be compatible with those of the building.
  - f. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the

## SD(PO)(Union Heights) Zone.

(8) *Buffers, Fences, and Walls.*

- a. The intent in having special buffer, sound-reducing fence, and wall requirements is to provide physical and visual protection between commercial and residential uses.
- b. Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas.
- c. Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials. In all cases, the minimum fencing between commercial uses and adjacent residentially zoned property shall be an opaque, sound-reducing fence, such as masonry block or brick.
- d. The opaque fence shall be a minimum of six feet in height, but not more than eight feet. A lower height fence may be required adjacent to a front property line for sight distance and traffic safety. Walls above six feet shall first be reviewed and approved by the Planning Commission during site plan review.
- e. Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be the discretion of the Planning Commission. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.
- f. Service areas shall be properly screened. Outdoor lighting shall be designed to prevent exposure of light source to the view of residents. Facilities that require late night customers and activities shall be directed away from residential areas to reasonably prevent disruption of privacy. Building entrances and exits shall not face adjoining residential properties with no pedestrian circulation allowed within the 30-foot setback area between the residential and commercial uses.

(9) *Parking Areas.* A parking structure shall be permitted within the zone. Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.

- a. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
  1. Type of land use and structure.
  2. Building height and configuration.
  3. Relationship to other buildings, both horizontally and vertically.
  4. Natural land features such as slopes and vegetation.
  5. Physical features such as controlled ingress and egress.
  6. Visibility from vehicular approaches and distant highways.
- b. A minimum of ten feet of landscaped screening consisting of mixed evergreen and deciduous trees shall surround the periphery of paved areas adjacent to buildings or property lines. The number of trees for this area shall be determined by a standard of one tree per every 200 square feet of landscaping required.

(10) *Outdoor Lighting.*

- a. All street light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Exterior wall-mounted floodlights are expressly prohibited. For parking lot lighting,

pole-mounted fixtures are recommended. Lighting of all pedestrian pathways is recommended. Lighting of a building and site identification signs are permitted as allowed by Chapter 21-26.

- b. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that neighboring areas will not be adversely affected by glare or excessive direct light.
  - c. All public street lights shall be installed as required by the Street Lighting Policy. Decorative pole lights are encouraged in the internal retail village streets where they do not project into adjoining residential areas.
- (11) *General Maintenance.* An overall maintenance schedule shall be implemented by property owners in maintaining all buildings, landscaping, fences, walls, drives, parking lots (including surfacing and striping), signs, or other structures. The above shall be maintained in good and sufficient repair in a safe and aesthetically pleasing manner. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles.
- (12) *Walkways, Courtyards, Plazas.* Materials for walks, courtyards, and plazas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Untreated areas composed of a mixture of water, cement, gravel, sand, lime and coloring that has been mixed in proper proportions and allowed to set and cure must have an anti-skid design or additional treatment. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.

(LDC 2008, § 15A-19-21)

**Sec. 21-19-25. SD PO/R--Library--10200 S. 1300 E.**

(a) *Purpose.* The purpose of ~~the~~ this zone is to provide an area for single-family residential and another area for professional and business offices, non-retail services and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. Developments adjacent to residential areas shall have a residential look to enhance compatibility. Developments adjacent to commercial zones shall act to buffer less dense residential developments or districts. Developments shall be reviewed by the Planning Commission as a part of site plan review.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

a. *Area 1. Professional Office (Library).*

- 1. Library.
- 2. Business and financial offices.
- 3. Medical and health care offices.

b. *Area 2. Residential (R-1-8, R-1-9, R5.7).*

- 1. Single-family residential.
- 2. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Day care, group.
- b. Dwelling, residential facility for elderly persons.
- c. Dwelling, residential facility for the handicapped.
- d. Nursing care facilities.
- e. Public service.
- f. Religious or cultural activity.
- g. School, private or quasi-public.

- h. School, public.
  - i. Home occupation, Category II
- (c) *Development Standards.*
- (1) *Nonresidential.*
- a. *Building Height.* Buildings shall be erected to a height no greater than 12 feet to the roof line (where the roof meets the wall) measured horizontally from the curb height along the west side of Petunia as it extends between Buttercup and Segó Lily extending west to a point 80 feet from the property line at 1300 East. Those buildings which abut 1300 East shall be erected to a height no greater than 12 feet to the roof line (where the roof meets the wall) measured from the curb height along the east side of 1300 East at the 30-foot setback. The overall height of a building abutting from the intersecting points at the 30-foot setback and 12-foot roof line height to the intersecting points at the 80-foot setback line from 1300 East and overall building height of 35 feet, as measured from the curb at 1300 East. (See diagram.)
  - b. *Setback Requirements.* All buildings shall be set back at least 30 feet from all property lines. Uses may be developed adjoining at the side yards with shared party walls. If buildings are not joined, there shall be at least a ten-foot setback from each side and 30-foot rear setback. Where nonresidential districts abut residential uses or districts, nonresidential buildings shall be set back at least 30 feet from the property line and the side yard shall be developed and landscaped as described in ~~the Commercial/Industrial Development Standards Chapter 21-23.~~
  - c. *Additional Building Height.* Building height for the SD Professional Office property located directly east of the existing commercial development will conform to a 35-foot maximum ridge height and 12-foot roof line height measured from the Segó Lily curb height at the eastern edge of the property line where it meets Segó Lily.
  - d. *Development Adjacent to Residential Districts.* Developments adjacent to residential districts shall have a residential look to enhance compatibility.
- (2) *Residential Standards.*
- a. *Lot and Yard Regulations.* As per Residential District R-1-9 for the area zoned R-1-9 and Residential District R-1-8 for the area zoned R-1-8.
  - b. *Size of Buildings.* All dwellings regardless of the underlying zoning shall be comprised of the following minimum square footage:
    1. One-story: 1,300 square feet with a double garage required.
    2. Two-story: 1,625 square feet with a double garage required.
    3. On multi-level homes, the upper two levels shall equal 1,300 square feet.
  - c. *(R5.7) Subdistrict; Special Standards.* The R5.7 residential subdistrict shall comply with the following development standards for all development:

<i>Setbacks</i>		
Front	(To porch or other occupied space)	20 ft. min. to back of curb
Front	(To garage)	18 ft. min.
Side		5 ft. min.
Rear		15 ft. min. (irregular lots may be averaged, provided no point is closer than 10 ft.)
<i>Lot Width</i>		

Single-family		50 ft. min. at front setback line
Twin home		42 ft. min. at front setback line
<i>Lot Size</i>		
Single-family		4,700 sq. ft.
Twin home		3,950 sq. ft.
<i>Building Height Maximum</i>		
All home styles	Measured to the mid-point of the roof line	30 ft.
<i>Home Size Minimum</i>		
All home styles	Excluding the garage	1,400 sq. ft.
<i>Enclosed Parking Minimum</i>		
All home styles	Attached Garage Required	2-car garage, minimum dimensions of 20 ft. by 20 ft.
<i>Placement of Units</i>		
Twin homes	All Units shall be placed within 300 feet of Segó Lily Drive	The number of twin homes shall not exceed 20
Single-family	No limit on location of units--may be interspersed among the twin homes	No limit on the maximum of single-family units
<i>Maximum Density</i>		
The maximum density shall not exceed 5.7 units per acre. The density calculation shall not include land dedicated or used for Segó Lily Drive. The Planning Commission is not required to approve 5.7 units per acre. They may approve up to that maximum limit. Actual number of units that are approved will be based upon the design and layout of the subdivision, amenities that may be required by the Planning Commission, required street system, existing easements for utilities, trails and slope protection.		

(d) *Supplementary Regulations.*

- (1) All zoning designations and their acreages shall be developed as shown in Exhibit A (the Master Plan for the site).
- (2) All proposed residential zoning shall show a proposed layout approved prior to the approval of the overall zoning. The proposed layout or the lot yield shall be determined only after the proposal has been reviewed in accordance with the City's subdivision regulations.
- (3) A three-dimensional scale model topographically accurate must be submitted for approval prior to any project development and required site approval, not to include individual homes.
- (4) All zoning and use requirements in the specific zones will be developed and improved according to the requirements of ~~the Sandy City Development Code~~ this title, including dedication and improvement of roadways.
- (5) All developments will proceed through site plan review or subdivision review as required by City ordinance.
- (6) The Alta Quadrant Community Council is to be notified by the owner/developer and Sandy City of any

pending site plan development at the time of the pre-application conference for full site plan review.

- (7) Developments adjacent to residential districts will have a residential look to be as compatible as possible with existing adjoining residential development. This residential treatment will be of similar building material, landscaping, height and other requirements that might be required by any site plan review process to provide the desired compatibility.
- (8) Prior to zoning being granted, the developer will submit proposed draft layouts of subdivisions for all proposed residential zoning districts to show that the property can be developed residentially. This does not constitute approval of the subdivision by the City which must be obtained by the submission of formal subdivision plats and processing them through the City's subdivision approval process at the appropriate time.
- (9) Lots directly abutting Buttercup Drive may be developed and built first. If only these lots are built upon, they shall not be considered a part of any phasing requiring further improvements to the entire site.
- (10) Improvements.
  - a. All streets shall be developed to the City's standards, including width, dedication of curb, gutter and sidewalk.
    1. Streets shall be developed and dedicated to the following widths:
      - (i) Sego Lily: 80 feet.
      - (ii) Petunia: 60 feet.
      - (iii) Buttercup: 60 feet.
      - (iv) 1300 East: 106 feet.
      - (v) Any other streets necessary, and their widths shall be determined by the City's Traffic Engineer.
  - b. The developer shall complete improvements, including curb, gutter and sidewalk. Landscaping shall be placed along Buttercup between Peach Blossom and 1300 East. The completion of this street shall take place immediately upon zoning.
  - c. All new water hookups, lines and hydrants must comply with Fire and Water Department pressure requirements.
  - d. All perimeter work (i.e., landscaping, walkways, common areas and fencing) will be completed prior to any occupancy, excluding the library, which may be occupied prior to all perimeter work being completed.
  - e. All public improvements shall be guaranteed for 24 months after installation and acceptance by the City by the posting of a bond acceptable to the City.
  - f. All back-facing lots will include curb, gutter and sidewalk, fencing and street landscaping, including irrigation (automatic sprinklers), and these areas will be placed in a Special Improvement District to maintain street landscaping, fencing, etc. Tree caliper will be two inches in size.
  - g. The office development will be fully landscaped front, side and rear, with the parking lot dividers (planter area) a minimum of five feet wide to support shrubs, trees and grass. Tree caliper will be two inches in diameter with all shrubs of at least a five-gallon size. All landscaped areas will include automated sprinkler systems with sufficient coverage to supply two inches of water per square inch per week to all landscaped areas.
  - h. All perimeter work, landscaping, including automatic sprinkler systems, walkways, common areas and fencing, will be completed prior to any occupancy of that particular phase of the development. A development phase will be defined as any development on a piece of property that has a common zone, boundaries such as a dedicated roadway and/or property lines encircling a piece of the property or as shown as a development phase on the rezoning plat.
  - j. The library property developer will be responsible for the finished street treatment (i.e., curb, gutter,

and sidewalk) along the south side of Buttercup between 1300 East and Petunia, as well as the library frontage on both 1300 East and Petunia.

- k. The following streets will be developed on or before September 30, 1989, according to City standards regarding the road base, cut and fill, asphalt and gravel specifications to the following widths:
  - 1. Sego Lily: 60 feet;
  - 2. Petunia: 40 feet.

Others shown on the zoning maps will be developed at the time of the development of that phase and will take place as required by the Sandy City Traffic Engineer. The final development, curb, gutter, sidewalk and street lighting of Sego Lily and Petunia could take place in two phases. At the time of development of any of the residential property north of Sego Lily, the north side of Sego from the existing residential development through to 1300 East and the west side of Petunia from the Library property to Sego Lily will be completed. Should the south side of Sego Lily be developed before the north side, then curb, gutter, sidewalk and street lighting on the south side of Sego Lily will be completed from the existing residential development through to 1300 East. Whenever the office property on the south side of Sego Lily is developed, the curb, gutter, sidewalk, street lighting and street landscaping of Sego Lily west to 1300 East will be completed.

(11) Access.

- a. In order to provide a very workable development between the library and the office zone to the south, an open flow of traffic will be permitted with two 40-foot openings to be provided between the adjoining parking lots. This open access will allow for a common complex design and sharing of landscaping, screening, common areas and shared parking for both the library and office complex. The open park-like atmosphere will enhance the desirability of the office development by including the library and all landscaping as part of the overall complex.
- b. There shall be no access between the office and vacant commercially zoned property on the southeast corner of this site.
- c. There shall be no access from 1300 East except for Sego Lily Drive and Buttercup Drive. There shall be no left turn permitted from 1300 East onto Buttercup Drive.
- d. There shall be access to the library parking lot from the parking south of the library site.
- e. There will be no access between the professional office zone and the presently vacant commercially zoned property on the southeast corner of this site. However, should the commercially zoned property be rezoned professional office or developed as a Professional Office complex, access between two similarly zoned properties would be permitted. Likewise, if a road were dedicated between Sego Lily and the commercial property to the south, then access could be accomplished by the dedication of this roadway.
- f. Dedicated access in the form of an eight-foot walkway will be provided to the LDS church from the street just west of Countrywood Drive. Dedication of the property and location on zoning plats is all that is expected from the landowner with all improvements and maintenance handled at the time of the residential development by the developer. Walkways will be included in the special improvement district created to take care of the back-facing lot treatment for this residential development.

(12) Fencing.

- a. All rezoned residential property which abuts existing residentially zoned property will be separated from such property by six-foot wall constructed of cedar or redwood fencing material to provide a treatment that will maintain a consistent wall or fence along the common property line. Where nonresidentially property abuts residential property, there will be a six-foot masonry wall of approved building material of light earth tones.
- b. All back-facing lot fencing will be constructed similar to fencing facing treatment of the Summer

Meadows development on the west side of Highland Drive on Newcastle. Fences ~~being~~ will be six feet high with brick pillars two feet square and a maximum of 64 feet apart capped with appropriate concrete cap. This fence treatment, curb, gutter, sidewalks, landscaping and sprinkler system will be completed prior to the occupancy of any of the residential property east of Petunia and north of Segó Lily.

(LDC 2008, § 15A-19-22; Ord. No. 10-26, 7-30-2010)

**Sec. 21-19-26. SD(R-2-A) Fluckiger—1770 E. 11400 S.**

(a) *Purpose.* The Residential SD(R-2-A) District is established to provide a residential environment within Sandy City that is characterized by low densities, large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. Agriculture, including the keeping of farm animals, is allowed.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Extended living areas.
- d. Farm animals.
- e. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling, group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Model home.
- q. Accessory apartment.
- r. Bed and breakfast facility.
- s. Home occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Density Requirement.* Developments shall not have greater than two dwelling units per gross acre.
  - b. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
  - c. *Frontage.* The minimum width of any lot for a dwelling shall be 95 feet measured 30 feet from the front property line.
  - d. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this ~~Code title~~ to the contrary, be developed with a front setback of at least 20 feet. Garage and carports, or the garage portion where the garage is part of the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
  - e. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least ten feet, and the total distance of the two side setbacks shall be at least 24 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 24 feet (between dwelling structures).
  - f. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line distance of at least 30 feet, or on irregular lots, an average of 30 feet, provided that no portion of the building is closer than ten feet to the property line.
  - g. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
  - h. *Accessory Buildings and Uses.* Regulated as per.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.
  - (3) *Height of Buildings.* Same as R-1-20 Zone.
  - (4) *Planned Unit Developments (PUDs).* PUDs in an SD(R-2-A) Residential District shall be allowed a maximum of 2.3 units per gross acre. Refer to ~~the Planned Unit Development District section of the Residential Development Standards Chapter Section 21-20-7.~~
  - (5) *Standards for Accessory Apartments and Extended Living Areas.*
    - a. This Subsection (5) is established to provide regulations and design standards for accessory apartments and extended living areas within single-family dwellings in residential zone districts where allowed. Accessory apartments may be allowed by conditional use permit in order to make housing units available to moderate income households, thereby providing economic relief to those homeowners who might otherwise be forced to leave the neighborhood.
    - b. Extended living areas shall be allowed as a permitted use in order to make living units available which are appropriate for households at a variety of stages in the life cycle, as defined in ~~the Definitions Chapter Chapter 21-37.~~
      1. *Requirements for Approval.*
        - (i) A conditional use permit may be granted by the Planning Commission for accessory apartments provided that the ~~following~~ requirements herein are met, in addition to the requirements in Chapter ~~15-23, Conditional Use 21-33.~~ Review and approval by the Community Development Department may be granted for extended living areas provided that the ~~following~~ requirements herein are met.
        - (ii) The granting of a conditional use permit for an accessory apartment or a use permit for an extended living area shall not be exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.

- (iii) The following pre-conditions and documentation are required:
    - A. A letter of application sworn before a notary public shall be provided by the owners stating that such owners will occupy ~~the~~ said dwelling, except for bona fide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.
    - B. The effective period of the conditional use permit for accessory apartments shall be two years from the date of the original permit. At the end of every two years, renewal shall be automatically granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use permit. The Planning Commission, in its sole discretion, may require a new application and demonstration of compliance with all conditions necessary for a conditional use permit.
    - C. Building plans or a floor plan of one-fourth inch to the foot showing the floor in which the apartment or extended living area will be located shall be provided.
2. *Design standards for Accessory Apartments and Extended Living Areas.*
- (i) Only one apartment or extended living area shall be created within a single-family dwelling and said area shall be clearly a subordinate part of the dwelling.
  - (ii) The owners of the residence shall live in the dwelling in which the apartment or extended living area is created, except for bona fide temporary absences.
  - (iii) The accessory apartment or extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including prohibition of separate utility meters, separate addresses and mail boxes, etc. In general, any new entrances shall be located on the side or in the rear of the building. In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area, nor be greater than 1,020 square feet (including the staircase), nor have more than two bedrooms, unless, in the opinion of the Planning Commission, a greater or lessor amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.
  - (iv) The design and size of the apartment or extended living area shall conform to all applicable standards in the Fire, Building and Health Codes. In addition, extended living areas shall have free-flow access with other portions of the dwelling.
  - (v) At least three off-street parking spaces shall be available for use by the owner-occupant.
  - (vi) Extended living areas shall be used for family members only or for employed household maintenance personnel on a non-rental basis.
  - (vii) Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.

(LDC 2008, § 15A-19-23)

**Sec. 21-19-27. SD(PO) Willow Creek Center—8170 South Highland Drive.**

(a) *Purpose.* The SD(PO) Zone is established to provide an area for professional and business offices, non-retail services, and other uses not including merchandising, warehousing, and manufacturing, which do not project business hours inconsistent with the harmony of contiguous zones. Developments adjacent to higher commercial zones shall act as a buffer zone between residential and commercial developments. To ensure neighborhood compatibility, all developments shall be approved by the Planning Commission as a part of site plan review.

(b) *Uses Allowed.* All structures constructed and all activity conducted in this zone are conditional uses. The only permitted uses are those specifically listed or those which are compatible to the purpose and intent of this ordinance section and shown in the next preceding section as listed in Subsection (b)(1) of this section.

(1) *Permitted Uses.*

- a. Architects.
- b. Artists.
- c. Certified public accountants.
- d. Chiropractors.
- e. Doctors.
- f. Insurance (not claims adjustment).
- g. Lawyers.
- h. Nurses.
- i. Professional registered engineers.
- j. Psychologists.
- k. Public reporters (including court reporters).
- l. Realtors.
- m. Dentists.
- n. Psychiatrists.
- o. Physical therapists.

(2) *Conditional Uses.*

- a. Banking and financial institutions.
- b. Common area offices.
- c. Business offices.
- d. Sales representative.
- e. Other uses compatible with this zone.

(c) *Development Standards.*

- (1) *Sign Requirements.* Only monument, directional, directory, wall, and projecting signs shall be permitted, compatible with the general objectives and permitted uses of this zone. The number, type, size, and location of signs shall be approved by the Planning Commission during site plan review in conformance with ~~the Sign Ordinance Standards Chapter 21-26.~~
- (2) *Nuisances.* No portion of the property shall be used in such a manner as to create a nuisance to the adjacent sites, such as, but not limited to, vibration, sound, electro-mechanical disturbances, electro-magnetic disturbances, radiation, air or water pollution, dust, and emission of odorous, toxic or noxious matter.
- (3) *Modifications.* Proposed changes shall be subject to a zoning amendment reviewed and approved by the Planning Commission and City Council with appropriate public hearings, etc.
- (4) *Use and Hours Restrictions.* The uses conducted in this zone shall not have inventories, shall not involve retail sales, and shall conduct no activity which would involve the collection of sales tax. No business shall be conducted by any of the uses allowed in this zone before 7:00 a.m. or after 6:00 p.m., nor any Sunday activities, except in a bona fide emergency situation.
- (5) *Building Height Restrictions.*
  - a. 35 feet from grade at street elevation;

- b. 20 feet from grade for structures adjacent to residential areas.
- (6) *Parking Ratios.*
  - a. Professional, business offices, and financial institutions: three parking stalls per 1,000 square feet of gross floor area.
  - b. Medical, dental and health services: four parking stalls per 1,000 square feet of gross floor area.
- (7) *Lighting Requirements.* Lighting of parking areas, buildings, signs, landscaping, etc., shall be directed away from residential areas. Down lighting shall be used in parking areas and shall be located at least 60 feet from residential property lines.

(LDC 2008, § 15A-19-24)

**Sec. 21-19-28. SD(R-1-7)—7500 S. 400 E.**

(a) *Purpose.* The residential SD(R-1-7) District is established to provide a residential environment within Sandy City that is characterized by moderate to low densities, ~~and~~ a minimum of vehicular traffic, and quiet residential neighborhoods favorable for family life.

- (b) *Uses Allowed.*
  - (1) *Permitted Uses.*
    - a. Agriculture (which does not include the keeping of farm animals).
    - b. Dwelling, single-family.
    - c. Home occupation.
    - d. Home occupation, Category I.
  - (2) *Conditional Uses.*
    - a. Accessory apartments.
    - b. Bed and breakfast facility.
    - c. Cemetery, columbarium, crematory, mausoleum.
    - d. Day care, group.
    - e. Dwelling, earth-sheltered.
    - f. Dwelling, group planned.
    - g. Dwelling, residential facility for elderly persons.
    - h. Dwelling, residential facility for the handicapped.
    - i. Model home.
    - j. Park and ride facilities, on arterial streets.
    - k. Planned unit development.
    - l. Public service.
    - m. Public utility station.
    - n. Recreation, outdoor.
    - o. Religious, cultural activity.
    - p. School, private.
    - q. School, public.
    - r. Zero lot line development (detached only).
    - s. Alcoholic beverage Class E.
    - t. Home occupation, Category II.

(c) *Development Standards.*(1) *Lot and Yard Regulations.*

- a. *Lot size.* An area of not less than 7,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, the average size of all lots within a development shall be at least 7,500 square feet.
  - b. *Frontage.* The minimum width of any lot for a dwelling shall be 70 feet, measured 30 feet back from the front property line.
  - c. *Front Yard Requirements.* Same as Zone R-1-8.
  - d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least seven feet.
  - e. *Rear Yard Requirements.* Same as Zone R-1-8.
  - f. *Corner Lots.* Same as Zone R-1-8.
  - g. *Accessory Buildings and Uses.* Regulated as per for R-1-8 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of at least 1,000 square feet of space, same as R-1-8. All dwellings shall be provided with a double garage.
- (3) *Height of Buildings.* Same as R-1-8.
- (4) *Planned Unit Development (PUDs).* PUDs in an R-1-8 District shall be allowed a maximum of 5.2 dwellings units per gross acre.
- (5) *Special Parking Provisions.* At least two off-street parking spaces shall be provided and maintained for each dwelling unit. No portion of a front yard shall be used for permanent parking of motor vehicles, recreational vehicles or recreational equipment.

(LDC 2008, § 15A-19-25)

**Sec. 21-19-29. SD(R-1-8)PUD--10900 S. 700 E.**

(a) *Purpose.* The intent in establishing the SD(R-1-8)PUD District is to provide a residential PUD subdivision" environment within Sandy City that is characterized by moderate densities, medium-sized homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. As a PUD subdivision, developments in this district will be unified through a general style of dwelling, along with landscaping amenities being provided as a part of the development.

(b) *Uses Allowed.*(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Public utility station.
- b. Recreation, center (noncommercial).
- c. Recreation, outdoor (noncommercial).
- d. Religious, cultural activity.
- e. School, private or quasi-public.
- f. School, public.
- g. Home occupation, Category II.

(c) *Development Standards.*

- (1) *Density.* Density of any development shall not exceed a maximum of 5.2 dwelling units per acre.
- (2) *Lot Size.* An area of not less than 7,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. However, an average lot size of not less than 7,500 square feet shall be maintained for an entire development.
- (3) *Lot Width.* The minimum width of any building lot shall be 70 feet, measured at a distance of 30 feet from the front property line.
- (4) *Yards and Setbacks.*
  - a. *Front Yard.* Same as R-1-8.
  - b. *Side Setback.* Same as R-1-8.
  - c. *Rear Setback.* All dwellings and other main buildings shall be set back from the rear property line at least 20 feet on interior lots, and 15 feet on corner lots. On irregular lots, the minimum setback can be met by an average distance, provided that no portion of the building is closer than ten feet to the property line.
- (5) *Size of Buildings.* All dwellings shall comprise at least 1,000 square feet of gross livable area for ramblers, and 1,500 square feet of gross livable area for two-story structures. In addition, all dwellings shall provide at least a double space garage.
- (6) *Building Height.* No building shall be erected to a height greater than 35 feet, and no building shall be erected to a height less than ten feet or one story above grade. Where the ground level or top of the building is uneven or varies in height, average elevation thereof shall apply.
- (7) *Accessory Buildings and Uses.* Regulated as per R-1-8 standards.
- (8) *Additional Requirements.*
  - a. All dwelling shall have full masonry fronts on the first floor, excepting such features as cantilevers, extended bays, and those areas above doors and windows.
  - b. All parkstrips shall be landscaped with grass and trees (25 feet to 30 feet on center) and be fully irrigated, prior to the occupancy of the associated dwelling.
  - c. A six-foot barrier wall shall be constructed along the frontage of any arterial street as stipulated in ~~the buffering along arterial streets section of Chapter 21-28.~~
  - d. A formal entryway shall be constructed at each entrance into the development as approved by the Planning Commission.

(LDC 2008, § 15A-19-26; Ord. No. 15-03, 1-22-2015)

**Sec. 21-19-30. SD R-1-15 Scandia--11700 S. 2300 E.**

(a) *Purpose.* The purpose of this ~~section-district~~ is to provide a residential transition between the lower density R-1-20 properties to the east, and the higher density PUD(4) and PUD(6) to the west. The transition is characterized by development considerations which minimize disturbance of natural vegetation and land features. In addition, before any approvals for development within this district, wildlife considerations will be analyzed, and if necessary, wildlife corridors and/or other wildlife protections will be included as a part of that development.

(b) *Uses Allowed.*(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.
- c. Extended living area.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Day care, group.
- c. Dwelling, planned group.
- d. Dwelling, residential facility for elderly persons.
- e. Dwelling, residential facility for the handicapped.
- f. Model home.
- g. Planned unit development.
- h. Public service.
- i. Public utility station.
- j. Recreation, outdoor.
- k. Religious, cultural activity.
- l. School, private or quasi-public.
- m. School, public.
- n. Alcoholic beverage Class E.
- o. Building lots that do not have frontage on a public street.
- p. Home occupation, Category II.

(c) *Development Standards.*(1) *Lot Size.* The following lot size shall be provided and maintained for each dwelling and uses accessory thereto:

- a. *R-1-15 Subdistrict.* An area of not less than 15,000 square feet with an average lot size of 18,000 square feet for the entire subdistrict.
- b. *R-1-12 Subdistrict.* An area of not less than 12,000 square feet with an average of 15,000 square feet for the entire district.

(2) *Frontage.* Frontage is required as follows:

- a. *For R-1-15 Subdistrict.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line. However, an average lot width of 90 feet shall be required for this subdistrict.
- b. *For R-1-12 Subdistrict.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.

(3) *Front Yard Setback.*

- a. All buildings shall be set back 30 feet from the front property line.
- b. Where lots front on cul-de-sacs or elbows, the front setback may be smaller, provided that no dwelling is closer than 20 feet from the front property line.
- c. On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
- d. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this ~~Code~~-title to the contrary, be developed with a front setback of at least 20 feet.
- e. Garage and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).

- (4) *Side Yard Setback.* Side yards are required as follows:
- a. *For R-1-15 Subdistrict.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least ten feet, and the total distance of the two side setbacks shall be at least 22 feet.
  - b. *For R-1-12 Subdistrict.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 20 feet.
- (5) *Rear Yard Setback.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 30 feet, provided that no portion of the building is closer than ten feet to the property line.
- (6) *Building Size.*
- a. For all single-family dwellings, the minimum square footage of each dwelling is as follows:
    1. One-story: 1,400 square feet.
    2. Two-story: 1,750 square feet.
  - b. For all dwellings, a double garage is required.
- (7) *Building Height.* No building height shall be higher than 30 feet.
- (8) *Accessory Buildings and Uses.* Regulated as per R-1-15 standards.
- (9) *Planned Unit Development PUD.* A density of six units per acre is allowed for a PUD development adjacent to the golf course. All other regulations regarding a PUD development are as found in ~~the Planned Unit Development District Section of the Residential Development Standards Chapter Section 21-20-7.~~

(LDC 2008, § 15A-19-27)

**Sec. 21-19-31. SD(OS--Dimple Dell Regional Park--10500 S. Between State Street and Wasatch Boulevard.**

(a) *Purpose.* The intent of the OS Open Space Zone is to establish large areas in the City where only open and generally undeveloped lands are to be permitted. Development of a comprehensive network of permanent, multi-functional, publicly- and privately-owned open spaces shall be encouraged. Restrictions in this zone are designed to prevent the encroachment of residential, commercial, and industrial uses into these open space areas which would be contrary to the objectives and characteristics of this zone, and for approved uses to be in compliance with the Dimple Dell Regional Park Master Plan, as adopted, and the Sandy City General Plan.

(b) *Uses Allowed.*

(1) *Conditional Uses.*

- a. Botanical and zoological gardens.
- b. Forests.
- c. Conservation areas, including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, and any lands under the Jordan River Parkway Authority.
- d. Public and private parks and recreation areas, including, but not limited to, playgrounds, athletic fields and tennis courts.
- e. Historic preservation and monument sites.
- f. Publicly-dedicated open space.
- g. Open air theaters and meeting places.
- h. Public services.
- i. Accessory uses.
- j. Public utility station.

- (c) *Development Standards.*
- (1) *Area Requirements.* Minimum area requirements are to be determined by the Planning Commission.
  - (2) *Frontage Requirements.* The parcel of land must have frontage on a publicly-dedicated road of at least 24 feet.
  - (3) *Building Height, Size, and Setbacks.* All building height, size and setback requirements shall be determined by the Planning Commission as part of the conditional use approval process.
  - (4) *Landscaping.*
    - a. All areas not covered by building, pavement for roads and parking lots, or walkways, shall be landscaped as required by the Planning Commission.
    - b. In addition, refer to ~~the Landscapes Standards Chapter of the Sandy City Development Code Chapter 21-25.~~
  - (5) *Signs.* The only signs permitted in this zone shall be monument signs, guide signs, directional signs, wall signs, and temporary promotional signs compatible with the general objectives of this zone. All signs, except for temporary promotional signs, must be approved by the Planning Commission.
  - (6) *Maintenance of Facilities.*
    - a. At the discretion of the Planning Commission, a legal submission may be required which sets forth a plan or manner of permanent care and maintenance of all open space and other facilities provided in the site plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the open space and subject facilities.
    - b. In the event the open space and other facilities are not maintained in a manner consistent with the approved site plan, the City may, at its option, cause such maintenance to be performed and assess the costs to ~~be~~ the affected property owners or responsible association.

(LDC 2008, § 15A-19-28)

**Sec. 21-19-32. SD(PO Silver Sage) District--10900 S. 700 E.**

(a) *Purpose.* The purpose of the SD(PO Silver Sage) Zone is to establish an area for professional and business offices, non-retail services, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. The intent of this special development district zone is to allow the most efficient, functional and creative development of the lots within the zone, which have unique characteristics including very shallow depths.

- (b) *Uses Allowed.*
- (1) *Permitted Uses.* Permitted and conditional uses shall be the same as those permitted in the Professional Office (PO) Zone. See ~~Land Use Matrix.~~ Section 21-8-2.
  - (c) *Development Standards.*
  - (1) *Minimum Building Setbacks.*

<del>a.</del> Front, standard	30 feet
<del>b.</del> Side, shared party walls	0 feet
<del>c.</del> Side, no shared walls	10 feet
<del>d.</del> Side, abut residential	10 feet
<del>e.</del> Rear, residential	10 feet
<del>f.</del> Rear, residential	15 feet
<del>g.</del> Rear, abut residential	15 feet

Front setbacks may be amended as allowed in ~~the Storefront Conservation Ordinance Chapter 21-14.~~

- (2) *Landscaping Standards.* All landscaping shall comply with the Sandy City Landscaping Standards, including the following:
  - a. *Side Yards.* There shall be a minimum of five feet of landscaping between parking areas and side property lines.
  - b. *Adjacent to Residential Districts.* A minimum ten-foot width of landscaping (including a combination of trees and shrubs (evergreen and deciduous)) and ground covers shall be provided to create a buffer for the adjacent residential district.
- (3) *Site Plan Review.* Review of all site plans in the SD (PO Silver Sage) Zone is required by the Planning Commission according to the standards outlined in ~~the site plan review section of this title Chapter 21-32.~~
- (4) *Building Height.* Buildings shall be limited to no more than one story above grade. At the minimum setback line, building height shall not exceed 25 feet, as measured from average finish grade to the peak of the roof.
- (5) *Ancillary Retail Commercial Uses.* Ancillary retail commercial uses shall be at the following ratio:
  - a. No more than 50 percent of a mixed use building.
  - b. No more than ten percent of a primary use for a stand along project.
- (6) *Extended Hours.* Any commercial use within 250 feet of a residentially zoned district where such commercial use desires to operate after 10:00 p.m. and before 6:00 a.m. of the following day shall require a separate conditional use permit for the extended hours.
- (7) *Residential Compatibility.* Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood.

(LDC 2008, § 15A-19-29; Ord. 06-23, 8-15-2006)

**Sec. 21-19-33. SD(C)--Webster—9690 S. 700 E.**

- (a) *Purpose.* The purpose of the SD(C) District is to provide a zone allowing the compatible mixing of residential and commercial carpentry and cabinet shop uses.
- (b) *Uses Allowed.*
  - (1) *Permitted Uses.*
    - a. Same as indicated within the RM Zone.
    - b. Cabinet and carpentry shops.
  - (2) *Conditional Uses.*
    - a. Per RM Zone.
- (c) *Development Standards.*
  - (1) *Area Requirements.* 2.35 acres.
  - (2) *Frontage Requirements.* No public frontage required.
  - (3) *Building Height Requirements.* 35 feet, per RM Zone.
  - (4) *Building Size Requirements.*
    - a. For ~~residential residences~~: same as R-18 zone.
    - b. For commercial: none required.
  - (5) *Front Setback Requirements.*
    - a. For residences: same as RM zone.

b. For commercial: same as CN zone.

(6) *Rear Setback Requirements.*

a. For residences: same as RM zone.

b. For commercial: same as CN zone.

(7) *Side Yard Requirements.*

a. For residences same as RM zone.

b. For commercial: same as CN zone.

(8) *Parking Ratios.*

a. For residences: same as RM zone.

b. For commercial: same as CN zone.

(9) *Location of Parking.*

a. Same as RM zone.

(10) *Driveways and Curb Openings.*

a. For commercial: same as CN zone.

(11) *Storage and Refuse Collection Areas.*

a. For residential: same as RM zone requirements.

b. For commercial: same as CN zone requirements.

(12) *Lighting.* Same as CN zone requirements.

(13) *Landscaping.*

a. For residential: same as RM zone.

b. For commercial: same as CN zone.

(14) *Fencing.*

a. For residential: same as RM zone.

b. For commercial: same as CN zone.

(15) *Signs.* Same as in Chapter 21-26.

(16) *Public Improvements.* Same as commercial/industrial development standards.

(17) *Special Provisions.* Commercial and residential access is to be from 35-foot ~~R-W~~ right-of-way off from 700 East Street until such time which property to the south develops. Commercial access then will be from the south, and residential access for 660 East Street.

(18) *Submittal Requirements.* Same as Commercial Code Procedure

(LDC 2008, § 15A-19-30)

**Sec. 21-19-34. SD(R-1-30A) Bell Canyon Acres—10600 S. 1300 E.**

All requirements pertaining to an R-1-30A Zone District shall be applicable except as specifically set forth otherwise herein.

- (1) *Purpose.* The purpose of the SD(R-1-30A) District is to provide and perpetuate a rural residential environment within Sandy City that is characterized by large single-family homes with farm animal rights. This is a unique community that was developed to cater to horse owners. Its proximity to the Dimple Dell Regional Park adds to the unique nature of the community. It has access to the horse trails of the park and was developed with an extensive network of bridle trails within the community. Certain unique restrictions are necessary to maintain the nature of the community.

- (2) *Uses Allowed.*
- a. *Permitted Uses.* All permitted uses currently allowed under the R-1-30A Zoning District.
  - b. *Conditional Uses.* All conditional uses currently allowed under the R-1-30A Zoning District.
  - c. *Special Uses.* All special uses currently allowed under the R-1-30A Zoning District unless expressly shown herein.
  - d. *Not Permitted Uses.* All uses currently not allowed under the R-1-30A Zoning District.
- (3) *Lot and Yard Regulations.* See the standards for an R-1-30 Residential District ~~under the residential development standards in Chapter 21-20.~~
- (4) *Farm Animal Area Set Aside.* A minimum of 5,000 square feet of usable square footage must be designated and maintained on each lot for the housing and containment of farm animals (the "farm animal area set aside"), regardless of whether or not farm animals are maintained on the lot. This area may consist of stables, hay barns, turnouts, etc., or any other structure that its primary use is related to the keeping of farm animals. Areas that may not be used to satisfy the farm animal area set aside include front yard (front yard area of home or minimum 30-foot setback from street right-of-way, whichever is greater); side yard (15 feet from primary dwelling); rear yard (30 feet from primary dwelling); and areas dedicated for other uses (bridle paths, etc.). Side and rear yard areas that are 25 feet or greater in width may be used as the farm animal area set aside and must be contiguous areas on the lot. The farm animal area set aside may be used for other purposes when not needed for farm animal housing and confinement, but must be easily returnable to an area for housing and containment of farm animals. Structures and other improvements that would have to be removed or substantially modified in order to return the farm animal area set aside to farm animal housing and containment are not allowed within the farm animal area set aside. The farm animal area set aside may not be used at any time for residential dwellings.
- (5) *Ratio of Large Farm Animals to Lot Size.* Two large animals may be kept per first one-half acre of lot size (no less than 20,000 square feet) and additional large animals may be kept at a ratio of one per additional one-eighth acre (no less than 5,000 square feet) of lot size to a maximum of four large animals per lot. In addition, one offspring under the age of 12 months may be kept on the property.
- (6) *Special Use Permit for Keeping Additional Large Animals.* Lot owners may apply for a special use permit from the Sandy City Community Development Department to keep additional large animals on their lot. Under this special use permit, large animals may be kept at a ratio of one additional large animal per additional 5,000 square feet of additional farm animal area set aside beyond a base of 10,000 square feet of area set aside, up to a maximum of ten large animals per lot, provided the following minimum requirements are met:
- a. *Residency.* The applicant must certify and may be required to prove that the property upon which a special use permit is being sought is owned by the applicant and is the applicant's primary residence.
  - b. *Farm Animal Area Set Aside.* This area must be used and preserved for the purpose of keeping farm animals. Areas that merely could be used for farm animals, but is not currently being used as such, will not be used in determining additional farm animal area set aside.
  - c. *Shelter.* Shelter shall be provided for all large animals on the property at all times. At a minimum, a shelter shall consist of three solid walls, a pitched or slanted roof and provide ventilation. This shelter must meet all Building Code requirements. The minimum space required for shelter shall be 120 square feet per large animal. A plot plan must be submitted to illustrate the location of all proposed and existing structures and facilities.
  - d. *Waste Removal.* A Waste Management Plan must be submitted to provide for the elimination of potential nuisances, including unsanitary conditions, odors, and flies. At a minimum, the plan must ensure routine cleaning of shelter space of all manure and waste. This plan must provide details of how the removal from the premises or proper recycling of manure and other waste products will be accomplished. The waste removal plan is subject to the approval of the Community Development Department, Sandy City's Animal Services Division, affected water districts, and the Salt Lake

Valley Board of Health.

- e. *Proof of Ownership.* Boarding of animals is prohibited. An applicant shall provide proof of ownership of all large animals on the property. Acceptable forms of proof are the following: a notarized bill of sale (if not notarized, the canceled check with the bill of sale is acceptable), a brand inspection certificate, an auction invoice from an accredited auction, or equine registration papers in the current owner's name.
- f. *Review.* The applicant shall at all times remain in compliance with all the requirements of the special use permit, the City's ordinances and state laws pertaining to animals and nuisances and the regulations of the Salt Lake Valley Board of Health. The Community Development Department, the City's Animals Services Division, and the Salt Lake Valley Department of Health shall be allowed to inspect the property at reasonable times to verify compliance. This special use permit may be reviewed upon legitimate complaint or failure to comply with the requirements herein. If the applicant is found to be out of compliance, this special use permit may be revoked by the Community Development Director.

(LDC 2008, § 15A-19-31; Ord. No. 09-11, 4-22-2009)

## **CHAPTER ~~15A-20~~ 21-20. RESIDENTIAL DEVELOPMENT STANDARDS**

### **Sec. 21-20-1. Residential Districts--Purpose R-1 and R-2.**

(a) R-1 Districts are established to provide residential environments within Sandy City that strive to emphasize a minimum of vehicular traffic and create quiet neighborhoods favorable for single-family detached homes. These districts are further established with a focus towards the preservation of natural vegetation and land features. The variety of medium to low housing densities provide for a wide variety of housing opportunities from large estate homes to smaller, entry level homes. Agriculture (which does not include the keeping of farm animals) is allowed in each R-1 Subdistrict. Special regulations are provided for the allowance of farm animals on an individual district basis after petition of the property owners and approval by the City Council within subdistricts equal to or larger than R-1-15.

(b) R-2 districts are established to provide a residential environment within Sandy City that is characterized by slightly higher densities than single-family districts, single-family housing interspersed with two-family housing, a variety of housing sizes, a minimum of vehicular traffic, and quiet residential neighborhoods favorable for family life.

(LDC 2008, § 15A-20-01)

### **Sec. 21-20-2. Residential Building Setbacks, Building Heights, Required Off-Street Parking for R-1 and R-2 Zoning Districts.**

The minimum allowed residential building setbacks (in feet), the maximum allowed building heights (in feet) and the minimum allowed number of off-street parking stalls for the R-1 and R-2 Zoning Districts are as follows:

<i>Requirement</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8 INF</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>
Front to living area	30	30	30	30	30	30	30	30	25	See specific section for Residential District R-1-7.5(HS) for details	25	30	30
Front to attached garage	25	25	25	25	25	25	25	25	25		20	25	25
Front (average lot slope of 10%)	20	20	20	20	20	20	20	20	20		20	20	20
Front corner lot--Side A	30	30	30	30	30	30	30	30	25		30	30	30
Front corner lot--Side B	20	20	20	20	20	20	20	20	20		20	20	20
Front--lot on cul-de-sac	20	20	20	20	20	20	20	20	20		20	20	20
Front--lot on elbow	20	20	20	20	20	20	20	20	20		20	20	20
Side (minimum)	15	12	10	10	8	8	8	8	6		6	8	8
Side (both combined--minimum)	30	27	24	22	20	20	18	16	16		12	16	16
Side--minimum for zero lot line development	N/A	27	24	22	20	20	18	16	16		12	16	16
Rear--regular lot	30	30	30	30	30	20	20	20	20		20	20	20
Rear--irregular lot (average)	30	30	30	30	30	20	20	20	20		15	20	15
Rear--minimum setback for an irregular lot	15	15	10	10	10	10	10	10	10		10	10	10
Rear--corner lot	30	30	30	25	25	20	20	15	15		15	20	15
Maximum building height (measured to the peak of the roof)*	35	35	35	35	35	35	35	35	35	35	35	35	
Required off-street parking stalls (not including covered stalls)	2	2	2	2	2	2	2	2	2	2	2/u	2/u	

\*Note: Exceptions for additional building height due to unusual architectural roof designs may be granted by the Planning Commission, at the request of the Community Development Director.

(LDC 2008, § 15A-20-02; Ord. No. 10-26, 7-30-2010; Ord. No. 12-14, 5-15-2012; Ord. No. 12-23, 6-18-2012)

**Sec. 21-20-3. Required Lot Size, Frontage Requirement for R-1 and R-2 Zoning Districts.**

<i>21-20-3(A)-Table of Minimum Lot Sizes and Width for R-1 and R-2 Residential Zones</i>													
	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>
Minimum lot width, in feet	110	100	90	85	80	80	75	70	70	65	55	80 <sup>1</sup>	75 <sup>2</sup>
Minimum lot size, in thousands of square feet	40	30	20	15	12	10	9	8	7 <sup>3</sup>	7.5	6	10 <sup>1</sup>	8 <sup>2</sup>
Notes:													
1. Single-family lots must have at least 8,000 square feet and 70 feet of width. Twin home or duplex lots must have at least 5,000 square feet and 40 feet of width.													
2. Single-family lots must have at least 8,000 square feet and 75 feet of width. Twin home or duplex lots must have at least 4,000 square feet and 37.5 feet of width.													
3. Lot sizes must average 8,000 square feet with no lot smaller than 7,000 square feet in the R-1-8(INF) Zone.													
4. TND Projects must comply with all development standards located within this <del>Code</del> title.													

(LDC 2008, § 15A-20-03)

**Sec. 21-20-4. Table; Minimum/Maximum Dwelling Size for R-1 and R-2 Zoning Districts.**

<i>Table 15-20-04 21-20-4(A)-Table for R-1 and R-2 Minimum/Maximum Dwelling Size</i>				
<i>Zone</i>	<i>One-Story Split Level and Split Entry (square feet)</i>		<i>Two-Story Total Both Levels (square feet)</i>	
R-1-40	1,500	6,500	1,875	7,500
R-1-30	1,500	6,500	1,875	7,500
R-1-20	1,400	6,500	1,750	7,500
R-1-15	1,400	5,500	1,750	6,500
R-1-12	1,350	4,500	1,685	6,000
R-1-10	1,300	5,000	1,625	6,000
R-1-9	1,200	4,500	1,500	5,500
R-1-8	1,000	4,000	1,250	5,500
R-1-8(INF)	1,100	4,000	1,600	5,000

R-1-7.5(HS)	1,000	3,200	1,250	4,000
R-1-6	800	2,800	1,350	3,500
R-2-10	800	2,100	1,350	4,000
R-2-8	800	2,000	1,350	3,500

- (1) *Allowable Square Footage.* Determination of allowable square footage measures livable space only, which does not include subterranean basements, garages or similar spaces. The square footage established above for the R-2-10 and R-2-8 Zoning Districts refers to each dwelling unit in a multifamily dwelling.
- (2) *Approval for a Home Larger than Maximum Size.* Individuals who desire to construct a new home larger than the maximum home size limits (or desire to increase the size of an existing home) may apply for a special exception from the Planning Commission. To qualify for the special exception, the applicant shall comply with the following requirements:
  - a. The proposed square footage of the home (excluding basement) is within ten percent of the average home size within a 1,000-foot radius as measured from the property line or if the proposed home is located within a planned unit development, it is consistent with the approved standards and home sizes for the entire planned unit development.
  - b. The proposed home or addition is consistent with the existing architectural standard for the surrounding neighborhood (e.g., rambler style homes, two-story homes, brick facade, stucco, half-timber, similar pitched roof, etc.).
  - c. The proposed enlargement is not permitted to increase the available space for an accessory apartment.
  - d. The increased square footage is not permitted for nonresidential structures. Institutional care uses shall comply with the minimum and maximum square footage requirements for the underlying zone.

(LDC 2008, § 15A-20-04; Ord. No. 10-26, 7-30-2010)

#### **Sec. 21-20-5. Off-Street Parking Requirements.**

(a) All single-family homes on R-1-6 or larger lots shall provide at least a two-car garage for the daily storage of personal vehicles. The garage may be front or side loading. Any detached garages shall comply with the requirements for detached accessory structures as described elsewhere in this chapter. Any home within an R-1-6 or larger Zoning District that was built without an attached two-car garage may apply for a building permit to build a two-car garage with a side yard setback of no less than five feet, provided that there are no issues with any utilities or easements. The other side yard setback shall meet the minimum for that zone and the garage must meet the minimum size as regulated in this title.

(b) In addition to the two-car garage, all single-family homes shall provide at least two paved off-street parking spaces, plus one space for each domestic (e.g., maid, nanny, gardener, etc.) or support staff person employed on the premises during the highest employment shift.

(LDC 2008, § 15A-20-05; Ord. 13-02, 1-23-2013)

#### **Sec. 21-20-6. Additional Regulations and Standards Applicable to the Residential District R-1-7.5(HS).**

- (a) *Lot Regulations.*
  - (1) *Lot Size.* An area of not less than 7,500 square feet shall be provided and maintained for each dwelling and uses accessory thereto, except that those legal vacant lots that existed prior to July 1, 1975, that contain at least 5,500 square feet may be developed for single-family dwellings. No new subdivisions shall have lots less than 7,500 square feet, except for those exceptions provided in this ~~Code~~ title.
  - (2) *Frontage.* The minimum width of any lot for a dwelling shall be 65 feet, measured 30 feet back from the

front property line, except those that legal vacant lots that existed prior to July 1, 1975, may utilize the existing lot width but shall not be made narrower through land grant, lot line adjustment, or other development practices, except for those exceptions provided in this Code title.

(b) *Setback Regulations.*

- (1) *Front Yard Requirements.* All buildings shall be set back 20 feet from the front property line. Vacant parcels nestled between two or more developed parcels may choose to match existing conditions for a front setback. In no case shall the structure be closer than 15 feet to the front property line, nor shall the driveway be shorter than 18 feet.
- (2) *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least six feet and the total distance of the two side setbacks shall be at least 16 feet, with the following exception: Lots with street frontage less than 65 feet (measured at the 30-foot setback line), which were legal at the time of subdivision and are now legally nonconforming as to frontage, may be set back from one side property line a distance of at least six feet, provided the total distance of the two side setbacks is at least 12 feet.
- (3) *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of 20 feet on interior lots and 15 feet on corner lots. For irregular lots, the minimum setback may be an average of 20 feet for an interior lot, or 15 feet for a corner lot, provided that no portion of the building is closer than ten feet to the property line.
- (4) *Corner Lots.* Unless otherwise permitted in this Code title, the two front setbacks for corner lots shall be a minimum of 20 feet and 20 feet, respectively.
- (5) *General Exceptions to the Above.*
  - a. Additions and other external modifications to existing main dwelling structures within the R-1-7.5(HS) Zone that currently violate the required front, side or rear setbacks may not be required to comply with normal setback requirements upon approval of a special exception by the Planning Commission. The Planning Commission may approve the special exception if the property owner can show that the addition or external modification will:
    1. Meet the intent of the Historic Sandy Neighborhood Plan and ~~the Sandy City Land Development Code this title~~;
    2. Comply with the architectural design and character for homes within the R-1-7.5(HS) Zone;
    3. Not be located within the sight visibility triangle on corner lots or create any other safety problems determined through the review and approval process. The City Transportation Engineer shall review the request to determine ~~of~~ if the proposed addition or external modification will prohibit future right-of-way expansion. The City Transportation Engineer shall submit a recommendation to the Planning Commission; and
    4. Not encroach closer than five feet to the public right-of-way or property line. Corner lots may include additions or external modifications providing that at least one side has at least 15 feet to the public right-of-way or property line.

This shall not exempt any construction or addition to the main dwelling structure from compliance with applicable IRC, IBC, IFC, Life Safety Code or other applicable codes as adopted by the State of Utah and/or Sandy City.

- b. The development of the rear half of deep lots shall be part of an overall master planned residential development with other adjacent deep lots with common access in the immediate vicinity.
- c. No special exceptions shall be granted by the Planning Commission to split a lot that is 1 1/2 times as large and 1 1/2 times as wide if the resultant lots are narrower than 65 feet wide or 7,500 square feet in size, unless otherwise allowed by Code this title.

(c) *Required Design Elements for New Construction or Major Remodeling (25 Percent or Greater of Value of the Structure) of Existing Homes.* The following design elements shall be required and included in the final design

for new home construction or a remodel of an existing home:

- (1) The front elevation of the home should appear similar in scale to those seen on the same block.
- (2) The building should appear similar in height to those similar in scale within a 200-foot radius.
- (3) Building materials should be of similar type as those in the immediate 200-foot radius of the home.
- (4) The home should contain architectural features that provide visual interest to pedestrians.
- (5) Windows and doors on the front facade should be similar in size and design as those seen in the immediate 200-foot radius.
- (6) When remodeling an existing home, the new portion of the home should use similar exterior materials, including similar window design and doors, as those of the existing home.
- (7) The use of dormers and other architectural feature elements upon the roof line, whether functional or not, is strongly encouraged.
- (8) All new homes shall have a front porch. Front porches must have a minimum depth of six feet, and comprise a minimum of 50 percent of the width of a building's primary front facade (not including an attached garage). In no case shall the front porch be less than 15 feet in width. All other homes that are being remodeled are encouraged to install a front porch where practical as described above.
- (9) For legal nonconforming lots with frontage less than 55 feet, a detached garage installed in the rear of the home shall be encouraged. All attached garages shall be offset from the front setback of the home at least three feet so as to give a staggered appearance to the home.

(LDC 2008, § 15A-20-06)

**Sec. 21-20-7. Planned Unit Development District (PUD).**

This section calls for substantial compliance with the intent of the General Plan and ~~land Development Code~~ regulations of this title and other provisions of this Code related to the public health, safety, and general welfare, but also offers the advantages of large scale planning for residential development and efficient use of land.

- (1) *Purpose.* The purpose of the planned unit development is:
  - a. To encourage a quality living environment through greater flexibility of design than is possible solely through the typical application of zoning regulations.
  - b. To encourage a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
  - c. To encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to give imagination and variety in the physical pattern of the development.
- (2) *Design Objectives for Planned Unit Developments.* Every planned unit development shall be designed to achieve the following design objectives:
  - a. Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities.
  - b. Be related to existing and proposed land use and circulation plans of the community and not constitute a disrupting element in the neighborhood.
  - c. The internal street system and pedestrian connections should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation, activities, functions of the common areas and open space.
  - d. Open space and recreation areas and facilities should be located adjacent to dwelling units or be easily accessible therefrom.
  - e. Open space and recreational areas should be the focal point for the overall design of the development.
- (3) *Development Requirements.* To be approved, a planned unit development project must show a high

commitment to excellence, ensuring better quality of life for future tenants and be compatible with adjacent residential areas. The following are required for all planned unit development projects:

- a. *Ownership.* The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
- b. *Open Space.* Unless otherwise approved by the Planning Commission, common and private open space shall be provided and shall not cover less than 40 percent of the gross site area. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets, or alleys and shall be accessible by the residents. Said open space shall be devoted to landscaping, preservation of natural features, patios, and recreational areas. Private open space (that provided for each dwelling unit for personal use) shall be located immediately adjacent to, attached to, or within the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. Common open space may be distributed throughout the planned unit development and need not be in a single large area. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space. Open space within a Sensitive Area Overlay Zone shall require conditional use approval. These areas may include, but are not limited to, 30 percent or greater slope areas, fault zones, floodplains, high water table, and wetlands. These areas may only be included as open space when they have been designed as an integral part of the project.
- c. *Interior Streets.* The design of public and private streets within a planned unit development shall follow City standards for width of right-of-way and construction. Existing City standards of design and construction may be modified if recommended by the Transportation Engineer and approved by the Planning Commission if it is determined that the plan submitted is appropriate (e.g., a sidewalk on one side, waiver of parkstrip area, etc.). The pavement width shall be a minimum of 27 feet with at least a 37-foot right-of-way. Private streets shall be subject to the same inspections and construction standards as required for public streets. The interior street system in an entire planned unit development project shall be dedicated to the City as a utility easement. All private streets shall be conveyed to a private association. The original developer/builder will also be required to establish a City-approved road maintenance fund for all private streets. This provision will be required in the CC&Rs for all projects with a private street system.
- d. *Parking.* The following minimum parking shall be provided for all multifamily planned unit developments:
  1. Table of Parking Ratios.

One bedroom unit	1.5 parking spaces per unit
Two bedroom unit	2.0 parking spaces per unit
Three or more bedroom unit	2.5 parking spaces per unit
Guest parking spaces	0.25 parking spaces per unit
Storage parking spaces for recreational vehicle storage	As determined necessary by the Planning Commission

2. All parking areas, covered or open, shall have a landscaped buffer adjacent to any public right-of-way.
3. There shall be no less than 1.5 covered parking spaces (1.0 carports, 0.5 garages) per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages/carports should be increased or reduced:
  - (i) The topography of the proposed site.
  - (ii) To enhance and protect local property values of adjacent developments and

neighborhoods.

- (iii) To improve the overall appearance of the development for the density of units (e.g., attached garages and underground garages).
  - (iv) Review the location of all garages and may require that they be attached or underground for the multifamily units. All covered parking shall be placed in locations adjacent and convenient to the buildings that they are intended to serve.
  - (v) To assist the project in reaching affordable rent levels for low and moderate income individuals as determined by the U.S. Department of Housing and Urban Development.
  - (vi) Garages shall be used for vehicle parking only.
  - (vii) Tandem spaces shall be counted only as one space.
- e. *Building Materials.* Building materials, roofing materials, and building design shall be reviewed and approved by the Planning Commission. High-quality exterior materials shall be used, including brick, stone, synthetic stucco, prefinished panel, composite materials, or other materials of similar quality, durability, and low maintenance.
- f. *Landscaping on Public Right-of-Way.* Where a planned unit development is adjacent to a public right-of-way, a permanent open space at least ten feet in width shall be required along the property lines. This area shall be kept free of buildings and structures (except fences as approved by the Planning Commission) and permanently maintained in street trees and other landscaping, screened or protected by natural features, or as approved by the Planning Commission.
- g. *Exterior Fencing.* Exterior fencing shall be provided as approved by the Planning Commission. Acceptable fencing materials include architecturally-designed brick or block fences, wrought iron fences, post and rail fences, vinyl fences, pre-cast concrete, or structural wood fences with square metal posts with tongue-in-groove redwood siding and redwood for all other wood members. Additional landscape buffers may also be required with the width and landscaping specifications as determined by the Planning Commission.
- h. *Street Lights.* Appropriate street lighting is required. If the streets are to be dedicated to the public, the lights shall comply with the City's Street Light Plan. If the streets are private, the lights may be altered, but must be approved by the Planning Commission. The applicant shall submit a plan which indicates the type and location of street lights in relation to the proposed site landscaping.
- (4) *Development Standards.*
- a. *Required Elements.* Residential developments shall be guided by a total design plan in which the following development standards may be varied to allow flexibility and creativity in site design, building design, and location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as they determine appropriate. The Commission may require specific setbacks, a lower residential density, and a height limitation. This criteria shall be used by the Planning Commission principally to ensure the design objectives in this section of this chapter are met.
    - 1. *Feasible Development.* A planned unit development shall be of sufficient size, composition, and arrangement to enable its feasibility as a complete development.
    - 2. *Density.* The density allowed for a planned unit development shall be no greater than the zone in which it is located.
    - 3. *Site Calculations.* Specific calculations addressing the percentage of open space (common and private), impervious versus pervious coverage, and site improvements must be submitted with all project applications.
    - 4. *Lot Requirements.* No specific yard, setback, or lot size requirement shall be imposed in the planned unit development. However, the purpose and objectives of this ~~chapter~~ section must be complied with in the final development plan. The Planning Commission may require

certain setbacks within all or a portion of the planned unit development.

5. *Traffic Circulation.* Points of primary vehicular access to the planned unit development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the planned unit development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided.
  6. *Driveways and Alleys.* When consistent with this title, a private driveway or alley may be provided for access to a maximum of four lots as long as sufficient guest parking is provided. A private driveway or alley must comply with all established standards in this title.
  7. *Privacy.* Each planned unit development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of the property, the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
  8. *Noise Attenuation.* When, in the opinion of the Director, a proposed planned unit development may be situated in a noisy environment which will adversely affect the peace, tranquility, and privacy of its inhabitants or surrounding inhabitants, an acoustical analysis may be required. Said analysis shall be conducted by a qualified acoustical engineer and include a description of the noise environment and the construction or other methods necessary to attenuate the noise to the required level according to the noise standards of ~~the City's Noise Ordinance Chapter 13-2.~~
  9. *Security.* The development shall be designed to support security services, taking into account public safety recommendations from the Police Department.
  10. *Pedestrian and Bicycle Paths.* Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths which may be physically separated from vehicular traffic to serve residential, nonresidential, and recreational facilities in or adjacent to the development. The Planning Commission may require connections to regional trail systems, activity centers, pedestrian and/or bicycle overpasses, underpasses, or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas, or other uses that will receive considerable pedestrian and/or recreational trails use from the development.
- b. *Desirable Amenities.* The following are desirable amenities or design options which may be required by the Planning Commission depending on the size, scale, impacts, and nature of each individual planned unit development project, including planned unit development zoning districts, conditional uses in residential districts, and overlay zones:
1. Increase in common or private open space above the 40 percent minimum, particularly when the project contains significant non-buildable open space.
  2. Creation of significant recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.
  3. Additional project landscaping and other open space amenities as may be deemed appropriate under a conditional use permit.

(5) *Nonresidential Uses.*

- a. Noncommercial, nonresidential uses of a religious, educational, or recreational nature shall be designed primarily for the use of the residents of the proposed planned unit development. The applicant shall submit as part of the preliminary development plan such evidence to substantiate the request for such use as the Director may require.
- b. Commercial uses proposed within the planned unit development shall be designed primarily for the use of the residents of the project. The developer shall provide a Fiscal Impact Study that shall demonstrate that the amount of land proposed is needed for such a commercial use, that it can

realistically be supported by the residents of the project, and the impacts which will be imposed on the City's municipal services and tax base by such use. The Fiscal Impact Study shall be evaluated by the Planning staff and their findings communicated to the Planning Commission along with the preliminary development plan.

- c. Commercial development within a planned unit development shall be located so as to be accessible in a manner that does not create traffic congestion or hazards to any street within or outside the planned unit development. Location, off-street parking, and loading requirements shall be identified and recommended by the Development Committee to the Planning Commission as appropriate to the particular planned unit development. Consideration shall be given to anticipated pedestrian, bicycle, and vehicular traffic adjacent to developments that may provide multiple use of off-street parking facilities and the types of commercial uses provided. Drive-thru services shall be excluded.
- d. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and nonresidential development shall be designed as integrated portions of the total planned unit development and shall project the residential character.

(6) *Maintenance of Common Facilities.*

- a. A planned unit development shall be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.
- b. The common open space and other facilities provided may be conveyed to a public agency or private association. The common open space, recreational facilities, and private streets (including a Road Maintenance Fund established by the original developer/builder) conveyed to a private association shall include, as part of the aforementioned instruments, a declaration of covenants and restrictions that will govern the association and shall require maintenance of any common facilities. The provisions shall include, but not be limited to, the following:
  - 1. The private association must be established prior to the sale of any unit.
  - 2. Membership must be mandatory for the original buyer and any successive buyers of a unit in a planned unit development, whether or not the unit is owner occupied or rented.
  - 3. The private association must be responsible for liability insurance, local taxes (if any), the maintenance of common open space and other facilities, rules and regulations outlining the powers, enforcement authority, and limitations of the association.
  - 4. Each member of the association shall be assessed a pro rata share of the costs incurred by the association, and the association shall have the power to collect those costs.
- c. The Planning Commission may also require dedication of scenic easements to ensure open space shall be maintained. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final development plan, the City may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.
- d. A Post-Construction Storm Water Maintenance Plan must be prepared and submitted with the plans for approval for all privately-owned or -maintained facilities that warrant compliance with the Utah General Construction Permit (UGCP) regulation, according to the Sandy City Development Standards and Requirements for Storm Water.
- e. The owner of a development that warrants compliance with the UGCP regulation, must submit a signed Storm Water Maintenance Agreement using the Sandy City agreement template according to the Sandy City Development Standards and Requirements for Storm Water.

(7) *Review Process.*

- a. *Development Review.*

1. To help expedite review of a development proposal, prior to submitting an application for planned unit development, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this ~~Code~~-title.
  2. If requested by staff, they shall attend a meeting at which representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, the Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
  3. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this ~~Code~~-title, the International Building Code, and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.
  4. Staff members may request that additional studies or information, such as Geotechnical Studies, Traffic Impact Analyses, Market Feasibility Analyses, or Water Needs Analyses, be submitted, together with the application for site plan review.
- b. *Application.* An application for a planned unit development must be submitted to the Community Development Department and must contain the information and, if the project is to be subdivided, be in the format required by the subdivision review procedure available from the Community Development Department. The application must include the following:
1. General Development Application Form.
  2. Preliminary plat, if the property is to be subdivided, including project size (acres), proposed lot lines, and plot designs.
  3. Landscaping Plan. A Landscape Plan, prepared under the direction of a licensed landscape architect or other qualified professional, shall be required for all open space required or provided in a planned unit development. Said Landscaping Plan shall indicate the spacing, sizes, and specific types of landscaping material. All open space provided shall be irrigated. The only exception shall be where the Planning Commission determines an area, because of its natural beauty or uniqueness, would be most beneficial to the project and the community if left in its natural or existing condition. Existing mature trees shall be preserved where appropriate. The location of trees must be considered when planning common open space, location of buildings, underground services, walls, paved areas, playgrounds, and parking areas.
  4. Architectural building elevations. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per types, nonresidential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures, and improvements.
  5. Grading and Drainage Plan. The existing site conditions including contours at two-foot intervals, watercourse, floodplains, unique natural features, and all existing mature trees.
  6. Utility Plan. The existing and proposed utility systems (e.g., sanitary sewers, storm sewers and water, electric, gas, telephone lines, and cable).
  7. Road Plan and profiles.
  8. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas and other major points of access to public rights-of-way to the development including identification of jurisdictional control (including major points of

ingress and egress to the development). Notations of proposed ownership, public and private, should be included where appropriate.

9. The existing and proposed pedestrian and bicycle circulation system including its interrelationship with the vehicular circulation system indicating proposed treatment of points of conflict.
10. Other studies and analyses requested by staff or the Planning Commission, which may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
11. Adjacent property information. Enough information on land areas adjacent to the proposed development to indicate the relationships between the proposed development and existing and proposed adjacent areas including land uses, zoning classifications, densities, traffic and pedestrian circulation systems, public facilities, and unique natural features of the landscape.
12. The proposed treatment of the perimeter of the development including materials and techniques used such as berming, landscaping, screens, fences, and walls.
13. Names and addresses of property owners within 300 feet of the proposed project on mailing labels from the Salt Lake County Recorder's Office (when required by staff).
14. Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
15. Fees as established by City Council.
16. The following written documents shall be submitted with the application:
  - (i) A legal description of the total site proposal for development including a statement of present and proposed ownership and present Land Use or Phasing Plan.
  - (ii) A statement of planning objectives to be achieved by the planned unit development through the particular approach prepared by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
  - (iii) Quantitative data for the following: total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for usable open space), total amount of nonresidential construction including a separate figure for commercial, public, quasi-public, or private facilities, if applicable, fiscal impact studies, where necessary, environmental assessments, where necessary, and other studies as required by the Director.
17. Erosion and sediment control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An Erosion and Sediment Control Plan (Storm Water Pollution Prevention Plan) shall be included in the Grading and Drainage Plans described in this ~~chapter~~ section. The Erosion and Sediment Control Plan shall be prepared in accordance with the Jordan Valley Municipalities Permit (Permit UTS000001) and the Utah General Construction Permit (Permit UTRC00000) for projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation.
18. For all projects that warrant compliance with the UGCP regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.
19. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:
  - (i) Land disturbing activity that generally disturbs one or more acres of land;
  - (ii) Land disturbing activity of less than one acre of land if such activity is part of a larger

common plan of development that affects one or more acres of land;

- (iii) Land disturbing of less than one acre of land, and if, in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
  - (iv) The creation and use of borrow pits;
  - (v) Development of a single-family home;
  - (vi) Processing of earthen materials such as top soil and gravel screening;
  - (vii) Construction of parking lots;
  - (viii) Demolitions.
20. If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:
- (i) Grading permit.
  - (ii) Subdivision Plan approval (residential).
  - (iii) Site plan approval (commercial).
  - (iv) Building permit.
  - (v) Road cut permit.
21. Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.
22. For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.
- (i) The online SWPPP management system shall meet audit requirements of the State of Utah.
  - (ii) The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in Subsection (7)b.20 of this section.
  - (iii) Reports and data shall be made available upon request.
  - (iv) City Staff shall have viewing access rights.
23. As part of the Jordan Valley Municipalities Permit, Sandy City encourages a Low Impact Development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.
- (i) All development that warrants compliance with the UGCP, must include an LID analysis per the Sandy City Development Standards and Requirements for Storm Water.

c. *Preliminary Review.*

- 1. If, prior to submitting the application for review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
- 2. Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the site plan and subdivision plat shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with

all the requirements of this ~~Code title~~ and other applicable City and agencies' standards.

- (i) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this ~~Code title~~, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
- (ii) Upon resubmittal, the site plan and subdivision plat will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this ~~Code title~~ and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

(8) *Planning Commission Review.*

- a. When preliminary review of the site plan and subdivision plat has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required. If the property is to be subdivided, the subdivision review requirements shall be complied with, including notice and hearing requirements.
- b. The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

(9) *Validity of Preliminary Review.*

- a. Once the Planning Commission determines that preliminary review is complete, the preliminary plat is valid for 12 months. The Planning Commission may grant a one-year extension of the preliminary plat, provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat approval.
- b. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one-year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Planning Commission for one year from the date of recording that final plat.
- c. If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment of the originally approved preliminary plat.
- d. The Director may, in his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.

(10) *Final Review.* After review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and subdivision plat, together with all supporting documents, which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission to the Community Development Department.

- a. The Community Development Department, along with the other reviewing departments and

- agencies, shall review the site plan and subdivision plat and supporting information to determine compliance with all requirements, corrections, additions, etc.
- b. After such determination, the item may be scheduled for review by the Planning Commission upon referral by the Director or upon the request of the Planning Commission. The final development plan shall be reviewed to determine substantial compliance of the final development plan with the preliminary development plan requirements. Said review shall also determine the final development plan's quality and compliance with the purpose and design objectives of a planned unit development. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form. In addition, any new items not submitted with the preliminary development plan, any final plats, any required dedication documents, and/or guarantee of improvements shall be submitted at this time.
- (11) *Amendments to the Final Development Plan.*
- a. Minor changes in the location, siting, or character of buildings and structures may be authorized by the Director if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized under this subsection may cause any of the following:
1. A change in the use and/or character of the development.
  2. An increase in the overall density and/or intensity of use.
  3. An increase in overall coverage of structures.
  4. A reduction or change in character of approved open space.
  5. A reduction of required off-street parking.
  6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, and utility networks.
  7. A reduction in required street pavement widths.
  8. Changes in storm drains, under drains, and/or irrigation.
- b. Any major changes in use or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above, must be made by the Planning Commission after receipt of such a recommendation by the Planning staff. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.
- (12) *Failure to Begin Development.* If no substantial construction has occurred in the planned unit development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan shall be required for any development on the subject property. The Planning Commission, upon showing good cause by the developer, may extend the time for beginning construction a maximum period of 12 months for one time only.
- (13) *Phased Planned Developments.* If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A Phasing Plan, including size and order of phases, shall be approved by the Planning Commission if individual phases of the planned unit development exceed the overall density of the zone if the approved overall Phasing Plan does not exceed the maximum density of the zone. Such Phasing Plan shall have the written approval of all property owners. In addition, the approved Phasing Plan shall be submitted to the City Recorder for recordation with the County Recorder's Office as a covenant to run with the land.

(LDC 2008, § 15A-20-07; Ord. No. 10-26, 7-30-2010; Ord. No. 15-22, 7-15-2015; Ord. No. 15-22, 7-15-2015)

**Sec. 21-20-8. Residential District RM (Multiple-Family).**

(a) *Purpose.* The RM District is established to provide a medium to high density residential environment within Sandy City characterized by group and small multiple-unit housing and well planned site development.

(b) *Density.* The minimum square footage per unit in the RM District shall be established as shown in the table below. (Square footage is net square footage after necessary improvements and dedication.) Property over five acres in size shall follow the planned unit development standards.

<i>21-20-8(B)-Table of Minimum Land Area for Development for the RM Residential Zone</i>					
	<i>RM 4</i>	<i>RM 6</i>	<i>RM 8</i>	<i>RM 10</i>	<i>RM 12</i>
Single-family dwelling	10,000	8,000	6,800	6,200	5,600
Duplex	18,000	15,000	12,000	10,350	9,050
Four-plex units	40,000	29,000	22,500	18,650	15,950
Eight units	85,500	58,070	43,500	34,840	29,030
Twelve units	127,500	87,120	65,340	52,270	43,560
Sixteen units	169,500	116,160	87,120	69,690	58,070
Twenty-four units	261,360	174,240	130,680	104,540	87,120
PUD density in units/acre	6 u/a	12 u/a	15 u/a	18 u/a	21 u/a
Maximum number of units per structure	4	6	-	-	-
Required land area per unit above one up to RM Subclassification (i.e., RM-4 is up to 4 units, RM-6 is 6 units, etc.)	8,000	7,000	5,250	4,150	3,450
Maximum density per acre above RM Subclassification as an RM development (not a PUD)	4	6	8	10	12
Maximum size of RM development is five acres. Must be developed as a standard PUD District if over five acres in size					

(c) *Building Setbacks.* Minimum front, rear, and side setback distances shall be required as established below. It shall be within the authority of the Director to determine which lines are considered as front, rear, and side property lines for the purpose of administering this Code section.

- (1) *Front Yard.* Any development in an RM District shall have a minimum front setback of 20 feet. A public street right-of-way shall be considered as the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, the area between the front property line and the building lines shall be known as the front setback area in all cases.
- (2) *Side Yards.*
  - a. If the side property line of a development does not abut a single-family residential district and the development is under one acre in size, all dwellings and other main buildings shall be set back from the side property line a distance of at least eight feet.
  - b. If the side property line of a development does abut a single-family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 15 feet from the side property line.
  - c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and

the minimum side yard setback shall be determined by the Planning Commission. In no case shall the side yard setback be less than eight feet; if the development abuts a single-family residential property, the setback shall not be less than 15 feet.

(3) *Rear Yard.*

- a. If the rear property line of a development does not abut a single-family residential district and the development is under one acre in size, all dwellings and main buildings shall be set back from the rear property line a distance of at least 15 feet.
- b. If the rear property line of a development does abut a single-family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 20 feet from the rear property line.
- c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and the minimum rear yard setback shall be determined by the Director. However, in no case shall the rear setback ~~shall be no~~ less than 20 feet.

(d) *Special Standards; RM Districts.*

(1) *Landscaping.* All landscaping shall be maintained in a neat and orderly fashion. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner.

- a. *Front Setback Area.* The entire area between the curb and the building or parking setback line shall be landscaped except for any access driveway or sidewalk in said area. In no case shall the front yard landscaping go to a depth of less than 20 feet.
- b. *Other Setback Areas.* A minimum five-foot landscaped buffer shall be placed along all property lines except where an accessory building may be allowed up to three feet of the property line.

(2) *Screening at District Boundaries.*

- a. Except in the minimum front setback area, an opaque screen shall be installed and maintained along all district boundaries other than streets where an RM development abuts areas zoned for single-family residential uses.
- b. Screening shall be to a height of six feet. A screen shall consist of one or any combination of the following types:
  1. *Walls.* A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material and shall conform to structural requirements of the International Building Code.
  2. *Berms.* A berm shall be constructed of earthen materials and shall be landscaped.
  3. *Solid Fences.* A solid fence shall consist of wood or vinyl or other such materials forming an opaque screen and shall conform to structural requirements of the International Building Code.
  4. *Open Fences.* An open weave or mesh type fence shall be combined with plant materials to form an opaque screen as approved by the Director.
  5. *Planting.* Plant materials used for screening shall be of a type or used in such a manner so as to provide an opaque screen having a minimum width of two feet.
  6. *Signs on Screening.* No signs or sign supports shall be permitted on any required screening.
  7. *Elevation Differences.* Notwithstanding the requirements listed above where the finished elevation of the property is lower at the boundary line (or within five feet inside the boundary line) than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this district.

(3) *Refuse Collection Area.* All outdoor refuse collection areas shall be visually screened from access streets and adjacent properties by a completely opaque screen.

- (4) *Height of Buildings.* All buildings in an RM District shall be no higher than 35 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.
- (5) *Zero Lot Line Conversion.* Duplex dwellings that were in existence at the date of the passage of ~~this Code~~ the ordinance from which this title is derived may be converted to zero lot line (twin home) use. For such conversion, minimum lot size regulations as provided in this section shall be required. All appropriate State Code and Building Code regulations for condominium conversion shall be required.
- (6) *Standards for Business and Financial Services.* Buildings intended to house such uses in an RM District shall be designed to be compatible with a residential environment in architectural concept, scale, site design, and landscaping. Design will be approved at site plan review.

(LDC 2008, § 15A-20-08; Ord. No. 16-36, 10-20-2016)

**Sec. 21-20-9. Manufactured Home Residential District (MH).**

(a) *Purpose.* The Manufactured Home Residential District (MH) is established to provide a medium-density residential environment within Sandy City for manufactured home homeowners that is characterized by a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

(b) *Area Requirement.* Manufactured home subdivisions shall have a minimum total development size of five acres.

(c) *Lot Size.* The minimum lot area for each double-wide dwelling shall be 5,000 square feet and for each single-wide dwelling, 4,000 square feet.

(d) *Frontage.* The minimum width of any lot for a double-wide dwelling shall be 50 feet and for a single-wide dwelling, 40 feet, measured 20 feet back from the property line.

(e) *Front Yard Requirements.* All buildings shall be set back a minimum of ten feet from the front property line.

(f) *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each property line a distance of at least six feet, and the total distance of the two side setbacks shall be at least 15 feet. The minimum side yards for a private garage and other accessory buildings or awnings shall be three feet. Side yard distances are to be measured from a point beginning at the outer edges of any overhangs or eaves. On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten feet.

(g) *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a minimum of ten feet. Accessory buildings shall be set back a minimum of three feet. Said rear yard distances are to be measured from a point beginning at the outer edges of any overhangs or eaves, provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than six feet to such side yard.

(h) *Height of Buildings.* No building shall be erected to a height greater than 25 feet, and no dwelling shall be erected to a height less than one story above grade.

(i) *Manufactured Home Requirements.* All manufactured homes permitted for location in any mobile home subdivision shall conform to the laws, specifications, and requirements of the State of Utah National Manufactured Housing Construction and Safety Standards Act of 1974 and shall have attached proper certification that the mobile home conforms to the same.

(LDC 2008, § 15A-20-09)

**CHAPTER ~~15A-21-21-21~~. SUBDIVISION DESIGN STANDARDS\***

\*State law reference—Subdivision regulations, U.C.A. 1953, § 10-9a-601 et seq.

**Sec. 21-21-1. Purpose; ~~General Residential Development Standards.~~**

The purposes of this chapter are:

- (1) To promote the health, safety and general welfare of the residents of Sandy City.

- (2) To provide for the orderly development of the City, with adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, and other public requirements.

(LDC 2008, § 15A-21-01)

**Sec. 21-21-2. Curbs, Gutters, Sidewalks and Drive Approaches.**

The City Engineer may recommend that curbs, gutters, and sidewalks be installed on all existing and proposed streets and along the frontage of any lot within a subdivision in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. Inspections by the Engineering Division are required for the installation of all curbs, gutters, sidewalks, and drive approaches. If the developer/builder fails to notify the Engineering Division for inspection prior to installation, the City Engineer may require remedial action, including, but not limited to, the removal and replacement of the improvements in question. Unless waived by the Planning Commission upon recommendation from the City Engineer, these improvements will be required.

(LDC 2008, § 15A-21-02)

**Sec. 21-21-3. Residential Driveways.**

(a) Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of 12 feet and shall not exceed the maximum width of 30 feet. A secondary drive approach may be permitted upon review and approval by the City Engineer.

(b) No downsloping driveways shall be permitted unless otherwise approved by the City Engineer due to unusual topographic constraints. The driveway must maintain a positive slope away from the home as required by the International Building Code.

(c) The minimum grade at which a driveway shall be allowed to be built is two percent slope, and the maximum grade at which a driveway shall be allowed to be built is 12 percent slope, except as hereafter provided. The City Engineer, under exceptional circumstances, may approve driveway slopes having a grade exceeding 12 percent and may impose conditions of approval to mitigate any hazards created by the steepness of the driveway.

(d) Residential driveways shall be constructed with a minimum concrete thickness of four inches installed on a minimum of six inches of compacted untreated base course or six inches clean, two inch minus sewer rock.

(LDC 2008, § 15A-21-03)

**Sec. 21-21-4. Culinary Water Systems.**

(a) The developer shall extend culinary water systems to each lot within a subdivision and shall be in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. The developer shall install water lines and laterals throughout the subdivision, extending to the farthest boundaries thereof, or beyond as may be determined by the City as necessary to provide service.

(b) All water utility trenches within Sandy City rights-of-way shall be compacted in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. All trenches located outside of Sandy City rights-of-way and located beneath the driveway or within five feet of any public improvement shall be backfilled in 12-inch maximum lifts and mechanically compacted. Backfill and compaction operations shall be certified in writing to the City Engineer by the developer/builder through his/her licensed professional prior to the City issuing a Certificate of Occupancy. The location of the ends of all water laterals shall be located and marked at the property line by the developer.

(LDC 2008, § 15A-21-04)

**Sec. 21-21-5. Fire Hydrants.**

Fire hydrants shall be installed by the developer in accordance with the City's Standard Specifications and Details for Municipal Construction, the Uniform-International Fire Code, and other local ordinances at locations designated by the Fire Department as approved on the final plat and City-approved construction drawings.

(LDC 2008, § 15A-21-05)

**Sec. 21-21-6. Sanitary Sewer and Other Utility Systems.**

(a) The developer shall extend sanitary sewer systems to each lot in a subdivision in conformance with the requirements of the responsible sewer district and the Sandy City Standard Specifications and Details for Municipal Construction (SCSSDMC). The developer shall install main sewer lines and laterals throughout the entire subdivision, extending to the farthest boundaries thereof or beyond as determined by the City, or appropriate sewer district to be necessary to provide service.

(b) All sanitary sewer trenches within Sandy City rights-of-way shall be compacted in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. All trenches located outside of Sandy City rights-of-way located beneath the driveway or within five feet of any public improvement shall be backfilled in 12-inch maximum lifts and mechanically compacted. Backfill and compaction operations shall be certified in writing to the City Engineer by the developer/builder through his/~~her~~ licensed professional prior to the City issuing a Certificate of Occupancy. The developer shall locate and mark at the property line the location of the ends of sanitary sewer laterals. All new dwellings shall connect to proper sanitary facilities. This shall be reviewed as part of the building permit process.

(c) All trenches for utility installation within Sandy City rights-of-way shall be compacted in conformance with the Sandy City Standard Specifications and Details for Municipal Construction (SCSSDMC). All trenches located outside of Sandy City rights-of-way located beneath the driveway or within five feet of any public improvement shall be backfilled in 12-inch maximum lifts and mechanically compacted. Backfill and compaction operations shall be certified in writing to the City Engineer by the developer/builder through his/~~her~~ licensed professional prior to the City issuing a Certificate of Occupancy.

(LDC 2008, § 15A-21-06)

**Sec. 21-21-7. Drainage Systems.**

Surface water runoff drainage systems shall be designed to handle all runoff generated within the subdivision by a ten-year three-hour storm and routing of water generated by a 100-year, 72-hour storm. Such systems shall be designed and installed by the developer according to the Sandy City Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-21-07)

**Sec. 21-21-8. High Water Table Areas.**

(a) In areas with the potential of groundwater impacts, the City Engineer may require a Groundwater Investigation Study to be done by a geotechnical engineer and provided to the City for review with the application for final plat approval, to include the following:

- (1) Mitigation measures should be taken to ensure that homes will be protected from potential groundwater impacts, including a proposed method of groundwater disposal to be reviewed and approved by the City Engineer.
- (2) The developer shall provide groundwater information to each lot purchaser/owner and disclose the information on the plat.

(b) If required, groundwater drainage systems shall be designed and installed in accordance with construction standards and specifications determined by the City Engineer.

(c) All drainage systems shall be extended to the outermost boundaries of the subdivision by the developer, or further if necessary to provide service.

(d) The developer shall install or replace, when required by the City, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems.

(e) The City may prohibit basements in high water table areas upon recommendation from the City Engineer.

(f) If a public utility is outside of the public right-of-way, the developer and subsequent home owner shall be responsible for maintenance.

(LDC 2008, § 15A-21-08)

**Sec. 21-21-9. Alteration or Relocation of Natural Waterways.**

(a) A request for alteration or relocation of a natural waterway shall first be submitted to the City Engineer and Public Utilities Chief Engineer to ensure the following:

- (1) The flow capacity and velocity of the waterway will not change with the proposed alteration or relocation.
- (2) The soils conditions in the proposed location will not increase flooding potential.
- (3) The proposed waterway can be maintained.

(b) After approval by the City Engineer and Public Utilities Engineer, alteration or relocation of any natural waterway shall be submitted and approved by the State Engineer's Office, Army Corps of Engineers (if jurisdictional wetlands are affected), and the Salt Lake County Flood Control Department, or its successor.

(LDC 2008, § 15A-21-09)

**Sec. 21-21-10. Streets.**

(a) All roads and roadway features are required to meet minimum geometric design standards established by the American Association of State Highway and Transportation Officials (AASHTO). All street and right-of-way improvements shall be designed and constructed in accordance with the Sandy City Standard Specifications and Details for Municipal Construction. All signs, pavement markings, and traffic control signals must meet standards established by the Manual on Uniform Control Devices (MUTCD), and related roadway standards established by state, federal, or local law. Exceptions to applicable standards may be granted by the City Engineer on a case-by-case basis and shall demonstrate innovative superiority or other advantages over existing standards.

(b) The arrangement, character, extent, width, grade, and location of all streets shall conform to the Transportation Master Plan and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(c) Where the Transportation Master Plan does not show proposed streets, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas (providing for neighborhood connectivity with the purpose of spreading traffic); or
- (2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission, after considering a recommendation by the City Engineer, to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(d) At least two points of ingress/egress shall be provided for each subdivision, PUD, or multifamily project.

(1) *Special Exception.* The Planning Commission may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the City Engineer and Fire Marshal, under the following circumstances:

- a. 30 or fewer lots are accessed from the single ingress/egress; ~~and~~
- b. The City Engineer and Fire Marshal have reviewed the potential for impairment of such single access resulting from vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access and have made either a positive or negative recommendation to the Planning Commission with regards to a single point of ingress/egress; and
- c. The proposed development project has one or more of the following, as determined and recommended for approval or denial by the City Engineer and Fire Marshal to the Planning Commission:
  1. One or more cul-de-sacs, hammerheads, or other approved turn-arounds approved by the Fire Marshal and City Engineer, that comply with all development standards herein.
  2. An emergency access (a point of ingress/egress that provides access for emergency vehicles to respond to a building, or facility, in the event the main access is compromised. The design of this access must meet the International Fire Code).

3. The future extension of a stub street that will provide additional access, including a temporary turn-around.
  4. All buildings are equipped throughout with automatic sprinkler systems approved by the Fire Marshal and Chief Building Official.
- (e) Stub streets that are longer than 150 feet shall have a temporary turn-around.
- (f) Street right-of-way widths shall be as shown on the Transportation Master Plan and, where not shown therein, shall not be less than the following:

<i>Street Type</i>	<i>Right-of-Way Width</i>
Major arterial	108+ feet
Minor arterial	86 feet
Major collector	82 feet
Minor collector	68 feet
Local	52 feet
Private street/lane type	Right-of-way width
Private street	32 feet (27 feet pavement width minimum)
Private lane	20 feet pavement width minimum

- (g) Half streets are prohibited.
- (1) *Special Exception.* The Planning Commission may grant a special exception to allow less than a full-width dedication and improvements only in the following circumstances:
- a. Where it can be shown by the developer that it is essential to the development of the subdivision; ~~and~~
  - b. All other aspects of the subdivision are in conformance with the other requirements of these regulations; ~~and~~
  - c. The City Engineer recommends to the Planning Commission that it will be practicable to require the dedication and improvements to the other half when the adjoining property is developed; ~~and~~
  - d. A minimum pavement width of 20 feet will be required as recommended by the City Engineer.
- (h) A cul-de-sac is discouraged, but may be permitted on local streets and shall be terminated by a turn-around of not less than 92 feet in diameter, as measured from top back of curb to top back of curb. A cul-de-sac shall not exceed 400 feet in length in a residential zone. A cul-de-sac length is measured from its intersection with another street to the end of the cul-de-sac turn-around.
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles.
  - (j) No street names shall be used which will duplicate the names of existing streets. Street names are subject to the approval of the Salt Lake County Recorder's Office.
  - (k) Local streets shall be laid out to provide neighborhood connectivity so that traffic is distributed out evenly.
  - (l) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a local access street approximately parallel to and on each side of such right-of-way.
  - (m) Where a subdivision abuts or contains existing back-facing lots or a proposed arterial or collector street, the Planning Commission may require local access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other such treatment as may be

necessary for adequate protection of residential properties and to provide separation of thru and local traffic.

(n) Parkstrips and sidewalks shall be required on all streets. They shall be designed and installed according to the City's Standard Specifications and Details for Municipal Construction. The Planning Commission may waive either one or both of these improvements, after considering a recommendation from the City Engineer and Fire Marshal. The following criteria must be evaluated prior to waiving these improvements:

- (1) The number of homes within the subdivision.
- (2) The length of a cul-de-sac.
- (3) The precedence of adjoining improvements.
- (4) The configuration of lots.
- (5) Where the only other alternative is a private road design.

(o) The Fire Marshal, Police Chief, and City Engineer are authorized to recommend an approval or denial to the Planning Commission for the installation of security gates across Fire Department access roads if all of the following criteria can be met:

- (1) Compliance with the 2012 International Fire Code, or as amended.
- (2) Gates are placed on private or common area property and must be located at least 20 feet from the public right-of-way.
- (3) Gates are not within an area designated as a sight triangle by the City Engineer.
- (4) A turn-around shall be provided at the entrance of the gate for passenger cars. This will require a minimum of a 30-foot road width and a 12-foot opening in any potential median prior to the gate.
- (5) The minimum gate width shall be 20 feet.
- (6) Gates shall be of the swinging or sliding type.
- (7) Construction of gates shall be of materials that allow manual operation by one person.
- (8) Gate components shall be maintained and operational at all times and replaced or repaired when defective. Should the gate not be operational, the gate shall be left in an open position or removed until it can be certified by the Fire Marshal through an independent vendor that it functions properly.
- (9) Electric gates shall be equipped with a means of opening the gate by Fire Department personnel for emergency access. Emergency opening devices shall be approved by the Fire Marshal.
- (10) Manual opening gates shall not be locked with a padlock or a chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box is installed containing the keys to the lock.
- (11) Locking device specifications shall be submitted to the Fire Marshal for approval.
- (12) For all electronic gates, the HOA or private lane/gate owners shall apply for an annual gate permit and supply verification of yearly maintenance records with two phone numbers for responsible parties to the Fire Marshal.

(p) Bollards are prohibited within any public or private right-of-way, unless permission is granted by the City Engineer and Fire Marshal based upon restricted vehicle access and protection of fire hydrants.

(LDC 2008, § 15A-21-10; Ord. No. 14-29, 09-28-2014)

#### **Sec. 21-21-11. Additional Standards for Private Streets/Lanes.**

(a) Public street systems shall be required for access to all residential dwelling sites, unless it is demonstrated by the developer that a public street cannot be constructed due to the following issues: property width, connectivity (or the inability to connect to the existing street patterns), topographical concerns, overall subdivision design, utility connections, and the ability to provide service, which includes, but is not limited to, snow plowing, street sweeping, trash collection and overall street maintenance.

(b) If a private street/lane is allowed by the Planning Commission and, in the event that the developer desires to include the private street/lane as part of the lots square footage, then the developer will be required to simultaneously with the recordation of the subdivision or PUD plat to include language that discloses, including a written provision in any perpetual restrictive covenants to state:

"In the event the developer, declarant, or future owners of any lot within the subdivision desire to dedicate their private street/lane to the City, the individual lots will be required to meet the per lot square footage requirements for the existing zone, exclusive of any square footage now being used for the private street/lane access (including the required sidewalks) that are being requested to become a City-owned dedicated right-of-way."

(c) If the requested street/lane property dedication would result in any lot not meeting the City standards (e.g., minimum lot square footage required in the zone), then the requested dedication will be denied by the City.

(d) A private street is a right-of-way or easement in private ownership, not dedicated or maintained as a public street, that serves more than two lots and is greater than 150 feet in length. The following regulations apply to all proposed new developments. Existing roads that provide access to legally subdivided lots, or lots of record, may be allowed to remain at current widths unless it does not meet current Fire Code standards. If it does not meet current fire standards, upon any new development application, the subject property will be required to comply with current development standards.

- (1) Approved private streets for access to residential dwelling structures shall have a 27-foot minimum width paved surface (32-foot right-of-way). The Planning Commission may grant a special exception to allow less than a 27-foot pavement width, after considering a recommendation from the City Engineer and Fire Marshal. The City Engineer and Fire Marshal will consider the following conditions when making a recommendation to the Planning Commission for approval of a narrower pavement width:
  - a. Existing site conditions, topography, and improvements, etc.;
  - b. Fire access and water availability;
  - c. Number of lots based on zoning;
  - d. Lot dimensions including frontage;
  - e. Flood control and storm drain; and
  - f. Public utilities.
- (2) Private streets shall have appropriate turn-arounds at the termini of the road as required by the Sandy City Standard Specifications and Details for Municipal Construction.
- (3) A full-size fire apparatus must be able to negotiate the roadway without any backing maneuvers to the termini of the roadway. The applicant must demonstrate compliance through turn movement modeling software that is approved by the City Engineer. Vehicle size model is to be 2011 AASHTO Figure 2-6, City Bus.
- (4) Private streets that have less than 27 feet of pavement width shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances shall be maintained at all times.
- (5) The Director and City Engineer shall have the authority to require a sidewalk (five feet minimum) on one or both sides of the private street based upon pedestrian safety.
- (6) All private streets, including termini, shall be constructed in accordance with the latest edition of the Sandy City Standard Specifications and Details for Municipal Construction, this ~~Land Development Code~~ title, and all other applicable City ordinances.
- (7) If a private street is approved, a Capital Reserve Study (as per the Condominium Ownership Act (U.C.A. 1953, § 57-8-1 et seq.) and the Community Association Act (U.C.A. 1953, § 57-8a-101 et seq.) will be required and a Reserve Fund shall be established for the Homeowners' Association, based on the study, so that the street is continually maintained as designed. Street maintenance, sweeping and snow/trash removal is the responsibility of the Homeowners' Association.

(e) A private lane is a right-of-way or easement in private ownership, not dedicated or maintained as a public street, that serves one or two lots, and is less than 150 feet in length.

- (1) Approved private lanes for access to residential dwelling structures shall have a 20-foot minimum width paved surface. A full size fire apparatus must be able to negotiate the roadway without any backing maneuvers to the termini of the roadway. The applicant must demonstrate compliance through turn movement modeling software that is approved by the City Engineer. Vehicle size model is to be 2011 AASHTO Figure 2-6, City Bus.
- (2) The City Engineer and Fire Marshal shall have the authority to require an increase in the minimum widths if:
  - a. They determine that a 20-foot width is inadequate for fire or fire rescue operations.
  - b. After consideration of the potential for vehicle congestion, condition of terrain, climactic conditions or other factors would limit access.
- (3) Private lanes shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances shall be maintained at all times. Street maintenance, sweeping, and snow/trash removal is the responsibility of the lot owners which access the private lane.
- (4) All private lanes shall be constructed to meet Public Utility Department requirements related to water and storm drainage.
- (5) The maximum length of a private lane shall be 150 feet, with an approved turn-around, unless otherwise approved by the Planning Commission after considering a recommendation from the Director, City Engineer, and Fire Marshal. The Planning Commission may grant a special exception to exceed the length of a private lane beyond 150 feet, after recommendation from the Director, City Engineer, and Fire Marshal. These individuals will consider the following conditions when making a recommendation to the Planning Commission for approval of a longer private lane:
  - a. Proximity of buildable space;
  - b. Appropriate turn-around;
  - c. Slopes;
  - d. Fire hydrants; and
  - e. Service delivery
- (6) All private lanes, including termini, shall be constructed in accordance with the latest edition of the Sandy City Standard Specifications and Details for Municipal Construction, this ~~Land Development Code title~~, and all other applicable City ordinances.

(LDC 2008, § 15A-21-11; Ord. No. 14-29, 09-28-2014)

### **Sec. 21-21-12. Buffering Along Streets.**

Residential developments shall not permit motor vehicle access directly onto an arterial street or roadway from individual residential lots. No new residential developments shall be permitted within the City which abut an arterial without requiring improvements along the entire length of the development as it abuts the arterial street. The following standards shall apply:

- (1) The Planning Commission may require a barrier wall six feet in height (measured from the highest elevation on either side of the wall). Where soil retention is required, walls may be up to eight feet in height (retaining wall and barrier wall combined). Wall design and coloration shall be determined by the Planning Commission. The use of alternative wall materials, appearance, and color is encouraged. Concrete strips placed at the base of the fence shall be required to eliminate gaps between walls and sidewalks.
- (2) Curb, gutter, and sidewalk shall be designed to specifications approved by the City Engineer.
- (3) A landscaped buffer between the sidewalk and street curb shall be installed according to SCSSDMC. In order to facilitate the planting of street trees, an eight-foot parkstrip and five-foot sidewalk is the standard

requirement. Reduced parkstrip and sidewalk width may be approved based upon the size, scale, and nature of the project, and the type of existing improvements on adjacent properties. However, a ten-foot cross-section (five-foot parkstrip, five-foot sidewalk) is a minimum and may necessitate tree planting behind the sidewalk.

- (4) Sprinkling system and water connections sufficient to maintain landscaping in all buffer areas shall be approved by the Public Utilities Department and Parks and Recreation Department.
- (5) An additional landscaped buffer, including sprinkling and water connections, may be required by the Planning Commission between the sidewalk and barrier wall, where it is impractical for the barrier wall to abut the sidewalk. The specific width of the buffer and landscaping specifications shall be determined by the Planning Commission upon recommendation by the Parks and Recreation Director at the time of subdivision review.

(LDC 2008, § 15A-21-12)

**Sec. 21-21-13. Protection Strips.**

Reserve or protection strips controlling access to streets shall be prohibited. However, where ~~the~~ said streets to which access is controlled, parallel property of other owners which are contiguous and which other property can be reasonably inferred to be benefitted by ~~the~~ said street or the utilities within it, it shall be allowed under the following criteria:

- (1) It has received approval of the Mayor, after review and recommendation by City staff and the Planning Commission.
- (2) It is no less than one foot nor more than five feet in width and is located abutting the dedicated street and between the street and the adjacent property.
- (3) It is placed within the boundaries of the recorded subdivision and is specifically indicated as undedicated property and as a protection strip.
- (4) It is not located at the end of or within the boundaries of a public or proposed street or within any area indicated for future public use.
- (5) The developer/subdivider shall execute an agreement with the City that ~~the~~ said strip shall be deeded to the adjacent owner, his heirs, executors, or assigns upon payment of consideration of not more than the fair cost of:
  - a. The land within the protection strip;
  - b. The street improvements properly chargeable to the contiguous property; and
  - c. The value of one-half of the land within the street at the time of agreement.
- (6) The said agreement shall have force and effect for no longer than ten years, at which time any remaining interest of the developer/subdivider shall vest in the City for use as a dedicated right-of-way. A deed shall be submitted with the agreement conforming to such requirements.
- (7) The agreement shall provide that an abutting owner, his heirs, executors, or assigns may purchase said protection strip in whatever portion he may desire, provided that no portion shall be less than that attributable to a normal size lot for the existing subdivision, and no less than that portion attributable to lots then being developed, sold, or improved by ~~the~~ said adjacent owner, his heirs, executors, or assigns, and the portion purchased is used in relation to a building lot and not as a right-of-way only.
- (8) The agreement shall provide that the developer/subdivider creating it shall maintain the protection strip, whatever its size, until such time as the ownership is transferred in the manner set forth above.

(LDC 2008, § 15A-21-13)

**Sec. 21-21-14. Block Length.**

- (a) The lengths, width, and shapes of blocks shall be determined by the following:
  - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

- (2) Zoning requirements as to lot size and dimensions.
- (3) Needs for convenient access, circulation, control, and safety of street traffic.
- (4) Limitations and opportunities of topography.

(b) Block lengths shall not exceed 1,200 feet.

(c) Pedestrian crosswalks shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities in accordance with the SCSSDMC.

(LDC 2008, § 15A-21-14)

**Sec. 21-21-15. Bridges, etc.**

The developer/subdivider shall pay all costs of designing and constructing, or installing any bridge, pipe, culvert or other structure required by the City to provide access or to cover any ditch, canal, jurisdictional wetlands, etc., within the subdivision or adjacent thereto.

(LDC 2008, § 15A-21-15)

**Sec. 21-21-16. Walkways and Trails.**

(a) Walkways with a width of six to ten feet ~~in width~~ may be required within a subdivision. This will be determined on a case-by-case basis after review by City staff.

(b) The developer may be required to dedicate a sufficient amount of property to be used exclusively as a pedestrian access walkway. Such parcels to be dedicated shall be located in a position within the development as may be determined by the Planning Commission. The parcel shall also be of a size large enough to allow for such a walkway, such size to be determined by the Planning Commission.

(c) The developer may be required to install upon the walkway such improvements as determined by the Planning Commission and the City Engineer. All such improvements shall be erected and constructed in accordance with standards as may be established by the Planning Commission and City Engineer.

(LDC 2008, § 15A-21-16)

**Sec. 21-21-17. Survey Monuments.**

Survey monuments shall be indicated on the final plat. A permit and approval from the Salt Lake County Surveyors Office for the installation of survey monuments must be obtained prior to the setting of any survey monuments and before any subdivision improvements are accepted.

(LDC 2008, § 15A-21-17)

**Sec. 21-21-18. Easements.**

(a) Easements for utilities and drainage shall be provided where necessary as determined by various public utility agencies, the Public Utilities Department, and the Public Works Department.

(b) Easements for surface water runoff drainage, canals, irrigation ditches, waterways, clear vision areas and rights-of-way within the subdivision and across adjoining property may be required by the City when necessary to properly serve the subdivision or protect its citizens.

(1) Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The developer/subdivider shall work with canal, ditch, drainage, irrigation companies, and the Public Utilities Department as to:

- a. Methods of covering, realigning, or eliminating ditches or canals within or adjoining the subdivision.
- b. The size of pipe and culverts required.
- c. The responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts shall be approved by the Public Utilities Department. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be

approved by the Public Utilities Department and City Engineer in accordance with the City's Standard Specifications and Details for Municipal Construction.

- (2) The developer/subdivider may be required to install a six-foot non-climbable fence or its equivalent along all open ditches, canals, waterways, open reservoirs or other bodies of water, railroad rights-of-way, and other such features of a potentially hazardous nature, on or contiguous to the property being subdivided as determined by the Planning Commission.
- (3) After installation and acceptance by Sandy City, individual property owners are responsible for maintenance of fences or portions of fences erected upon their property and shall hold Sandy City harmless for any and all defects of workmanship, maintenance, repair and liability arising from the erection or intended use of said fence.

(c) Easements for public trails shall be provided where necessary as determined by various public agencies, including the Sandy City Parks and Recreation Department, the Salt Lake County Parks and Recreation Department and the U.S. Forest Service.

(LDC 2008, § 15A-21-18)

**Sec. 21-21-19. Public Utilities.**

(a) The developer shall be responsible for the installation of service lines prior to street paving.

(b) All utilities which will serve the parcel being subdivided shall be buried beneath the surface of the ground and shall be located within the easements provided for such use or within the streets at a location to be determined by the City.

(c) All utility structures shall be included as part of the construction drawings submitted with the final plat.

(d) There shall be no above ground utility structures placed in a street, but they may be placed out of the public right-of-way in the easement as approved by the Public Utilities Department and the Public Works Department.

(LDC 2008, § 15A-21-19)

**Sec. 21-21-20. Street Lighting.**

(a) The developer shall follow the requirements as outlined in ~~the most current edition of the Revised Ordinances of Sandy City (Sandy City Street Lighting Ordinance)~~ this Code.

(b) The street lights shall be placed as approved by the Public Utilities Director. Such items to be approved include appropriate distance, alternating sides of street, location upon the property, street light type, height, and illumination intensity as determined by the City's Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-21-20)

**Sec. 21-21-21. Lots.**

(a) Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of this ~~Code~~ title and shall be platted as part of a subdivision. No parcel of land shall be created or left unplatted which is either undevelopable or serves merely as a nuisance or lot remnant.

(b) Except as may be otherwise provided in this ~~Development Code~~ title, all lots shall have the required frontage upon a dedicated and improved street. Exceptions may include the following:

- (1) Residential building lots that do not have frontage upon a public street shall obtain a special exception from the Planning Commission as part of the preliminary review process.
- (2) Commercial building lots within a recorded subdivision are exempt from this requirement. They may be developed without direct frontage upon a public street.

(c) Where a canal abuts a subdivision, the area or portion of the canal which is located in the lots shall not be included in the computation of total lot size nor side or rear yard setbacks for purposes of determining compliance with ~~the Development Code~~ this title.

(d) All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal

stakes approved by the City. The front corners of the lot shall be marked as per the Sandy City Standard Specifications and Details for Municipal Construction.

(e) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(f) Where possible, side lot lines shall be substantially at right angles to street lines.

(LDC 2008, § 15A-21-21)

**Sec. 21-21-22. Flag Lots.**

In order to encourage the more efficient use of land, flag or L-shaped lots may be approved by the Planning Commission as a special exception (a permitted use within the Sensitive Area Overlay District) subject to the following criteria:

- (1) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
- (2) The staff portion of said lot shall front on and be contiguous to a dedicated public street or private street. The minimum width of the staff portion of a flag lot shall be 20 feet and the maximum length shall be 150 feet, unless otherwise approved by the Planning Commission after considering a recommendation of the Fire Marshal.
- (3) No building or construction, except for driveways, shall be allowed on the staff portion of said lot, unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone (excluding entrance features and street lights).
- (4) The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts, unless otherwise determined by staff on a case-by-case basis.
- (5) The staff portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
- (6) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.
- (7) The front, side and rear yard requirements of the flag portion of said lots shall be the same as is required in the underlying zone.
- (8) No more than two flag lots can be served by the staff portion.
- (9) The maximum number of flag lots in the subdivision shall be not more than 20 percent of the total number of lots within the subdivision, unless otherwise approved by the Planning Commission. The Planning Commission may allow more than 20 percent if the subdivision is an infill development and the lot configuration is the most efficient use of land.
- (10) The approved building envelope shall be illustrated upon the final plat.
- (11) Below is an example of a flag lot and is included herein to illustrate the concept of flag or L-shaped lots.

[GRAPHIC]

(LDC 2008, § 15A-21-22; Ord. No. 14-29, 9-28-2014)

**Sec. 21-21-23. Seismic Areas.**

Any subdivision or lot on or adjacent to a seismic area shall comply with provisions of the Sensitive Area Overlay Zone.

(LDC 2008, § 15A-21-23)

**Sec. 21-21-24. Public Sites and Open Spaces.**

Where deemed appropriate by the Planning Commission, upon consideration of the particular type of

development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such areas for schools, parks, and other neighborhood purposes.

(LDC 2008, § 15A-21-24)

**Sec. 21-21-25. Waivers.**

Any waiver authorized by the Planning Commission as allowed in this ~~chapter~~-title shall be shown on the final plat and the reasons for such waiver shall be entered in writing in the minutes of the Planning Commission meeting.

(LDC 2008, § 15A-21-25)

**CHAPTER ~~15A-22~~-21-22. MANUFACTURED HOME PARKS**

**Sec. 21-22-1. Purpose.**

The purpose of this chapter is to:

- (1) Permit variety and flexibility in land development for residential purposes by allowing the use of manufactured homes in certain districts within the City.
- (2) Ensure that manufactured home development will be of such character as to promote the objectives and purposes of ~~the Development Code~~-this title, to protect the integrity and characteristics of the zone districts contiguous to those in which manufactured home parks are located, and protect other use values contiguous to or near manufactured home parks uses.
- (3) Encourage manufactured home parks to be located adjacent to or in close proximity to an arterial or collector street.

(LDC 2008, § 15A-22-01)

**Sec. 21-22-2. Provisions Applying to Manufactured Homes and Manufactured Home Parks.**

(a) *Location and Use.*

- (1) No manufactured home shall be located, placed, used, or occupied in Sandy City except within approved manufactured home subdivisions, manufactured home parks, or manufactured homes sales lots.
- (2) A portion of a manufactured home park may be used as a recreational vehicle park providing all applicable requirements of ~~the Development Code~~-this title for the zoning district are met.

(b) *Storage in Sales Lots.* Manufactured homes may be stored, displayed, sold, and serviced in a sales lot as permitted in the Land Use Matrix, Permissible Uses and Standards, but shall not be used for living or office purposes.

(c) *Storage in Manufactured Home Parks.* Recreational vehicles may be accommodated in an approved and licensed manufactured home park provided:

- (1) The recreational vehicle storage area is surrounded by a six-foot opaque fence.
- (2) The recreational vehicle storage area shall have direct access from within the manufactured home park.

(LDC 2008, § 15A-22-02)

**Sec. 21-22-3. Application for Review and Approval of a Manufactured Home Park.**

(a) *Approval.* Manufactured home parks may not be constructed unless first approved by the Planning Commission. The proposed development will:

- (1) Be in keeping with the general character of the zone district within which the proposed development will be located.
- (2) Be located on a parcel of land containing not less than ten acres, or on two or more parcels separated by a street or alley only and totaling at least ten acres.
- (3) Have at least 25 spaces completed and ready for occupancy before first occupancy is permitted.
- (4) Meet all the standards and requirements of this ~~Code~~-title and all other requirements of applicable

ordinances of Sandy City.

(5) Have written approval from all appropriate governmental entities and utility companies.

(b) *Overall Plan Requirement.* An overall plan for development of a manufactured home park shall be submitted to the Planning Commission for site plan review. The plan shall be drawn to a scale no smaller than one inch equals 30 feet and provide the following:

- (1) The proposed street and manufactured home space layout.
- (2) Site design of parks, playgrounds, and open spaces.
- (3) Tabulations showing percent of area to be devoted to open space, amenities, manufactured home spaces, and total area to be developed.
- (4) Proposed location of parking spaces for residents, guests, and recreational vehicle storage for manufactured home parks.
- (5) Any other data that the Planning Commission or the Director may require.
- (6) When applicable, all subdivision review standards must be followed.

(LDC 2008, § 15A-22-03)

#### **Sec. 21-22-4. Standards and Requirements.**

~~(a) *Manufactured Home Parks.*~~ Approval of a manufactured home park shall be subject to the following conditions and regulations, as well as any conditions imposed by the Planning Commission:

- (1) The number of manufactured homes shall be limited to ten units per acre. The manufactured homes may be clustered provided the total number of units does not exceed the number permitted on one acre multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the development and visitors.
- (2) Not less than 18 percent of the manufactured home park shall be landscaped.
- (3) No manufactured home (excluding awning or carport) shall be located closer than 15 feet from the nearest part of any other manufactured home. All manufactured home add-ons shall be set back at least ten feet from road curbs or walks. If the tongue of a manufactured home remains attached, it shall be set back a minimum of six feet from the road curbs and/or walks.
- (4) All areas not covered by manufactured homes, hard surfacing, or buildings shall be landscaped in a manner approved by the City, and such landscaping shall be permanently maintained.
- (5) All off-street parking spaces and driveways shall be hard surfaced before the manufactured home spaces may be occupied.
- (6) Within 45 days of occupancy, each manufactured home shall be skirted. Shields may be used provided they are fire-resistant, weatherproofed, well-painted, or otherwise preserved.
- (7) A strip of land at least ten feet wide (within the property limits of the park) surrounding the entire park shall be left unoccupied by manufactured homes and shall be planted and maintained in lawn, shrubs, and trees designed to afford privacy to the development. Where a manufactured home park abuts a residential lot other than a manufactured home park, such strip shall be at least 20 feet wide.
- (8) All storage and solid waste receptacles outside the confines of any manufactured home must be housed in an enclosed structure compatible in design and construction to the manufactured home and to any service buildings within the development. The service buildings shall be constructed to standard commercial practice and kept in good repair as approved by the Chief Building Official.
- (9) No manufactured home space shall be rented for a period of less than 30 days.
- (10) There shall be at least one off-street parking space for each mobile home pad and one space for visitor parking.

- (11) The roadways shall be of adequate width to accommodate anticipated traffic, but not less than the following, unless modified by an approved planned unit development plan:
  - a. For two-way traffic: 30 feet (lease line to lease line).
  - b. Publicly-dedicated streets shall meet City standards.
- (12) A manufactured home park shall have at least two vehicle accesses to public streets.
- (13) Storm drainage facilities shall be constructed to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development in accordance with the Standards and Specifications and Details for Municipal Construction (SSDMC).
- (14) A manufactured home park shall provide individual utility services to every manufactured home pad or lot as required by Sandy City ordinances.
- (15) In addition to meeting the above requirements and conforming to the other laws of the City, all manufactured home parks shall conform to requirements adopted by the appropriate governmental entities and utility companies.

(LDC 2008, § 15A-22-04)

#### **Sec. 21-22-5. Maintenance of Premises; Manufactured Home Parks.**

(a) *General.* The premises on which any manufactured home park is located, used or occupied, shall be maintained in a clean, orderly, and sanitary condition. The accumulation of any rubbish, waste, weeds, or other unsightly material shall constitute a nuisance and a violation of this ~~Code title~~ for which the City may direct removal of the mobile home from the premises.

(b) *Maintenance of Common Facilities.* For manufactured home parks, adequate and reasonable guarantees must be provided for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees shall be in the form as otherwise provided in this ~~Code title~~ for bonding for improvements.

(c) *Park Manager.* The developer/owners shall establish and appoint a park manager. The manager shall be locally available and authorized to receive, process, and fully represent the interests of the owners with respect to management and maintenance of the park.

(d) *Business License.* Prerequisite to the operation of any manufactured home park, a Sandy City business license shall be obtained.

(LDC 2008, § 15A-22-05)

#### **Sec. 21-22-6. Compliance with Other Regulations.**

All manufactured homes shall comply with and conform to all applicable Federal and local regulations.

(LDC 2008, § 15A-22-06; Ord. No. 13-13, 6-5-2013)

### **CHAPTER ~~15A-23~~ 21-23. COMMERCIAL, OFFICE, INDUSTRIAL, AND TRANSIT CORRIDOR DEVELOPMENT STANDARDS**

#### **Sec. 21-23-1. Purpose and Applicability.**

(a) *Purpose.* The commercial, office, industrial, and transit corridor district development standards are intended to provide a set of standards whereby developments can be designed into well-planned commercial and industrial centers using the latest industry ideas and techniques.

(b) *Scope.* This chapter establishes performance and development standards to encourage and facilitate orderly growth and well-planned development within Sandy City. These standards are intended to ensure good building and overall site design, good architectural design and visual appearance, street layout, parking design, pedestrian design, appropriate fencing, buffering, and screening, as well as compliance with the district regulations and other provisions of this ~~Code title~~ relating to public health, safety, and general welfare of the overall community. The standards set forth within this chapter shall be interpreted to be the minimum standards within the district unless

otherwise stated.

(c) *Applicability*. Uses permitted and conditional shall conform to the development standards provided in this ~~Code title~~ and to the application procedures for the development.

(d) *Applicability of Other Code Chapters*. Uses permitted and conditional under this chapter shall also conform to the applicable development standards provided elsewhere in this ~~Code title~~. Uses shall also conform to any overlay zone requirements that are applicable. Uses permitted as a conditional use shall also comply with the requirements for conditional use permits.

(LDC 2008, § 15A-23-01)

### **Sec. 21-23-2. Ancillary Uses.**

All permitted and conditional land uses within each district may conduct ancillary uses provided such use is not regulated by other sections or is listed as a prohibited land use in the district. Certain ancillary uses may be allowed if determined to be compatible with the primary use as determined by the Planning Commission.

(LDC 2008, § 15A-23-02)

### **Sec. 21-23-3. General Commercial and Industrial Development Standards.**

Development shall occur according to the following general standards and requirements, as well as the development requirements listed in the individual districts. In all cases, the more restrictive development standards shall govern.

- (1) *Site Plan Review Required*. Site plan review with City staff is required of all new, modified, and expanded development projects. Additionally, the site plan may be required to be reviewed by the Planning Commission as may be specified within a zoning district or if the necessity is determined by the Director.
- (2) *Architectural Design Standards*. All retail commercial, office, industrial, and institutional developments shall follow all standards listed in the Architectural Design Standards adopted by Sandy City.
- (3) *CPTED (Crime Prevention Through Environmental Design) Principles*.
  - a. The developer is required to consider the basic principles of CPTED when designing the site plan, Landscape Plan, and architectural design for a project. Use of the CPTED principles is strongly encouraged in the interest of the future security of the project from both the owner as well as the customer's standpoint. The concept of CPTED is based upon the theory that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime and be an improvement in the quality of life.
  - b. The following principles should be taken into account in the design of all buildings and developments:
    1. *Natural Surveillance*. Physical design that keeps potential intruders under the perception of continual watch, using "eyes on the street" (e.g., view to streets, driveways, and parking lots), and visual permeability in architecture, lighting, and landscaping.
    2. *Natural Access Control*. Physical design that guides the mobility of people and decreases crime opportunity and increases perception of risk to potential offenders.
    3. *Territorial Reinforcement*. Physical design that encourages users of property to develop ownership over it, developing space with an easily discernable purpose, using symbolic barriers such as low lying fences/walls, landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.
    4. *Management and Maintenance*. Responsibility for managing and maintaining the property. Show that someone cares about seeing that the property is in a presentable appearance and is secure for the customers that use the facility.
    5. *CPTED Landscaping Standards*. These should be used including planting shrubs with a maximum height of two to three feet and trees with a proper ground clearance of seven feet

above walkways and sidewalks and 14 feet above vehicular travel and parking lanes. This shall be accomplished through proper pruning practices, not by clear cutting, topping trees or other pruning for exposure techniques.

6. *Public Safety*. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, solid windowless walls are not permitted adjacent to streets, pedestrian areas, and open space amenities.
- (i) Symbolic barriers such as low lying fences/walls, landscaping and signage shall be used to discourage crime and to promote safety.
  - (ii) Ground floor parking garages shall not be permitted immediately adjacent to streets, unless permitted by the Planning Commission.
  - (iii) Developments shall have street side building elevations with extensive windows, balconies, decks, or landscape terraces being encouraged.
- (4) *General Building Locations and Setbacks*. In addition to the specific building setback requirements listed in each individual district, the following general standards shall apply:
- a. No building shall be closer than six feet from any private road, driveway, or parking spaces in order to allow areas adjacent to the building for foundation landscaping and buffering of pedestrian walkways. Exceptions may be made for any portion of the building that contains a drive-up window or where the Planning Commission may approve a zero-foot setback.
  - b. Except as specified in the Storefront Conservation Floating Zone, the public right-of-way boundary shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public right-of-way boundary, all such sides shall be considered as front property lines.
  - c. In all cases, the area between the front property line and the building shall be known as the front yard.
  - d. Table of Minimum Building Setbacks. All measurements are in feet and all front setbacks are measured from the top back of curb.

<i>District</i>	<i>Front Standard Setback*</i>	<i>Side, Shared Party Walls Allowed</i>	<i>Side, no Shared Walls</i>	<i>Side, Abut Residential**</i>	<i>Rear, Standard</i>	<i>Rear, Abut Residential District**</i>
RC District	25	Y	10	30	20	30
CC District	25	Y	10	30	20	30
CN District	25	Y	10	30	20	30
CN(HSN) District	0-25 <sup>1</sup>	Y	0-10 <sup>1</sup>	30	0-20 <sup>1</sup>	20
BC District	25	Y	10	30	10	30 <sup>2</sup>
CvC District	25	Y	10	30	20	30
HBD District	0-25 <sup>3</sup>	Y	0-10 <sup>3</sup>	0-15 <sup>3</sup>	0-15 <sup>3</sup>	0-15 <sup>3</sup>
CR-PUD District	25	Y	0	0	0 <sup>4</sup>	0 <sup>4</sup>
LC District	25	Y	10	30	10	30
PO District	25	Y	10	30	30	30
ID District	25	Y	10	30	1	30

CBD District	25 <sup>6</sup>	Y	10	30	20 <sup>6</sup>	30
CBD-P District	See Note #6 below					
CBD-O District	See Minimum landscape standards for CBD Zone					
CBD-A&C District	See Note #6 below					
Automall District (Dealer Area)	94	Y	15	-	0 <sup>5</sup>	-
Automall District (Commercial Area)	25	N	10 <sup>5</sup>	-	10 <sup>5</sup>	-
RD District	25 <sup>7</sup>	Y	10	10	20 <sup>7</sup>	20 <sup>7</sup>
*Except as modified by the Storefront Conservation Floating Zone, a minimum of 15 feet from the back of sidewalk shall be maintained for all buildings regardless of the minimum setback shown in the table, except where a zero-foot setback is allowed and used.						
**Exception: For commercial developments with a dedicated open space area (canal, trail, etc.), between the proposed development and an adjacent residential district, the setback can be reduced to a minimum of ten feet from the commercial developments property line rather than the typical 30 feet.						

## Notes:

1. *CN(HSN) District.*
  - a. *Front Yard.* All buildings shall be setback between zero to 25 feet from the front property line unless otherwise noted below or approved by the Planning Commission during site plan review.
    1. Where a structure is proposed to be constructed on a site adjacent to existing structures that have been built on or near the front property line, the proposed new structure shall follow that precedent.
    2. Where new construction is proposed for a vacant corner lot on a block with no setback from the street, the proposed new construction shall again follow that model.
  - b. *Side Yard.* Where the side yard abuts another commercial district property, a building shall extend to the property line or be no closer than ten feet from the side property line and be developed as specified elsewhere in this Code.
  - c. *Rear Yard.* Where the rear yard abuts another commercially zoned property, a building shall extend to the property line or be located no closer than 20 feet from the rear property line.
2. *BC District.* When the development abuts a residential district, the rear setback shall be a minimum of 30 feet.
3. *HBD District.* Where a structure is proposed to be constructed on a site adjacent to existing structures that have been built on or near the front property line, the proposed new structure shall follow that precedent. Where new construction is proposed for a vacant corner lot on a block with no setback from the street, the proposed new construction shall again follow that model. Where a structure is proposed to be constructed on a block where there is no zero lot line precedent and where the existing pattern of development shows front and side yard setbacks, the proposed project shall conform to a zero lot line pattern where possible.
4. *CR-PUD District; Rear Yard.* None except where visible from right-of-way or Interstate 15. Where a rear yard is visible from the right-of-way or Interstate 15, the rear yard setback shall be 20 feet.
5. *AM District.*
  - a. *AM District; Dealership Area.*

1. *Front, Side and Rear Setback for Parking Structures.* The setback for parking structures that are used for vehicle inventory/display may be reduced by the Planning Commission after considering the following factors:
    - (i) Height and configuration of the structure.
    - (ii) Relationship and impact to other buildings on-site and on adjoining properties.
    - (iii) Location of any public utility easements.
    - (iv) Visibility from vehicular approaches.
  2. *Rear Setback.* Minimum ten-foot rear yard setback when adjacent to commercial area. Minimum 50-foot rear yard setback when adjacent to Interstate 15.
  - b. *AM District; Commercial Area.* Side and rear setbacks may be reduced to five feet if developed in conjunction with an adjoining lot development. Rear setbacks may be reduced to zero feet if totally screened from view.
6. *CBD Districts.*
- a. *CBD and CBD-O.*
    1. Building and parking setbacks along Interstate 15 shall be a minimum of 50 feet or an average of 50 feet with no point closer than 40 feet. For new developments in the CBD Zoning District over ten acres in size, the Planning Commission may be allowed to modify the setbacks after considering the following factors:
      - (i) Overall Master Plan layout of the project.
      - (ii) Relationship and impact to other buildings on-site and adjoining properties (present and future).
      - (iii) Physical features such as rail lines, canals, and controlled ingress and egress.
      - (iv) Location of any public utility easements.
    2. Side and Rear Yard for CBD. The Planning Commission may approve, during site plan review, a zero side and/or rear yard setback for parking structures that are placed underneath or behind the main building, or for manufacturing uses, if they determine there would not be a negative impact on adjacent properties, after considering the following factors:
      - (i) Height and configuration of parking structure or manufacturing use.
      - (ii) Relation and impact to other buildings on-site and adjoining properties (present and future).
      - (iii) Natural land features such as slopes and vegetation.
      - (iv) Physical features such as rail lines, canals, and controlled ingress and egress.
      - (v) Location of any public utility easements.
      - (vi) Visibility from vehicular approaches.
  - b. *CBD-P.*
    1. *Front Setback.* In order to encourage a "Main Street" effect along the Parkway, buildings shall maintain a zero lot line front setback from the approved sidewalk and streetscape profile of Centennial Parkway and Segó Lily Drive (10000 South). Buildings that originate within the CBD-P District with a zero lot line front setback may continue that setback for the length of the building into the CBD District. This reduced setback does not apply to other non-contiguous structures within the development. Front setback variations may be used when an activity related to pedestrian use is maintained (e.g., outside seating for restaurants, urban streetscapes).

2. *Side and Rear Setbacks.* Zero lot line side setbacks with attached structures in compliance with the International Building Code are required except for pedestrian access and usable open space areas. Rear setbacks shall be of sufficient depth to allow required parking and landscaped areas to the rear of the buildings.
- c. *CBD-A&C.*
1. *Front Setbacks.* Front setbacks of buildings shall maintain a zero-foot setback from the approved sidewalk and streetscape profile. Variations shall be required for building articulation and when an activity is related to pedestrian use (e.g., outside seating for restaurant, pedestrian walking areas, residential courtyards, etc.). A maximum setback of ten feet is allowed for residential courtyards.
  2. *Side and Rear Setbacks.* Zero-foot setback may be approved by the Planning Commission for all other lot lines.
7. *RD District.*
- a. *Front Yard.* All buildings shall be set back at least 25 feet from all public streets. Unless otherwise approved by the Planning Commission, with a recommendation from the City Transportation Engineer, based upon future transportation needs for the City, there shall be no parking between the building and a public street. Said area shall be landscaped or developed into a pedestrian plaza (e.g., fountain, seating, landscape planters, etc.).
  - b. *Rear Yard.* Unless nonresidential uses are developed conjointly, buildings shall be set back at least 20 feet from rear property lines.
  - c. *Table of Maximum Building Heights.* All building heights are measured in feet and are measured to the peak of the roof, if pitched, or to the top of the roof parapet, if flat. If the building is located upon a slope, then the base measurement point is taken from the average finished grade.

<i>District</i>	<i>Building Height</i>	<i>Max Height within 250 feet of Residential District</i>
RC District	See Note #3 below	
CC District	35 <sup>2</sup>	35
CN District	40	40
CN(HSN) District	40	40
BC District	50 <sup>4</sup>	40
CvC District	30	30
HBD District	40	40
CR-PUD	70	70
LC District	40	40
PO District	25 <sup>8</sup>	25 <sup>8</sup>
ID District	80 <sup>5</sup>	40
CBD District	140 <sup>6</sup>	35 <sup>6</sup>
CBD-P Subdistrict	See 21-23-21(a)	
CBD-O Subdistrict	See 21-23-21(a)	
CBD-A&C Subdistrict	See 21-23-21(a)	
AM District, Dealership Area	40 <sup>1</sup>	N/A

AM District, Commercial Area	40 <sup>1</sup>	N/A
RD District	80 <sup>7</sup>	80 <sup>7</sup>

## Notes:

1. *AM District.* An additional height bonus is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 30 feet) to a maximum height of 70 feet.
2. *CC District.* Additional height is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 30 feet) to a maximum height of 50 feet.
3. *RC District.*
  - a. *East of State Street.* Buildings within 100 feet of an R-1 Residential District boundary may be erected to a maximum height of 40 feet. An additional height bonus of one additional foot of height per additional two feet from the required minimum setback may be granted up to a maximum height of 60 feet. The Planning Commission may increase the required setback or require additional architectural elements for buildings taller than 35 feet from the east property line, if, after due consideration, the Commission deems it necessary to mitigate any negative impacts that the proposed development may have on residential development.
  - b. *West of State Street.* Buildings may be built to a maximum height of 75 feet. Buildings where appurtenances are constructed for the purpose of mitigating noise and/or light may be built to a maximum of 115 feet. For those developments where any portion of a building is within 100 feet of an R-1 Residential District boundary, they may be erected to a maximum height of 40 feet. An additional height bonus of one additional foot of height for each additional two feet of setback from the required minimum setback may be granted up to a maximum height of 60 feet for any portion of the building within the 100-foot buffer area. Maximum building height shall be measured from average finished grade to the top of the roof.
4. *BC District.* No building shall exceed a height of 40 feet from average finished grade to the peak of the roof line, except that an additional height bonus is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 39 feet) to a maximum height of 50 feet.
5. *ID District.* East of Interstate 15, buildings shall be erected to a height no greater than 40 feet for any part of the building intended for human occupancy.
6. *CBD Districts.*
  - a. *West of State Street.* Buildings may be built to a maximum height of 140 feet or no more than ten stories.
    1. Exceptions:
      - (i) Multifamily buildings (including vertical mixed use buildings that contain residential uses) may be allowed up to 140 feet without restriction on the number of stories.
      - (ii) The Planning Commission may approve a building taller than 140 feet, or more than ten stories, not to exceed 20 stories, after considering the following factors:
        - A. Overall Master Plan layout of the project, which may include the size, scale, location, and topography of the property.
        - B. Relationship and impact to other buildings on-site and adjoining properties.
        - C. Unique architectural design.
  - b. *East of State Street.* Buildings within 100 feet of an R-1 Residential District boundary may be erected to a maximum height of 40 feet to the peak of the roof. An additional height bonus of one foot per additional two feet from the required setback may be granted up to a maximum height of 65 feet.

7. *RD District.* Buildings may be built to a maximum height of 80 feet west of Interstate 15 and 65 feet east of Interstate 15. For those developments that are east of Interstate 15, any portion of a building within 100 feet of an R-1 Residential District boundary may be erected to a maximum height of 40 feet to the peak of the roof. An additional height bonus of one foot per additional two feet from the required setback may be granted up to a maximum height of 65 feet for any portion of the building beyond the 100-foot buffer area.
8. *PO District.* Actual building height may exceed the height limitation in the building height matrix if the required building setbacks (front, side, and rear) are increased by a ratio of one foot of height for every two feet of additional setback. The height may be increased up to a maximum of 50 feet to the peak of the roof. If additional height is desired, the development must include all of the following five additional design criteria:
  - a. *Open Space.* The increase in height creates additional usable open space that would otherwise not be available if additional height is not granted.
  - b. *Landscaping.* Additional landscape elements (either hardscape or greenscape) soften the appearance of the building and provide additional buffer areas adjacent to a residential district.
  - c. *Aesthetics.* The proposed building design and architecture are distinctive, unique, and compatible with the immediate surroundings (both manmade and natural).
  - d. *Impact on Residential Areas.* The proposed building height provides for a reduced impact on adjacent residential districts (e.g., varied building setback, unique roof line, residential appearance, etc.).
  - e. *Gathering Place/Plaza.* The increased height creates a unique people place that will create local interest. Such places might include a fountain, a pedestrian plaza, usable landscaping, etc.

(LDC 2008, § 15A-23-03; Ord. No. 12-15, 5-15-2012; Ord. No. 14-24, 9-4-2014; Ord. No. 14-35, 11-13-2014; Ord. No. 14-37, 11-24-2014; Ord. No. 16-01, 1-14-2016; Ord. No. 18-14, § 1(exh. A) 5-15-2018,

#### **Sec. 21-23-4. Lot Size and Width.**

Lots shall be of sufficient size and width to assure compliance with all requirements of this chapter.

(LDC 2008, § 15A-23-04)

#### **Sec. 21-23-5. Public Improvements.**

(a) *General.*

- (1) The developer of the project shall be responsible for the dedication and improvement of all off-site public improvements that do not presently exist according to the width of the ultimate right-of-way, as called out in the Transportation Element of the Sandy City General Plan, on or along the property being developed. If a property has multiple street frontages, improvements are required along all streets.
- (2) Such improvements shall include, but are not limited to, curb, gutter, sidewalk, streetlights, drive approaches, waterways, road base, asphalt, striping, streetscape, storm drainage, fire hydrants, copper laterals, piping of irrigation ditches and flood control systems, fencing of canals, extension of water lines, appurtenances and sewer lines, removal of utility lines out of the right-of-way (with the exception of traditionally buried lines such as sewer, water, and natural gas transmission lines), etc.

(b) *Other Off-Site Improvements.* The developer may also be responsible for other off-site work such as participation in the cost of such items as traffic lights and traffic medians that are related to the impacts created by a particular project.

(c) *Compliance with City Specifications.* All required improvements shall be designed and installed by the developer according to the Sandy City Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-23-05)

#### **Sec. 21-23-6. Parking Lots and Loading Areas.**

- (a) *General.* There shall be provided at the time of erection of any main building or at the time any main

building is enlarged or increased in capacity, minimum off street parking space with adequate provision for ingress and egress in accordance with the requirements herein.

(b) *Parking Areas, Development, and Maintenance.* Every parcel of land used as a public or private parking area, including a commercial parking lot for automobiles, farm equipment, or other open air sales lot, shall be developed and maintained consistent with the approved site plan for the project.

(LDC 2008, § 15A-23-06)

### **Sec. 21-23-7. Screening at Boundaries of Residential Districts.**

(a) *Masonry Wall.* For commercial and industrial developments abutting residential districts (except recognizable holding zones for future commercial or industrial development), an opaque masonry wall shall be installed and maintained along all district boundaries, other than streets, where the premises abut areas zoned for residential uses.

(b) *Height.* Except where otherwise provided, the opaque masonry wall shall be a minimum of eight feet in height. If requested by the adjacent residents, the Planning Commission may approve a lower wall based upon unusual circumstances (e.g., views, landscaping, etc.). A lower height wall may be required adjacent to a front property line for sight distance and traffic safety.

(c) *Grade.* Where there is a difference in elevation on opposite sides of the wall, the height of the required wall shall be measured from the highest elevation.

(d) *Signs are Prohibited.* No signs or sign supports shall be permitted on any required wall.

(e) *Materials.* Acceptable construction materials for walls shall be brick, ceramic tile, stone, pre-cast concrete panel, concrete block, or such other masonry materials as the Director may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the Chief Building Official.

(f) *Other.* Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district (e.g., hillside developments, developments adjacent to dedicated open space), the Director shall review and may approve other methods of screening such as bermed landscaping, open style fencing, screen height, placement of screen, or other types of screening.

(LDC 2008, § 15A-23-07)

### **Sec. 21-23-8. Storage and Display Areas.**

(a) *Storage Areas.* Storage areas, including, but not limited to, areas containing vehicle storage, merchandise, or equipment, etc., shall be paved with hard surface paving (unless otherwise approved by the Director) and screened with decorative opaque fencing and landscaping. Each wall or fence shall be at least six feet in vertical height or equal in height to the material to be screened and shall be sufficient to screen facilities from view of a public street and neighboring lots.

(b) *Outdoor Displays.* Outdoor displays in front of buildings and within parking lots (e.g., lawnmowers, trailers, tires, garden supplies, plants, sheds, fencing, building materials, and general merchandise) shall only be displayed in front of buildings and within parking lots as shown on the approved site plan for the development. Said displays shall not block pedestrian walkways and shall maintain a minimum setback of ten feet from driveways.

(1) *General Display Standards.* Vehicles, equipment and other merchandise for sale or rent may only be displayed within the required front landscape setback upon the approval of designated concrete, or decorative brick paver display pads to be shown on an approved site plan for the development.

(2) *Display Pad Standards.*

- a. No more than two display pads are allowed within the required front landscape area for each 100 feet of owned or leased property street frontage (i.e., ~~>greater than~~ 150 feet of frontage would allow up to three display pads, but ~~<less than~~ 150 feet would be limited to two display pads).
- b. Display pads may cover up to a maximum of 25 percent of the required front landscape area and shall not be more than two feet in height above the sidewalk grade.
- c. All display pads shall have landscaping to surround the pads on the front (facing the street) and

both sides to a width not less than five feet. Landscaping shall consist of additional combinations of shrubs and ground covers to enhance and soften the pad appearance.

d. All displays shall be kept within approved display pads.

(c) *Traffic Safety.* No outside displays (either permanent or temporary) shall be permitted to block required driveways, traffic visibility, traffic and parking aisles, parking spaces, public rights-of-way (including sidewalks), nor be located upon any landscaped area (other than on approved display pads).

(d) *Distance from Residential District.* No outdoor storage shall be located within 30 feet of any district zoned for residential use.

(LDC 2008, § 15A-23-08)

**Sec. 21-23-9. Trash Enclosure Areas.**

(a) *Design Standards.* Enclosures shall be provided for all garbage and/or recycling containers (dumpsters), and design of said enclosure shall be consistent with the Sandy City Architectural Design Standards.

[GRAPHIC]

(b) *Gates.* Enclosure material shall be composed of solid masonry, a minimum six feet high, compatible with adjacent buildings with opaque gates to be closed when not in use. Gate frames shall be made of solid metal, and facing may be solid metal or other durable materials approved by the Director.

(c) *Screening.* Each enclosure and its gates shall be equal in vertical height to the trash dumpster to be screened and be sufficient to screen said facilities from view from public and private roads and neighboring lots.

(d) *Location.* No dumpster shall be permitted in the required front building setback, nor shall it block required driveways, traffic and parking aisles, parking spaces, or sidewalks.

(e) *Setbacks.* No dumpster shall be located within five feet of any side or rear commercial property line or ten feet of any side or rear property line adjacent to a residential district.

(f) *Access.* Public roads shall not be used directly for refuse collection.

(LDC 2008, § 15A-23-09; Ord. No. 14-37, 11-24-2014)

**Sec. 21-23-10. Roof-Mounted Mechanical Equipment.**

(a) *Screened.* All roof-mounted mechanical equipment and vents (including swamp coolers) shall be screened entirely from view from adjacent public rights-of-way and properties. This may be accomplished using one or more of the following alternatives:

- (1) A separate continuous screening system.
- (2) Groupings of pieces of mechanical equipment with an architecturally designed screening system that blends with the architectural design and materials of the proposed building.
- (3) Extension of the building's parapet walls to screen the equipment from public view.

Note: Line of sight drawings will not be accepted as proof of roof equipment screening.

(b) *Engineered.* All roof-mounted mechanical equipment (including its height above the roof) and the proposed screening system shall be shown to scale on the building's structural plans and approved by the Director prior to issuance of a building permit. Said roof screen systems shall also be designed, structurally engineered, and stamped by a licensed engineer for drifting snow and wind loads, and approved by the Plans Examiner of the Building and Safety Division.

(LDC 2008, § 15A-23-10)

**Sec. 21-23-11. Lighting.**

(a) *Spotlights.* Reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking, and loading areas, provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking, and loading areas.

(b) *Light Spill.* No unshielded lights, reflectors, spotlights, strobe lights, or search lights shall be so located so that they are pointed towards or are directly visible from public rights-of-way. All lighting shall be shielded and directed downward to avoid light spill beyond the property line. Unshielded, exterior wall-mounted floodlights (wall packs) are prohibited. Intensities shall be controlled so that neighboring areas will not be adversely affected by glare or excessive light.

(c) *Appropriate Lighting.* Pole mounted fixtures are required for parking lot lighting. Lighting of pedestrian pathways is also required. Lighting of buildings and site identification signs are permitted.

(d) *Site Drawings.* Design and location of standards and fixtures shall be specified on the site development drawings. The use of color corrected high pressure sodium (white light) light fixtures is strongly encouraged.

(LDC 2008, § 15A-23-11)

**Sec. 21-23-12. Utilities.**

(a) All utility lines shall be placed underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity, or any other energy or service shall be installed on a permanent basis above ground. However, backflow devices have to be installed above ground. Therefore, no pole or other support structure shall be erected, altered, or replaced upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

(b) Transformers shall be grouped with other utility meters, where possible. Gas meters, electric service meter panels, electric service entrance equipment, and other utility boxes shall be grouped together, where possible, and attached to the side of the buildings and shall be painted to match the adjacent building wall.

(c) Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility. Prior to construction, contact must be made with "Blue Stakes" to identify underground utility lines.

(d) Where overhead poles exist, service lines to new developments must be placed underground from the nearest overhead service pole.

(e) This section does not require removal of any existing electrical transmission facilities and electrical distribution lines, nor does it restrict the repair, minor relocation, and maintenance of any such existing facilities, except that if any development requires a road widening to meet the impacts of that development and there are utility poles in the road to be widened, the developer, at his own expense, shall be responsible to remove those utility poles out of the public right-of-way and to underground all utility lines across the frontage of the development that may be associated with those utility poles.

(f) The director of the Department of Public Utilities may approve, with the consent of the City Council, an alternative to the requirement of placing existing utility lines underground on a temporary basis, upon finding that the burial is currently impractical and would be best accomplished as part of a future large-scale project. The Director may also approve an alternative to the requirement of placing new and existing utility lines underground on Utah State highway projects, upon findings by the Director.

(g) *Street Tree/Street Light Coordination.* Actual tree spacing during site plan review may be adjusted, as necessary, to match existing streetscape or to adapt to unique on-site conditions that would justify such (e.g., topography, street lights, power lines and poles, and other utilities). In some cases, street trees may need to be placed behind sidewalks, or eliminated, in order to accommodate on-site conditions. Parkstrips on arterial and collector streets should accommodate street trees, street lights, and other needed utilities. Street trees should be placed such that the street lighting system functions properly and achieves the desired result.

(h) All utility boxes (e.g., transformers, switch gear, telephone, cable TV, back flow preventers, etc.), shall be shown on the site plan and Utility Plan and shall be placed a minimum of five feet from any sidewalk or parking lot curbing. Said utility boxes shall not be located within any required traffic sight triangle(s), as determined by the Sandy City Transportation Engineer and shall be screened from view with appropriate landscaping or architectural elements compatible in material and color with the primary structure. Each box shall be shown in its exact location and shall be noted with its exact height, width, and length.

(LDC 2008, § 15A-23-12; Ord. No. 09-01, 3-5-2009; Ord. No. 11-07, 5-3-2011; Ord. No. 16-34, 10-29-2016)

### Sec. 21-23-13. General Maintenance.

(a) Property (including all buildings, landscaping, fences, walls, drives, parking lot surfacing and striping, signs, or other structures) shall be maintained in good repair and in accordance with the approved site plan for the project.

(b) Roads and pavements shall be kept true to line and grade and in good repair.

(c) Drainage ditches shall be kept clean and free of any obstructions.

(d) A Post-Construction Storm Water Maintenance Plan must be prepared and submitted with the plans for approval for all privately-owned or -maintained facilities that warrant compliance with the Utah General Construction Permit (UGCP) regulation, according to the Sandy City Development Standards and Requirements for Storm Water.

(e) The owner of a development that warrants compliance with the UGCP regulation, must submit a signed Storm Water Maintenance Agreement using the Sandy City agreement template according to the Sandy City Development Standards and Requirements for Storm Water.

(LDC 2008, § 15A-23-13; Ord. No. 15-22, 7-15-2015)

### Sec. 21-23-14. Grading and Drainage.

(a) *Approval.* A site plan with grading, drainage, and clearing plans (including proposed vegetation removal) shall be approved by the Community Development, Public Utilities and Public Works Departments before any such activities begin.

(b) *Adjoining Lots.* Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.

(c) *Natural Grade.* Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of the natural grade.

(d) *Sensitive Areas.* Grading shall not occur on any land where the natural slope is equal to or in excess of 30 percent in accordance with the provisions of the Sensitive Area Overlay Zone.

(e) *Erosion and Sediment Control Measures.* Erosion and sediment control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An Erosion and Sediment Control Plan (Storm Water Pollution Prevention Plan) shall be included in the Grading and Drainage Plans described in this ~~chapter~~ section. The Erosion and Sediment Control Plan shall be prepared in accordance with the Jordan Valley Municipalities Permit (Permit UTS000001) and the Utah General Construction Permit (Permit UTRC00000) for projects that warrant compliance with the Utah General Construction Permit regulation.

(f) *Notice of Intent (NOI).* For all projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.

(g) *Storm Water Pollution Prevention Plan (SWPPP).* A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:

- (1) Land disturbing activity that generally disturbs one or more acres of land;
- (2) Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
- (3) Land disturbing of less than one acre of land, and if, in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
- (4) The creation and use of borrow pits;
- (5) Development of a single-family home;
- (6) Processing of earthen materials such as top soil and gravel screening;

- (7) Construction of parking lots;
- (8) Demolitions.

(h) SWPPP and/or NOI Submittal and Approval. If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:

- (1) Grading permit;
- (2) Subdivision Plan approval (residential);
- (3) Site plan approval (commercial);
- (4) Building permit;
- (5) Road cut permit.

(i) Use of State Template. Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.

(j) Internet-Based Management System. For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.

- (1) The online SWPPP management system shall meet audit requirements of the State of Utah.
- (2) The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in ~~the section above~~ Subsection (h) of this section.
- (3) Reports and data shall be made available upon request.
- (4) City staff shall have viewing access rights.

(k) Low Impact Development (LID). As part of the Jordan Valley Municipalities Permit, Sandy City encourages a Low Impact Development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.

- (1) All development that warrants compliance with the UGCP, must include an LID analysis per the Sandy City Development Standards and Requirements for Storm Water.

(LDC 2008, § 15A-23-14; Ord. No. 15-22, 7-15-2015)

#### **Sec. 21-23-15. Reciprocal Access.**

Provisions for reciprocal access and common driveways are required between all abutting developments in planned commercial centers and between abutting, separately owned commercial developments, unless not found to be practical by the Director in consultation with the Transportation Engineer. This will provide for a continuous flow of vehicles from one parking lot to another and prevent the need for unnecessary ingress and egress to the public street.

(LDC 2008, § 15A-23-15)

#### **Sec. 21-23-16. Alcoholic Beverages; Distance Requirements.**

(a) Location Restricted for On-Premises Consumption, State Store, or Package Agency. Any establishment requesting to be licensed, for the on-premises consumption of alcoholic beverages, a State store or a package agency will not be located in proximity of a school, church, public library, public park or public playground unless that establishment is able to comply with all provisions of Section 32A of the Utah Alcoholic Beverage Control Act.

(b) Reduced Distance Review. If a Class B, D, E, State store, package agency or private club License I establishment is requesting to be licensed for the sale and/or consumption of alcoholic beverages, and that establishment will be located within the prescribed proximity to a school, church, public library, public park or public playground as described in Section 32A of the Utah Alcoholic Beverage Control Act, the Sandy City Planning Commission may reduce the distance requirement from a church, public library, or a public park as part

of a variance request to be supplied to the Utah Alcoholic Beverage Control Commission.

(c) *Definitions for Alcoholic Beverage Proximity Restrictions.* ~~For the purposes of this section only the following terms shall have these definitions: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

- (1) *Church* means a building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated. The main body is kept for that use and not put to any other use inconsistent with its primary purpose and which is tax exempt under the laws of the State of Utah.
- (2) *School* means any building (public or private) used primarily for the general education of minors.

(LDC 2008, § 15A-23-16)

### **Sec. 21-23-17. Drive-Up/Drive-Thru Windows (Food and Non-Food Uses).**

The following regulations shall apply to all drive-up/drive-thru window uses (including food service, service retail, general retail and financial services):

- (1) *Adjacent to Residentially Zoned Property.* Drive-up/drive-thru windows shall not be located directly adjacent to residentially zoned property. Drive-up/drive-thru windows and their stacking lanes shall be separated from residentially zoned properties by an intervening building (when located on the same side of the street as the drive-thru use) or separated by a major arterial road.
- (2) *Stacking (Queuing) Spaces.* Stacking lanes shall be provided for all drive-up/drive-thru service windows.
  - a. *Minimum Queuing Spaces Required.* The following number of queuing spaces shall be provided per lane (these are in addition to the required parking space for each use):
    1. Drive-thru restaurants: a minimum of nine spaces (five spaces before the order board, three spaces before the pick-up window and one dedicated space beyond the pick-up window for customers waiting for food pick up).
    2. Financial institutions: a minimum of three spaces in each teller lane.
    3. Pharmacy: a minimum of two spaces in each lane.
    4. Dry cleaners: a minimum of two spaces.
    5. Coffee kiosks: a minimum of three spaces for each service window.
    6. Thrift shop drop off: a minimum of five spaces for each drop off lane.
  - b. *Queuing Design Standards.*
    1. Queuing lanes shall not be allowed to wrap around in front of the main building entrance doors, nor block required back out areas for adjacent parking spaces, unless there is no other alternative for location of the building and drive thru lanes on the site.
    2. Queuing lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
    3. All drive-thru queuing areas shall also provide a separate escape lane.
  - c. *Maximum Queuing Lanes.* Queuing lanes shall be limited to a maximum of the following number of lanes per business use (including ATM lanes):
    1. Drive-thru restaurants: two lanes.
    2. Financial institutions: six lanes.
    3. Pharmacy: two lanes.
    4. Dry cleaners: one lane.
    5. Coffee kiosks: two lanes (one on each side of the building).
    6. Thrift shop drop off: three lanes.

- (3) *Placement of Building.* It is strongly encouraged to place the building adjacent to public streets and to utilize the ~~City's Storefront Conservation Ordinance~~ provisions of Chapter 21-14 to enhance the building site. Placement of the building beyond the required setback lines is discouraged and must be specifically approved by the Planning Commission if no other viable alternative exists.

[GRAPHIC]

- (4) *Speaker Boxes.* Speaker boxes designed to communicate from the ordering window/menu board shall not be audible on any residential property adjacent to the business and shall comply with the ~~Sandy City Noise Ordinance Chapter 13-2.~~
- (5) *Alcohol Restrictions.* No restaurant establishment that has a drive-up window will be allowed to have an alcohol license of any kind.

(LDC 2008, § 15A-23-17; Ord. No. 17-09, 3-9-2017)

### **Preferred Building Placement**

#### **Sec. 21-23-18. Automotive Service Stations (Includes Stand-Alone Gas Stations and Convenience Stores with Gas Pumps).**

(a) *Purpose.* ~~The purpose of this section is~~ to mitigate adverse impacts on adjoining streets and properties caused by auto service stations, which are intense uses characterized by large areas of paving which permit vehicles to maneuver freely.

(b) *Site Organization.*

(1) *Spatial Relationship.* Structures on the site should be spatially related (e.g., buildings should be organized into a simple cluster).

(2) *Driveways.*

- a. Driveway cuts shall be limited and located as far from the intersection as possible and are required to be shared with adjacent uses and/or properties, where possible, to eliminate traffic conflicts at intersections.
- b. Driveways shall be designed and located to ensure a safe and efficient movement of traffic on and off the site.
- c. No more than one two-way driveway shall be permitted for any street frontage up to 100 lineal feet.
- d. No more than two one-way access driveways shall be permitted for any street frontage regardless of lineal feet.

(3) *On-Site Vehicle Storage.* Areas in which autos, trailers, etc., are stored as an accessory use must be screened by a wall or opaque fencing to a minimum height of six feet.

(c) *Special Requirements.*

(1) *Patron Vehicle Servicing.* Areas should be provided on self-service station sites to allow patrons to service their vehicles with air and water. These facilities should be located where they do not obstruct circulation patterns of the site.

(2) *Car Washes.*

- a. Car wash structures will not be permitted within 50 feet of residential developments.
- b. Automatic car wash facilities should provide areas for vacuuming and drying of vehicles upon exiting the car wash structure. These areas shall be located where they do not obstruct circulation patterns of the site.
- c. A minimum of eight feet of space shall be provided between the exit of the car wash structure and any cross driveway to allow for sight distance of vehicles in the crossing driveway.

(d) *Pump Island Canopy Design.*

- (1) *Setbacks.* Fuel pump island canopies located at service stations shall be set back a minimum of 20 feet from all front property lines.
- (2) *Vehicle stacking.* Each pump island should generally include stacking space for a minimum of two vehicles (total of 40 feet) on-site so that driveways within the site or adjacent street areas are not utilized for waiting customers. Pump island stacking shall not encroach upon required parking space back out areas (24 feet minimum) or two-way driveways for general site circulation (24 feet minimum).
- (3) *Lighting.* All canopy illumination and lighting directed toward the ground shall be recessed into the canopy.
- (4) *Vertical Clearance.* There shall be a minimum clearance of 13 1/2 feet to the bottom of the canopy above grade.
- (5) *Height.* Vertical canopy fascia utilized for signage may not exceed four feet in height, and the height to the top of the vertical fascia may not exceed 20 feet from grade unless otherwise approved by the Planning Commission.

(e) *Architectural Design.*

- (1) All building elevations shall follow the Sandy City Architectural Design Standards.
- (2) The length of pump canopies shall be minimized as much as possible. If the site allows, pump canopies shall be broken up into two separate locations. This reduces the effect of pump canopies dominating other buildings on the site.
- (3) Pump island structural columns shall use the same architectural materials as the main building (e.g., stone, brick, etc.), and shall run from ground level to the bottom of the canopy.
- (4) Gas tank vents shall be an integral part of the building design in terms of form, color and texture.

(f) *Speaker Boxes.* Speaker boxes designed to communicate from pump islands shall not be audible on any residential property adjacent to the business and shall comply with ~~the Sandy City Noise Ordinance Chapter 13-2.~~ (LDC 2008, § 15A-23-18; Ord. No. 10-23, 7-12-2010; Ord. No. 10-42, 12-14-2010)

**Sec. 21-23-19. Extended Hours Within 250 feet of a Residential District.**

~~Extended Hours within 250 feet of a Residential District.~~ Any commercial use located within 250 feet of a residential district where such commercial use desires to operate after 10:00 p.m. and/or before 6:00 a.m. shall require a separate conditional use approval from the Planning Commission.

(LDC 2008, § 15A-23-19)

**Sec. 21-23-20. Industrial Uses Within 300 feet of a Residential District.**

~~Industrial Uses within 300 feet of a Residential District.~~ Any industrial use located within 300 feet of a residential district shall require a separate conditional use approval from the Planning Commission.

(LDC 2008, § 15A-23-20)

**Sec. 21-23-21. Additional Specific Nonresidential Development Standards (Standards Unique to Each Individual District).**

(a) *Central Business District (CBD).*

- (1) *Purpose of CBD District.* The Central Business District Zone is established to stimulate economic development by providing a unique planning environment for large-scale regional commercial and office development adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses within planned commercial centers which will serve the south valley area.
- (2) *Residential and Mixed Use Concept.* The concept of residential and mixed use is allowed in the CBD Zone and represents a departure from traditional zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible. The inclusion of residential dwellings is allowed on sites of sufficient size to assure adequate site development and a satisfactory and safe

residential environment. Where residential uses are included, the objective of the mixed use concept is to create self-contained communities in which residents may walk to work, shopping and recreational facilities.

- (3) *Architectural Review.* In order to receive additional professional review and comment concerning buildings to be erected in the Central Business District and its subdistricts, prior to its submission to the Planning Commission each proposed building shall be reviewed for its architectural design, colors, and materials by individuals, including a member of the Planning Commission, a member of the City Council, a member of the Planning Staff, two architects, a local resident, and one person from the Sandy business community. These individuals, who generally will meet together, will forward their comments to the Planning Commission. They may also recommend amendments and/or changes to ~~the Development Code~~ this title for the district to the Planning Commission and City Council and any other design criteria, standards, and guidelines relating to the development of lots within the CBD District area.
  - a. The Planning Commission, City Council and Director will select their representative from their members. The architects and Sandy business member will be selected by the Mayor.
  - b. There will be no regular meeting times, meetings will be arranged on an "as needed" basis. The Planning staff member will attempt to arrange a meeting within seven days after submission of plans and request from an applicant.
- (4) *CBD Zone Subdistricts.* The zone also establishes subdistricts within the CBD Zone which are described hereafter.
  - a. The Centennial Parkway District (CBD-P) is established as a subdistrict within the CBD Zone to encourage "Main Street" type development along the Centennial Parkway Corridor between 10000 South and the ring road of the South Towne Mall. This district extends east and west of the Parkway right-of-way for approximately 100 feet, excluding CBD-A&C Zone.
  - b. The Office Park District (CBD-O) is established as a subdistrict within the CBD Zone to encourage large scale office use and regional governmental uses. This area is described as follows: The East Jordan Canal on the north; State Street on the east; approximately 1000 feet north of the ring road of the South Towne Mall on the southeast, and the ring road of the South Towne Mall on the southwest; and Interstate 15 on the west, excluding the Centennial Parkway District and the CBD-A&C District.
  - c. The Arts and Culture District (CBD-A&C) is established as a subdistrict within the CBD Zone to create an environment wherein arts, cultural and recreational uses may be integrated into mixed use developments using standards which are designed to be pedestrian-friendly. Those parcels within the zone are designated as such on the zoning map.
- (5) *Procedures for Development in CBD, CBD-O, CBD-P, and CBD-A&C Districts.*
  - a. The Planning Commission will review all development proposals in the CBD, CBD-O, CBD-P, and CBD-A&C Districts.
  - b. Prior to the Planning Commission taking action, plans must be submitted in accordance with ~~the zoning ordinance~~ this title.
  - c. A master site plan shall be submitted and reviewed by the Planning Commission, showing all phases of the development. Once the master site plan has been reviewed by the Planning Commission, all developments shall comply with the site plan requirements as required by ~~the code~~ this title.
- (6) *Land Coverage.*
  - a. Lot coverage by buildings and covered or semi-enclosed outbuildings shall not exceed 40 percent.
  - b. Coverage for both buildings and paved areas (parking, loading and circulation) shall not exceed 90 percent, thereby reserving a minimum of ten percent for landscaped areas after completion of any future expansion.

- c. Existing developments may expand only to the extent of the coverage limits above. If such existing developments currently exceed the above coverage limits, expansion shall not occur.
  - d. Properties within the Centennial Parkway and Arts and Culture Subdistricts are exempt from the limitations imposed by these percentages, but shall conform to the standards listed hereafter.
- (7) *Residential Uses*. The following shall apply to residential development:
- a. A minimum area equal to or greater than 15 percent of the gross living area of a residential use shall be provided as common residential recreation space. This requirement may be accomplished with indoor or outdoor facilities such as usable roof tops, atriums, covered or outdoor swimming pools, walking trails, green spaces, plazas, and other areas determined by the Director to be common residential recreation space. This space provided need not be limited exclusively for these residents.
  - b. The physical separation of pedestrian and vehicular traffic is encouraged.
  - c. In the CBD-P Subdistrict, the residential use shall be limited to the second story or higher and must be located within a mixed use project. The first (or primary) story shall be utilized for commercial activity.
  - d. In the CBD-P and A&C Subdistricts, the density of the project shall be reviewed and approved by the Planning Commission, and shall be based on such factors as compatibility with surrounding area, availability of a parking structure (required for residential use), and proposed amenities.
- (8) *Architectural Design and Materials*. All uses, including mixed use and residential, shall comply with the Sandy City Architectural Design Standards for Commercial, Office, Institutional, and Industrial Developments.
- a. Basic materials shall be "Mountain Red" brick or a similar high quality material, such as polished granite, glass, stone, etc.
  - b. Color of exterior building materials shall be composed of colors that encourage buildings to blend into the environment. Generally, they shall be limited to no more than three major colors per development. If glass surfaces are to be tinted, such tinted glass shall be considered as one of the colors allowed and shall conform to the color requirements included herein.
  - c. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the CBD Zone.
- (9) *Public Art*. Some public art is required and can be utilized to promote a sense of community identity and is required to be integrated into building and site designs. Murals, statuary, and building elements can be used to reflect local cultural and ethnic interests and add a unique element to public spaces within the development.
- (10) *Landscaping*. Landscaping guidelines are established to maintain the site qualities that exist in the CBD Zone area and minimize alteration, removal, or degradation of landscaping that currently exists in the area. The following requirements are in addition to those regulations in the landscaping requirements of this ~~Code~~ Code ~~title~~:
- a. No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.
  - b. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.
  - c. Plant Materials.
    - 1. Sixty percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.

2. Forty percent small trees and shrubs in a combination with deciduous trees with a caliper of 1 1/2 to two inches and evergreen trees with a height of four feet.
3. Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.
4. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species-type, location, and spacing of trees shall be as shown on the approved Landscape Plan, in compliance with designated streets within the City's Streetscape Plan.
5. For streets not specified in the Plan, the following trees may be used as part of an approved Landscape Plan:

Bur Oak	(Quercus macrocarpa)
Hedge Maple	(Acer campestre)
Little Leaf Linden	(Tilia cordata 'Greenspire')
	(Tilia cordata 'Rancho')
London Plane	(Platanus acerifolia)
Norway Maple	(Acer platanoides 'Cleveland')
	(Acer platanoides 'Columnare')
	(Acer platanoides 'Emerald Queen')
	(Acer platanoides 'Schwedleri')
	(Acer platanoides 'Deborah')
	(Improved Schwedleri)
Red Maple	(Acer rubrum 'October Glory')
	(Acer rubrum 'Red Sunset')
Red Oak	(Quercus rubrum)
Redmond Linden	(Tilia euchlora 'Redmond')
Sycamore Maple	(Acer pseudoplatanus)

6. For planted medians, and accent trees, both on-site and at intersections, the following trees may be used:

Bechtel Crab	(Malus ioensis 'Klehms Improved')
Bradford Pear	(Pyrus calleryana 'Bradford')
Crimson King Maple	(Acer platanoides 'Crimson King')
	(Acer platanoides 'Royal Red')
Flowering Plum	(Prunus cerasifera 'Blireiana')
Kwanzan Cherry	(Prunus serrulata 'Kwanzan')

Washington Hawthorn	(Crataegus phaenopyrum)
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(11) *Buffers, Fences, and Walls.*

- a. The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential uses.
- b. Landscape buffers are preferred rather than fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas.
- c. Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials.
- d. Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be the discretion of the Planning Commission. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.
- e. Exterior lighting shall be shielded and directed in such a manner as to prevent unnecessary direct light glare on residential units and adjoining properties. Facilities that produce late night customers or activities shall address possible disruption of privacy for residential areas. Items that may be considered adequate include, but are not limited to, location, buffering, screening, lighting, and hours of operation.

(12) *Surface and Parking Terrace Areas.* Because surface parking areas present a three-dimensional appearance when occupied, they shall comply with the following:

- a. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe, convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
  1. Type of land use and structure.
  2. Building height and configuration.
  3. Relationship to other buildings, both horizontally and vertically.
  4. Natural land features such as slopes and vegetation.
  5. Physical features such as rail lines, canals, and controlled ingress and egress.
  6. Visibility from vehicular approaches and distant highways.
- b. Parking shall not occur adjacent to any public street or the freeway except when:
  1. It has been established that such a location is needed or justified by other site conditions or building entrance orientation.
  2. The use is restricted to visitors and/or key employees.
  3. Parking is 80 percent screened by fencing, walls, and/or landscaping from the highway or street by either depressing the paved areas or using elevated landscape berms.
  4. A minimum of ten feet of landscaped screening consisting of mixed evergreen and deciduous trees must be provided adjacent to public streets and the freeway. The number of trees for this area shall be determined by a standard of one tree per every 200 square feet of landscaping

required.

- c. Surface parking (permanent or temporary) may be allowed in addition to a parking structure upon the approval of the Planning Commission where it can be shown that the Phasing Plan, size and scope of the project would require some surface parking (e.g., stand-alone restaurant, bank, etc.).
- d. Parking terraces and underground parking is strongly encouraged and shall be required for hotel development of six stories or more and all other buildings over three stories. The parking terrace may be constructed in subsequent phases as a condition of approval with the first phase. If the parking structure required for the first phase is to be postponed to a subsequent phase, the conditions of approval shall be recorded as a deed restriction upon the property and shall be recorded with the Salt Lake County Recorder's Office.
- e. When an interior road is required by Sandy City and is designed so that on-street parking may be accommodated, a pro-rated share of such may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the City Transportation Engineer and approved by the Planning Commission.

(13) *Uses and Standards Unique to the Centennial Parkway District (CBD-P).*

- a. *Building Setbacks.* In order to encourage a "Main Street" effect along the parkway, buildings shall maintain a zero lot line front setback from the approved sidewalk and streetscape profile of Centennial Parkway and 10000 South Street. Buildings that originate within the CDB-P Zone with a zero lot line front setback may continue that setback for the length of the building into the CBD Zone. This reduced setback does not apply to other non-contiguous structures within the development. Front setback variations may be used when an activity related to pedestrian use is maintained (i.e., outside seating for restaurant).
- b. *Building Height.*
  - 1. The height of buildings shall be limited to one- to three-story structures within the front 30 feet of the 100-foot depth of the subdistrict on both sides of Centennial Parkway. The Planning Commission may consider and approve variations to the maximum height requirements for structures within the front 30 feet. Such items to consider include architectural design, main street theme, etc. Structures extending beyond the front 30 feet may be stepped up to a maximum ten stories.
  - 2. Exception. The Planning Commission may approve a building permit taller than 140 feet, or more than ten stories, not to exceed 20 stories, after considering the following factors:
    - (i) Overall Master Plan layout of the project, which may include the size, scale, location, and topography of the property.
    - (ii) Relationship and impact to other buildings on-site and adjoining properties.
    - (iii) Unique architectural design.
- c. *Architectural Design.* In addition to the Sandy City Architectural Design Standards, the following requirements shall apply to new developments:
  - 1. The use of exposed concrete (architectural concrete excepted), metal, or plastic for storefront facades is not permitted. However, the use of brass, copper, or aluminum is permitted for decorative trim.
  - 2. Buildings shall conform to a structural module of 30 feet horizontal and 15 feet vertical.
  - 3. Window shapes and sizes shall be so designed to be compatible from building to building and shall comprise at least 50 percent of the street elevation.
  - 4. Windows with reflective film or glass are not permitted at street level.
- d. *Walkways, Courtyards, Plazas.*

1. Materials for walks, courtyards, and plazas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting, as appropriate.
  2. Two mid-block connections must be developed between 10000 South and the mall ring road. These connections may be developed as walkways or a combination walkway and vehicular lane. Additional walkways between buildings may be required as needed for proper pedestrian access from parking areas to storefronts.
- e. *Signage.* Signing within the Centennial Parkway Subdistrict shall be limited to cabinet or pan channel wall signs, and awning signs in compliance with ~~Section 15-17, Sign Ordinance Chapter 21-26~~. Low-profile (monument) signs may be permitted with the following limitations: the sign shall have as the prominent feature the name of the building (i.e., "Aetna Plaza," "One Sandy Center," etc.). All other lettering shall be no taller than four inches in height. The maximum height of the sign shall be four feet for the portion containing general copy, and overall height of six feet above sidewalk grade. It is intended that the top two feet be utilized to identify the name of the building. The sign shall not be located upon the public right-of-way. It may not extend into the required sight visibility triangle, unless otherwise approved by the City Transportation Engineer. The lettering font style for tenant identification shall be the same for all tenants. The materials for the sign shall be similar to that of the main building.
- (14) *Uses and Standards Unique to the Office Park District (CBD-O).*
- a. *Building Height.*
    1. *Minimum Height.* Buildings shall be at least four stories in height, except as permitted below.
    2. *Maximum height.* Buildings shall be no taller than 140 feet in height, west of State Street.
    3. *Exceptions to building height.*
      - (i) Structures adjacent to State Street shall be two to three stories within 100 feet of the street with an increase of two stories for each additional 30-foot setback up to a maximum of ten stories.
      - (ii) Ancillary buildings, as may be approved by the Planning Commission, may be one story tall, provided the structure is built concurrently with the remaining project building.
      - (iii) Structures within the Government Center Block (those properties bounded on the north and east by Civic Center Drive, on the west by Monroe Street and on the south by Sego Lily Drive) may be built to a minimum of two stories. Any structures south of City Hall shall be a maximum of two stories.
      - (iv) The Planning Commission may approve a building taller than 140 feet, or more than ten stories, not to exceed 20 stories, after considering the following factors:
        - A. Overall Master Plan layout of the project, which may include the size, scale, location, and topography of the property.
        - B. Relationship and impact to other buildings on-site and adjoining properties.
        - C. Unique architectural design.
- (15) *Uses and Standards Unique to the Arts and Culture District (CBD-A&C).*
- a. *Application.* In order to zone a parcel to the CBD-A&C Zoning District, a complete zoning application shall be submitted. The application shall include a Conceptual Master Plan that will be reviewed by both the Planning Commission and City Council in making a recommendation/determination as to the appropriateness of the zone for the parcel. The Conceptual Master Plan shall show all phases of the proposed development (including any phasing plans).
  - b. *Planning Commission Review.* After a property has been zoned CBD-A&C, the Planning Commission shall review each project and each building within the project area to evaluate its

impact on the neighborhood, the zone district, and the region. Review shall include the proposed setbacks, lot coverage, building height, building design and materials. The Planning Commission may approve setbacks, increased lot coverage and/or increased building height from those allowed in the CBD zone if the project includes each of the following:

1. *Building Setbacks.*
  - (i) *Front Setbacks.* Front setbacks of buildings shall maintain a zero-foot setback from the approved sidewalk and streetscape profile. Variations shall be required for building articulation and when an activity is related to pedestrian use (e.g., outside seating for restaurant, pedestrian walking areas, residential courtyards, etc.). A maximum setback of ten feet is allowed for residential courtyards.
  - (ii) *Side and Rear Setbacks.* A zero-foot setback may be approved by the Planning Commission for all other lot lines.
2. *Lot Coverage.* The Planning Commission may approve building coverage up to a maximum of 90 percent, if the project includes the following:
  - (i) At ground level, interconnecting pedestrian walkways (minimum five feet wide) shall be constructed of alternative hardscape materials which include colored and stamped concrete, pavers, etc. Additional areas of landscaping, street furniture, etc., shall be provided along the walkways; and
  - (ii) At ground level or above, a combination of at least three diversification elements of the following shall be included, ~~such as:~~ courtyards, plazas, walkways, open green space, water features, planters, statuary.
3. *Private Street Improvements.* All private streets shall be constructed to City standards, including curb, gutter, sidewalk, and asphalt.
4. *Building Articulation.* At a minimum, the first level shall have architectural articulation separate from the above stories to create a human scale to the walking environment. The following requirements shall also be incorporated into the building design:
  - (i) *Storefront Width.* Buildings shall conform to a structural module of 30 feet horizontal and 15 feet vertical.
  - (ii) *Proportion of Openings.* Storefronts should maintain a high ratio of windows to walls at the street level to create interest for pedestrians. Windows and doors shall comprise at least 70 percent of the first floor facade and at least 40 percent of the upper floor facades.
  - (iii) *Entries.* The main entry to a building leading to a lobby, stair, or central corridor shall be emphasized at the street. The entry should include architectural enhancements, such as a change in materials, decorative fixtures, special paving, or other treatments that announce a point of arrival.
  - (iv) *Corner Buildings.* Corner buildings shall provide a prominent corner entrance to street level shops or lobby space in a manner consistent with main entries as described above.
5. *Approval of Increased Building Height.* The Planning Commission may approve buildings over 140 feet in height, up to a maximum of 600 feet. In addition to the maximum building height, parapets, roof-mounted mechanical, and other architectural features that are incorporated into the buildings to meet LEED standards may be approved above the maximum building height if they are designed to meet the Sandy City Architectural Design Standards.
6. *Building Articulation.* Buildings shall be articulated horizontally to differentiate between levels and create an identifiable base, middle, and top. The "Main Street" level may be considered the base of the building.
7. *First Phase of Development.* The first phase of the development shall contain at least three different land uses from among the following: residential, office, a group of retail shops,

health spa, theater, public/private or quasi-public schools, hotel, business or financial service, restaurant etc. The overall Master Plan shall have at least four different land uses.

8. *24 Hour Occupancy*. At least one of the project buildings shall include a hotel or residential component.
9. *Pedestrian Walkways*. There shall be at least one main pedestrian thoroughfare which is strictly for pedestrian traffic (e.g., elevated art walk, promenade, walkway, etc.).
10. *Parking*.
  - (i) *Temporary Surface Off-Street Parking*. For phased developments, off street temporary surface parking may be permitted adjacent to the right-of-way for a period no longer than five years. There shall be a 15-foot minimum landscape buffer between all surface parking lots and the right-of-way.
  - (ii) *Parking Stall Dimensions*. The minimum parking stall depth shall be 18 feet.
11. *Architectural Design*. Building structures within the same project shall conform to an approved overall architectural theme in order to set the Arts and Culture Subdistrict of the Central Business District street frontages and skyline apart from other portions of the CBD Zone. Developments should be innovative and unique in architectural design, while enhancing the visual appearance of Sandy City and promoting a sense of community. These standards are intended to promote the design of an urban environment that is built to a human scale at the street level, to encourage creativity in new developments (as opposed to homogeneity or look-alike developments), and to foster attractive street fronts and pedestrian environments, while accommodating vehicular movement and access.
12. *CPTED (Crime Prevention Through Environmental Design) Principles*. The developer is required to consider the basic principles of CPTED when designing the site plan, Landscape Plan, and architectural design for a project. The following principles should be taken into account in the design of all buildings and developments:
  - (i) *Natural Surveillance*. Physical design which keeps potential intruders under the perception of continual watch, using "eyes on the street" (e.g., view to streets, driveways, and parking lots) and visual permeability in architecture, lighting, and landscaping.
  - (ii) *Natural Access Control*. Physical design which guides the mobility of people and which decreases crime opportunity and increases perception of risk to potential offenders.
  - (iii) *Territorial Reinforcement*. Physical design which encourages users of property to develop ownership over it, developing space with an easily discernable purpose, using symbolic barriers such as low lying fences/walls, landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.
  - (iv) *Management and Maintenance*. Responsibility for managing and maintaining the property. Show that someone cares about seeing that the property is in a presentable appearance and is secure for the customers that use the facility.
  - (v) *CPTED Landscaping Standards*. These should be used including planting shrubs with a maximum height of two to three feet and trees with a proper ground clearance of seven feet above walkways and sidewalks and 14 feet above vehicular travel and parking lanes. This shall be accomplished through proper pruning practices, not by clear cutting, topping trees or other pruning for exposure techniques.
  - (vi) *Public Safety*. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, solid windowless walls are not permitted adjacent to streets, pedestrian areas, and open space amenities.

(b) *Automall (AM)--Dealership Subdistrict and Commercial Area Subdistrict*. The Sandy Automall Development Master Plan (the Master Plan) for the Automall (AM) District was adopted by the Sandy City Council in 1992 and amended in 2015, to assist owners and designers by setting out general design criteria, guidelines, and

concepts which must be adhered to. The Master Plan also illustrates design ideas for the developer and City to use in interpreting the intent of the Master Plan when reviewing each individual project. Owners and designers should, therefore, also refer to the Automall Master Plan for these requirements. The goal of the Master Plan is to ensure development of a consistently high quality planned environment, thus protecting and enhancing the investment of all those locating within the Automall development area. The Automall (AM) District does not supersede any Federal, State or local codes, ordinances, or requirements. The most restrictive requirements of such laws and the Automall (AM) District shall be applied to new and existing developments.

- (1) *Automall Architectural Review.* In order to receive additional professional review and comment concerning each site development plan proposed in the Automall District and its subdistricts, prior to its submission to the Planning Commission each site development plan shall be reviewed for compliance with the Master Plan by several individuals, including a member of the Planning Commission, a member of the City Council, a member of the Planning staff, three representatives of the owners of land in the Automall District or members of the Auto Dealers Association, and a resident of the City who is selected by the Mayor. These individuals, who generally will meet together, will forward their comments to the Planning Commission. They may also recommend amendments and/or changes to the Master Plan to the Planning Commission and City Council and any other design criteria, standards, and guidelines relating to the development of lots within the Automall area.
  - a. *Membership.* The Automall owners and dealers, Planning Commission, City Council and Director will select their representatives from their members.
  - b. *Meetings.* There will be no regular meeting times, meeting will be arranged on an as needed basis. The Planning staff member will attempt to arrange a meeting within seven days after submission of plans and request from the applicant.
- (2) *Extent of the Automall (AM) District.* The requirements of the Automall District shall apply to all properties within the boundaries of the Master Plan. Such area is defined by a northern boundary of the center of 10600 South Street, an eastern boundary of the center of State Street, a southern boundary of the center of 11000 South Street, and a western boundary of Interstate Highway 15.
  - a. *Areas Within the AM (Automall) District.* There are two areas within the Automall District (see diagram below):
    1. An auto dealership area for dealerships and their accessory uses; and
    2. A commercial area.

[GRAPHIC]
  - b. *Compliance with Code Requirements.* All new developments within each of the two areas shall meet all requirements of the specific area as set forth in the Automall District, all applicable provisions of the Master Plan, and the Sandy City Architectural Design Standards.
- (3) *General Development Standards and Exceptions for Automall District.* All provisions of Chapter 21-23 shall apply, with the following exceptions:
  - a. *Land Coverage.* The principles of CPTED (natural surveillance, natural access control, territorial reinforcement, management and maintenance, landscaping standards, and public safety) must be considered when designing the site plan, Landscape Plan, and architectural design for a project.
  - b. *Utilities.* Owners may be required to grant easements for underground utility services and/or may be required to install storm drainage or other common utility systems upon their property in accordance with the Master Plan when good engineering design and the needs of the properties within the Automall District so dictate.
  - c. *Architectural Design and Materials.* The treatment of building mass, materials, and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Architectural character and design must also be consistent with the guidelines that are contained within the Master Plan. Requirements applicable to all buildings are ~~stated below~~ as follows:

1. All drive approaches, sidewalks, curbs, parking lot areas, exterior display pedestals, and other improvements along the street and freeway frontages shall be constructed in conformance with the details, finishes, sizes, materials, and patterns dictated by the Master Plan.
  2. Plans for the exterior modifications to any existing structures must be submitted as set forth above for architectural review and comments.
- d. *Buffers, Fences, and Walls.*
1. Special buffers, fences, and walls may be required to provide quality separations between public/commercial areas, service, loading, refuse collection, equipment, and storage areas.
  2. Fences or walls will be reviewed for their compatibility and conformance to the Master Plan and their location and effectiveness in screening a view and for their color and texture in relationship to building materials and adjoining properties.
- e. *Building and Parking Setbacks.* The Planning Commission may require additional setback to those found in further sections of this ~~ordinance~~ title if it is found that site characteristics so demand. In such case, the placement of buildings and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
1. Relationship to other buildings, both horizontally and vertically.
  2. Physical and natural land features such as slopes, canals, or trees.
  3. Ingress and egress.
  4. Visibility from vehicular approaches and distant highways.
  5. Type and use of structure.
  6. Building height.
- f. *Parking and Service Area.* Off-street parking must be provided to reasonably accommodate all anticipated customers, employees, and display vehicles. Curb side parking on public streets within the Automall will only be permitted in areas especially designed and designated for such use in accordance with the Master Plan. Where curb side parking is permitted, this parking shall be reserved for customer use only.
- g. *Site Lighting Guidelines.* Exterior wall-mounted floodlights are expressly prohibited in the front and side car display areas visible from public streets and Interstate 15. Wall-mounted floodlights may be allowed for storage areas behind buildings where not visible. Parking lot, pole-mounted fixtures shall be of a uniform type as designated by the Master Plan. Intensities shall be controlled to maintain uniformity throughout the Automall area. Design and location of standards and fixtures shall be specified on the site development drawings.
- h. *Street Lights Within Public Right-of-Way.* Owners will be required to install street lights. All street lights shall be designed and installed as required by the Sandy City Street Light Ordinance and the Automall Master Plan. If proposed site improvements conflict with the location of existing street lights, the owner shall be responsible for the relocation of the street lights.
- i. *Neon Lighting.* Neon lighting may be permitted on a very limited basis and be reviewed by the Planning Commission for appropriateness on each individual project.
- j. *Wrecked or Damaged Vehicle Parking.* Parking of wrecked or damaged vehicles is not permitted except for those vehicles being serviced on-site immediately. Such parking areas shall be visually screened from public streets, Interstate 15, and adjacent properties by an opaque screen wall a minimum of six feet high.
- k. *General Landscaping.*
1. The purpose of landscaping guidelines is to maintain the site qualities that exist within the Automall area and to minimize alteration, removal, or degradation of landscaping that currently exists.

2. Separate Landscape and Irrigation Plans shall be submitted, together with buildings, structures and other improvements for architectural review as set forth above. Landscaping and irrigations systems in accordance with approved plans must be installed prior to occupancy of the site or as otherwise approved by the planning staff as seasonal conditions may dictate. The owner shall bond for such landscape and irrigation improvements to ensure that installations are completed as submitted and approved. All landscaping and irrigation systems shall comply with ~~the Water Efficient Landscape Ordinance Section 21-25-4~~ contained elsewhere in the ~~Code~~-title.
  3. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be landscaped as approved by the Planning Commission, except for approved areas specifically designated for future development.
1. *Landscaping Within the Public Rights-of-Way.* Street trees, landscaping and irrigation systems shall be installed and maintained in the parkstrip areas along all public rights-of-way by the owner of the property. The species, location, and spacing of trees shall be as shown on the street development standard drawings contained within the Master Plan.
- m. *On-Site Landscaping.*
    1. *Materials.* The site shall be landscaped with trees, shrubs, ground cover, and/or turf. Trees, shrubs, and ground cover materials shall be selected from the palette of planting materials designated in the Master Plan.
    2. *Trees.* A variety of trees ~~sizes is~~ are required, as follows:
      - (i) Trees are not required in display landscape areas.
      - (ii) Trees are required to be planted in landscape areas adjacent to buildings, at a minimum of one tree for every 30 feet of building perimeter that is directly adjacent to a landscape area. Trees may be located in groups as addressed in the Master Plan.
    3. *Front Landscape and Display Setback.* The design of the setback will include display area for displaying vehicles. It will also include a landscape treatment that reflects "mountain meets urban" theme. (See Typical Front Landscape and Display Setback Illustration in the Master Plan.)
    4. *Landscaped Feature Areas.* Landscaped feature areas shall be provided in areas designated by the City. The design contours, location, type, spacing of trees, sidewalks, benches, sculptures, fountains, or other amenities within such feature areas shall be in accordance with standard drawings contained within the Master Plan. Landscape feature areas may be converted to vehicle display areas, in accordance with the Master Plan.
  - n. *Street Improvements Within the Public Rights-of-Way.*
    1. *Improvements Required to be Provided at Time of Development.* All public improvements are required to be provided by the developer at the time of development in accordance with the Development Master Plan. Existing street improvements shall not be removed, altered, or modified without the approval by Sandy City.
    2. *Sidewalk.* Sidewalks along State Street and 10600 South shall follow the eight-foot design already established on existing developments in the area.
- (4) *Development Standards for Automotive Dealerships Only.* The following development standards shall apply to automotive dealerships only and are in addition to the general standards and exceptions listed above:
    - a. *Building Mass.* Proximity to adjacent structures and walls may dictate height requirements to create a gradual transition between high and low elements.
    - b. *Parking/Vehicle Storage.*

1. *Customer Parking.* Each lot shall provide designated customer parking in the amount of a minimum of no less than six off-street parking spaces. Customer spaces shall be clearly marked and designated and shall be located between the street and any rear lot or service areas. Additional spaces may be required if industry standards so require for the size and type of dealership.
  2. *Employee Parking.* Employee parking shall be located off street in designated parking areas. It is the intent that employee parking spaces not be visible from a public street. The quantity required shall be equal to the maximum number of employees on any given shift.
  3. *Service Area Parking.* Sufficient service area parking spaces to accommodate anticipated parking needs of vehicles being repaired or serviced shall be provided, but in no case shall there be less than one space per service bay. Designated spaces shall be marked and reserved for service parking.
- c. *Access and Internal Circulation.*
1. *Driveway Access.* Shared driveways shall be a minimum of 25 feet and a maximum of 36 feet wide. Other driveways shall be a minimum of 25 feet and a maximum of 32 feet wide. All drives to have 12 1/2-foot radius. A maximum of two driveways (one shared and one private) will be permitted per lot unless total street frontage of an individual lot exceeds 400 feet (see Typical Lot Development Plan-Access and Circulation Illustration in Development Master Plan).
  2. *Service Area Access.* Service write up areas must have sufficient stacking lanes on-site to stack a minimum of one vehicle per service bay. Stacking lanes shall not block flow of traffic to or from other areas of the dealership.
  3. *Reciprocal Access.* Reciprocal access between dealership properties is encouraged in order to eliminate additional driveways.
- d. *Fences, Screens, and Walls.*
1. Fences, screens, and walls shall be compatible and architecturally complimentary between two adjoining sites. This may be achieved by use of similar materials and finishes to the building, landscaping materials, or other architectural design features.
  2. Fences shall extend from the side wall of the building and be designed as an integral compatible element with the building facade. Location of fences shall be compatible with adjoining property users to permit the common use of gates and accesses.
  3. Fences and walls between adjoining automobile dealership properties generally are not permitted. No chainlink or plain concrete block fences are permitted except where not visible from public streets or outdoor sales and display parking areas.
  4. Perimeter walls and fences are generally not permitted or required except where dealerships are adjoining commercial areas of the Automall.
- e. *Display Pedestals.* The quantity, spacing, location, shape, size, design, and materials shall be in accordance with the Master Plan.
1. *New and Used Car Display.* Car displays, arrangement of parking spaces, and circulation shall be at the dealer's option. However, coordination with and compatibility to display area on adjoining properties must be considered. All vehicles in designated display areas must be properly prepared, cleaned, and ready for sale. No car display shall block minimum required driveways or those driveways shown in the approved site plan.
  2. *Display Vehicle Security.* To the extent deemed necessary by individual dealers, curb walls (no higher than 16 inches), closely spaced concrete bollards, boulders/cairns/rocks, berms, low security fencing and rails may be used. Design must be compatible with project theme and architectural detailing in other parts of the site as addressed in Master Plan.

- f. *Landscaping and Display Areas.*
1. Landscaping shall consist of different varieties of shrubs, flowers, trees, and other planted material in accordance with the Master Plan.
  2. All revisions to the existing landscape areas shall incorporate water efficient landscape materials.
- g. *Landscaping Adjoining Rights-of-Way.*
1. Landscaped areas shall be a combination of gravel, mulch, ground covers, low shrubs, and flowers. (Select materials from palettes provided in the landscaping section of the Automall Master Plan.)
  2. A minimum of 20 feet depth of landscaping and display will be required along all public rights-of-way.
- h. *Building Landscaping.*
1. Landscaping shall be maintained at the base of all buildings and decorative fences on elevations facing any public right-of-way or as otherwise approved by the Planning Commission.
  2. A minimum of eight square feet of landscaping per lineal foot of street frontage shall be required at the base of buildings or within the site area.
  3. Where used, landscaping shall be a minimum of five feet wide at the base of buildings and decorative walls on elevations facing public rights-of-way and must be landscaped with a combination of shrubs, flowers, lawn, and other planted materials.
  4. Landscaping at the base of raised showrooms may be sloped. Shrubs that have an initial height of approximately two feet may be placed to cover the base of the building.
- i. *Rear and Side Property Line Landscaping.*
1. Landscaping at the side yards or rear yard may be eliminated if the area is not visible from public rights-of-way, or if the yard area is used in conjunction with an adjoining property for common driveways and/or parking. However, a minimum of ten feet of landscaped area will be required on all side yards adjoining commercial areas.
  2. Landscaping or other barriers between adjoining dealership properties in the front sales and display areas are prohibited unless otherwise approved by the Planning Commission.
- j. *Architectural Design and Materials.*
1. *Retail Showrooms.* All buildings and retail showrooms shall be designed to be consistent with the Master Plan. A variety of architectural schemes, finish materials, and colors is required.
  2. *Showroom Windows.* It is the intent that building showrooms be designed to maximize exposure facing the street. Accordingly, fronts should be primarily glass with ceiling heights encouraged to be no less than 12 feet.
  3. *Materials.* Building materials shall be selected which require low maintenance. Unpainted, plain concrete walls are prohibited. Roofs shall not be exposed unless they are part of the decorative or architectural treatment of the building.
- k. *Site Lighting.* Dealerships are allowed to use a variety of poles and fixtures in order to achieve a unique lighting plan. However, in order to create a lighting color that is harmonious throughout the area, energy efficient lighting shall be incorporated and the luminaries shall be similar throughout the dealerships (e.g., 5000K luminaries). The Automall Dealers Association shall review any proposed changes to on-site lighting.

- (5) *Additional Development Standards for Automotive Dealerships Adjacent to Interstate 15.* The following development standards shall apply to automotive dealerships adjacent to I-15 only and are in addition to the general standards and exceptions listed above:
- a. *Site or Property Landscaping.* A five-foot minimum landscape strip shall be required along the Interstate 15 right-of-way. Such area shall be planted with shrubs, ground covers, and other landscape elements in accordance with the Development Master Plan.
  - b. *Architectural Design and Materials.* The design finishes and materials of all building sides facing Interstate 15 shall be of the same type and quality as that used for other building facades.
- (6) *Additional Development Standards for Applicable to Commercial Developments Only.* The following development standards shall apply to commercial developments only and are in addition to the general standards and exceptions listed above:
- a. *Location.* The location of all commercial areas are designated in ~~the Development Code~~ this title.
  - b. *Automobile Service and Repair Facilities.* Overnight parking areas shall be screened from adjacent commercial and dealership front display areas.
  - c. *Access and Internal Circulation.*
    1. *Access Locations.* Private access shall be located no closer than 20 feet from the edge of the driveway to a common property line unless shared with an adjacent driveway.
    2. *Internal Circulation.* Cross easements shall be required to permit perpetual use of common drives, parking areas, and service areas at no cost to the adjacent property owner, unless it can be demonstrated that significant cost will be incurred.
  - d. *Fences, Screens, and Walls.*
    1. *Fences, Screens, and Walls Prohibited.* Fences, screens, and walls between properties are prohibited unless otherwise required by ~~this Code~~ title.
    2. *Materials.* When required, fences shall consist of decorative masonry and/or pre-cast concrete and be of a design, style, and finish to be compatible to the building. Wood, iron, and masonry decorative elements may be utilized. Chainlink, vinyl, or plain CMU concrete block walls are prohibited.
    3. *Freeway Fences.* Fences along Interstate 15 shall match the general design, style, and spacing as provided throughout the overall freeway fence design. (See Freeway Fence Illustration in the Development Master Plan.)
  - e. *Landscaping.* In front yard areas, landscape shall consist of a minimum of 20 feet of landscaping adjacent to the right-of-way unless otherwise approved by the Planning Commission using ~~the Storefront Conservation Ordinance Chapter 21-14~~.
  - f. *Architectural Design and Materials.* Building materials shall be selected which require low maintenance. Unpainted, plain concrete walls are prohibited. Roofs shall not be exposed unless they are part of the decorative or architectural treatment of the building.
  - g. *Site Lighting.* All parking areas shall be uniformly lit with pole lights of uniform type, height, and intensity according to the Development Master Plan.
- (7) *Hardscape Standards.* All hardscape design for driveways, sidewalks, etc., shall comply with all provisions of the palette materials and layout listed in the Automall Development Master Plan.
- (8) *Signs.* All signs shall comply with ~~the Signage and Outdoor Advertising chapter of the Development Code Chapter 21-26~~ with the following exceptions:
- a. *General Standards.* The following criteria shall govern the construction, placement, and type of all signs within the Automall development area:

1. Location of all ground-mounted signs, except directional signs, shall be a minimum of three feet from front property lines and ten feet from edge of driveways, or as may be required by the City Transportation Engineer for traffic safety and visibility.
  2. No exposed raceways, ballast boxes, transformers, or conduits are permitted.
  3. Signs shall be internally illuminated.
  4. No flat-faced box or cabinet type sign with painted copy shall be permitted.
  5. Businesses fronting 10600 South, State Street, Motor Park Avenue, Holiday Park Drive, and 11000 South shall be allowed monument signs only. In addition, no freestanding signs, off-premises signs or billboards shall be permitted on any parcel within the Automall District with the exception of the one freestanding "South Towne Automall" identification sign for the entire Automall District along the Interstate 15 freeway frontage and the entrance identification signs listed in Subsection (b)(8)b.2 of this section.
  6. All proposed signs that meet the criteria set forth in this ~~Code~~title shall be approved by the Planning staff.
- b. *Identification Signs for the Automall Area.* Off-premises signs shall not be allowed except for the following:
1. *Freeway Identification.*
    - (i) One freestanding freeway identification pylon sign to identify the Automall will be permitted. The size and height of the freeway identification sign shall be reviewed as part of the architectural review process set forth above and approved by the Planning Commission.
    - (ii) The freeway identification sign may include a lighted reader board or other form of moving display on which advertising of community events and Automall promotional activities may be shown. No dealer logos, names, or vehicle type identifications will be permitted except as may be used within the lighted reader board in conjunction with Automall advertisements.
  2. *Entrance Signs.* Four freestanding signs to identify the entrances to the Automall will be permitted at the entrances located at 10600 South, Auto Mall Drive, State Street and Motor Park Ave, 11000 South and State Street, and approximately 10760 South and State Street. Size and height of entrance signs shall be reviewed as part of the architectural review process set forth above and approved by the Planning Commission. No dealerships' logos, names, or vehicle type identifications permitted.
  3. *Street Light Banners.* Banners promoting the Automall will be permitted to be hung on street lights within the Automall District. These signs should be uniformly 30 inches by 60 inches. These should not promote individual dealerships, but may promote Automall-wide events or promotions, at the discretion of the Automall Dealers Association. No banner shall be attached to any City light poles except by the City Department of Public Works.
  4. *Interior Light Banners.* Individual dealerships may install banners on light poles within their property boundaries. These banners should be used to promote their dealership and brand. They should not be used to advertise events or promotions. Individual owners are responsible for installation of banners on their own property. Banners should be uniformly 24 inches by 48 inches.
  5. *Freestanding Signs.* No additional freestanding signs for commercial businesses or auto dealerships will be permitted.
- c. *Street Identification/Monument Signs.*
1. *Location.* The signs must be located within the required front landscape setback area. No signs shall be closer than 75 feet from a common lot line, and a minimum of 35 feet from a

landscape feature area. The location and spacing shall be subject to approval by the Planning staff.

2. *Quantity.* One sign per site, per interior street frontage will be allowed. An exception would be that additional signs may be permitted in special cases for auto dealerships having multiple dealerships upon the same site. These signs shall be separated by a minimum of 100 feet between signs.
  3. *Copy.* Copy is encouraged to emphasize the manufacturer's brand with the dealer's name being secondary to the brand name.
  4. *Size.*
    - (i) Overall dimension of sign faces shall fit within the areas of seven feet, six inches high by eight feet wide or six feet high by ten feet wide. Maximum height above street curb shall not exceed a total of nine feet, including sign area, support base, and/or berm.
    - (ii) Non-dealership commercial businesses within the area shall follow the number, maximum square footage, and height above curb standards stated in Chapter 21-26.
  5. *Support Bases.* All monument signs shall incorporate a support base of a minimum of one foot and a maximum of three feet above grade. Base height shall be included in the overall height allowed, but will not be included in the square footage allowed. Support base material shall be similar to that of the primary building material of the site on which the sign is located.
- d. *Building Signs.*
1. *Location.* Signs shall be mounted on building facades, parallel to and contiguous with the wall upon which the sign is attached. Signs may be attached to screen walls or service buildings facing a street. Location and spacing are subject to approval by the Planning staff.
  2. *Quantity.* One sign per street frontage is permitted. Signs may be permitted on building facades facing Interstate 15 upon review and approval by the Planning staff.
  3. *Copy.* Signs are encouraged to contain brands of vehicles sold, manufacturer's logo, dealer's name, identification of used cars or trucks, secondary manufacturer's lines, or similar identification.
  4. *Construction.* Signs shall be internally illuminated individual pan-channel or channel-lume construction.
- e. *Street Directional Signs.*
1. *Location.* Directional signs shall be located behind the property line at driveway areas subject to review and approval by the Planning staff.
  2. *Size.* Directional signs shall be up to a maximum of six square feet per sign per entry drive. Maximum height shall not exceed four feet above adjacent sidewalk or curb height.
  3. *Copy.* Signs should be encouraged to include directions to entrances, exits, service areas, parts departments, customer parking, etc. Maximum letter height shall not exceed six inches.
  4. *Construction.* Sign materials and bases shall be compatible with monument signs. They may be double-sided. (See Directional Sign Illustration in the Master Plan.)
- f. *Internal Directional/Destination Signs.*
1. *Location.* Signs shall be located behind the front landscape and display setback. Signs may be freestanding in landscaped planters or attached to fences or walls.
  2. *Size.* Signs shall be a maximum of 36 inches high by 48 inches wide. Base height shall be according to the Master Plan.
  3. *Copy.* Copy may be multi-line with maximum letter height of 3 1/2 inches. It may include messages such as service areas, showrooms, customer parking, parts, etc.

4. *Construction.* Sign materials and bases shall be compatible with monument signs. They may be double-sided. Illumination is not required. (See Internal Directional/Destinational Signs in the Development Master Plan.)
  5. *Quantity.* The number of signs shall be limited only to those necessary to direct vehicular traffic.
- g. *Information Signs.*
1. *Location.* Signs shall be on building elevations, fences, or other solid backing.
  2. *Size.* The combined area of all information signs per building frontage shall not exceed 16 square feet with a maximum letter height of 12 inches. If the letter height does not exceed eight inches, the sign area may be increased to a total of no more than 20 square feet. Combined area of other sign information may not exceed six square feet with a maximum letter height of eight inches.
  3. *Copy.* Signs may include messages such as parts, services, used cars, etc.
  4. *Construction.* Signs shall be single-sided, mounted flat with a depth no greater than one inch. Individual cut-out letters are recommended but not necessarily required. Signs shall not be painted on building facades. All information signs are to be of the same color, letter style, and design. (See Information Sign Illustration in the Master Plan.)
- h. *Standards for Temporary Signs for Auto Dealer Area Only.*
1. *Standards.* The auto dealership area of the Automall District shall comply with the following standards:
    - (i) Temporary signs shall not be placed in the common landscape feature areas for the Automall development, or in the parkstrip between the curb, gutter and sidewalk.
    - (ii) All of the general provisions for all temporary signs located within ~~the Outdoor Advertising Chapter of this title~~ Chapter 21-26. All approved temporary signage will be allowed Thursday through Sunday only, plus all dates permitted as free promotional periods. All signs shall be removed before 8:00 a.m. of the day following the allowed dates.
    - (iii) Signs shall be set back from the property lines a minimum of three feet and cannot obstruct the right-of-way. They shall not be attached to telephone poles, fences, trees or security gates adjacent to streets.
    - (iv) Signs shall not be placed where they obstruct the view of any sign identified as a public necessity sign.
  2. *Temporary Permit Required.*
    - (i) Prior to installing any temporary signs, the South Town Automall Dealers Association shall obtain a yearly sign permit for all temporary signs. A calendar that specifies which days may be allowed, including the free promotional periods, shall be submitted with the application to the Community Development Department no later than December 1 for the following year.
    - (ii) The following types of sign devices may be used. No other sign device may be displayed unless specifically listed below:
      - A. *Banners.* Banners shall not exceed five feet by 11 feet, and must be securely attached to a structure or to ground posts. Banners mounted to the ground must have a stabilizing crossbar between the ground posts and the top of the sign. Each dealer is limited to two banners per street frontage.

- B. *Blade Banners*. Blade banners shall not exceed 14 feet tall, this includes a blade sign of six feet tall and 28 inches wide. Each property may not exceed four banners per dealership frontage and each banner must be separated by at least ten feet.
- C. *Balloons*.
- (a) Small balloons attached to vehicles antennas or the security fences along dealership municipal right-of-way frontage, not to exceed seven feet in height from ground level, designed to attract attention from closer distances may be placed on all retail vehicles in dealership lot during designated fly dates.
  - (b) Tall balloons designed to attract attention from long distances shall be allowed for each dealer only during the designated fly dates and shall follow the following criteria:
    - (1) One string of tall balloons shall be allowed per dealership during designated fly dates, not to exceed six feet (72 inches) in diameter and shall not be flown higher than 80 feet in total height off the ground.
- D. *Window Signs*. Window signs are allowed for ground floor windows only. They shall not be located as to block clear view of exits or entrances or to create a safety hazard. Any window sign shall not disrupt the visibility from employee stations to the parking area or of law enforcement personnel into the business. The following shall also apply:
- (a) They shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of a group of windows on each building face. A single window is any window, or any section of windows, that is separated from another window by 12 inches or more. Any door, with windows, is always considered a separate window. (See graphic below.)
  - (b) Window signs and permanent wall signs combined shall not exceed 20 percent of the exterior wall area of the tenant.

[GRAPHIC]

(c) *Regional Commercial District (RC)*. No additional development standards are required in the RC District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(d) *Regional Commercial--Planned Unit Development District (CR-PUD)*. No additional development standards are required in the CR-PUD District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(e) *Community Commercial District (CC)*. No additional development standards are required in the CC District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(f) *Neighborhood Commercial District (CN)*. No additional development standards are required in the CN District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(g) *Neighborhood Commercial--Historic Sandy Neighborhood District (CN(HSN))*.

(1) *Parking*. All parking shall be located to the rear or side of the building.

(2) *Landscaping*. The entire front yard setback area shall be landscaped.

(h) *Historic Business District (HBD)*.

(1) *Architectural Design, Appearance and Materials*. All structures shall be designed to have a historical appearance (e.g., flat roof, multi-paned windows, use of brick and composite siding combinations, wood accent pieces, parapet walls, etc.). The architectural design must be approved by the Planning

Commission. To maintain the historical appearance, the base of the commercial/office structure shall have additional landscaping, including additional mature trees (a mix of trees consisting of evergreens (six-foot-high minimum) and deciduous trees (two-inch caliper minimum)).

- (2) *Parking.* All parking shall be to the rear or side of the building with no parking in the front of the building. When calculating required parking stalls, those spaces located upon the adjoining public street may be included in the overall total.
- (3) *Signs.* All signs shall comply with the standards and size limitations as written in the ~~Sign Ordinance~~ Chapter 21-26, with the following exceptions:
  - a. Neon is not permitted for illumination or building decoration.
  - b. Internally illuminated cabinet or backlit awning signs are not permitted.
  - c. Projecting wall signs are permitted and encouraged.

(i) *Boulevard Commercial District (BC).*

- (1) *Double Frontage Lots.* For those BC District lots that have frontage on both 700 East and a residential (R-1 District) street along the rear, a minimum depth of 100 feet of the property (as measured from the property line adjacent to said residential street's right-of-way) shall be left for the development of residential lots only.

(2) *Architectural Design, Appearance and Materials.*

- a. All structures shall be designed to have a residential appearance (e.g., pitched roof, bay windows, use of brick, stone, and composite siding combinations along with wood accent pieces). (See Exhibit #1.)
- b. All buildings shall utilize a pitched roof with a steepness of at least four-twelfths pitch. No flat roofs shall be permitted.
- c. To maintain the residential appearance, the base of the commercial/office structure shall include additional landscaping, including additional mature trees (a mix of trees consisting of evergreens (six-foot-high minimum) and deciduous trees (two inch caliper minimum)).
- d. The architectural design of all structures in the BC District (including residential) shall comply with the Sandy City Architectural Design Standards.

(j) *Limited Commercial District (LC).*

- (1) *Mixed Use Concept.* The concept of mixed use is allowed in the LC District and represents a departure from traditional zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible.

- a. *Residential Uses Allowed.* Residential dwellings are allowed only on sites of sufficient size to ensure adequate site development and a satisfactory and safe residential environment.
- b. *Where Residential Uses are Included.* Where residential uses are included, the objective of the mixed use concept is to create self-contained communities in which residents may walk to work, to shopping and to recreational facilities.

- (2) *Nonresidential Use Location.* Nonresidential uses shall be placed at the front of the property. Parking shall be placed at the rear or side of the building.

- (3) *Architectural Design.* Buildings shall be designed to be architecturally compatible with the adjacent residential district.

- (4) *Hours of Operation.* No retail use shall operate after 10:00 p.m., nor open before 6:00 a.m. A non-retail use could apply for a conditional use permit for extended hours before 6:00 a.m. or after 10:00 p.m.

- (k) *Convenience Commercial District (CvC).* No additional development standards are required in the CR-PUD District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(l) *Professional Office District (PO).*

(1) *Ancillary Retail Commercial Uses.* Ancillary Retail Commercial Uses may be allowed in PO Districts at the following ratios:

- a. No more than 50 percent of a shared use building.
- b. No more than ten percent of a primary use for a stand-alone project and must be part of a complex of office buildings. Said retail use shall not be developed prior to the first office building.

(2) *Architectural Design.* Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood and shall comply with the Sandy City Architectural Design Standards. (See Exhibit #1.)

[GRAPHIC--Exhibit #1. Examples of Residential Appearance in Commercial Zones.]

(m) *Industrial Development District (ID).*

(1) *Loading.* No loading or unloading may be performed on any public right-of-way or private right-of-way. No loading docks shall face rights-of-way unless approved by the Director because of site constraints. The Director shall require screening, including landscaping or walls or a combination of walls and landscaping, to mitigate the impacts of loading docks facing rights-of-way.

(n) *Transit Corridor (TC).* No additional development standards are required in the CR-PUD District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(o) *Research and Development District (RD).*

(1) *Parking.*

- a. Parking terraces and underground parking is strongly encouraged and shall be required for structures of five stories or more. The parking terrace may be constructed in subsequent phases with the approval of a development agreement between the developer and Sandy City. The signed Development Agreement shall be recorded and shall be binding on all future developers and property owners of said property.
- b. Surface parking (permanent or temporary) may be allowed in addition to a parking structure where it can be shown that the Phasing Plan, size, and, scope of the project would require some surface parking (e.g., stand-alone restaurant, bank, etc.).

(2) *Development Standards.*

a. *Planned Research, Development, or Office Park.* Regardless of the size and ownership of individual parcels, a "Planned Research, Development or Office Park" master site plan must be submitted for review and approval by the Planning Commission showing all phases of the development, including the parking structure, if required. The plan must show both existing and reasonably projected development on adjoining properties, determined through consultation with adjoining owners.

1. The intent of the above is to achieve a consistent overall planned development with consistent site standards when the project area is completely built out.
2. Expansion of existing developments not previously having a "Planned Research, Development or Office Park" approval shall require Planning Commission approval at the time of expansion.

b. *Residential Uses.* The following shall apply to residential development in the RD District:

1. Not less than 15 percent of the gross living area of a residential use shall be provided as common residential recreation space. This requirement may be accomplished with indoor or outdoor facilities (e.g., roof tops, atriums, covered or outdoor swimming, etc.).
2. Residential development west of I-15 shall require a vertical mixed use design.
  - (i) The physical separation of pedestrian and vehicular traffic is encouraged.

- (ii) All residential developments shall comply with standards for planned unit developments (PUD). The more restrictive ordinance shall apply.
- c. *Building Height.* A minimum of two stories is required.
- d. *Specific Ancillary Uses.* Warehousing may be allowed only as a subordinate function of the primary use of the development upon review by the Planning Commission.

(LDC 2008, § 15A-23-21; Ord. No. 11-04, 3-25-2011; Ord. No. 12-08, 2-28-2012; Ord. No. 12-31, 8-20-2012; Ord. No. 14-35, 11-13-2014; Ord. No. 14-37, 11-24-2014; Ord. No. 15-19, 6-26-2015; Ord. No. 16-01, 1-14-2016)

### **Sec. 21-23-22. Planned Commercial Center Development Standards.**

In addition to all other development standards listed in this chapter and elsewhere in this Code title, all planned commercial centers shall be developed in compliance with the following additional development standards:

- (1) *Site Plan Review.* A master development site plan for a planned commercial center shall be reviewed and approved by the Planning Commission.
- (2) *General Site Design.*
  - a. A planned commercial center shall be designed as an integrated complex of leasable or individually owned spaces in a single building, group of buildings, or parcels.
  - b. Regardless of ownership, a planned commercial center site plan shall show the relationship of all proposed and future buildings and pads to all parking facilities, pedestrian walkways, landscape areas, service entrances, and abutting streets.
- (3) *Architectural Design and Materials.*
  - a. All planned commercial centers shall comply with the Sandy City Architectural Design Standards.
  - b. A common theme of architectural design and materials, approved by the Planning Commission, shall be followed for the overall project that will include all attached, detached, and/or freestanding pad buildings.
- (4) *Landscaping.*
  - a. *Landscape Design.* A consistent landscaping design shall be developed for an overall planned commercial center that includes all pads and freestanding buildings.
  - b. *Frontage.* Where a planned commercial center abuts a public street right-of-way, there shall be a minimum of at least 15 feet of landscaping along the perimeter, exclusive of required driveways.
- (5) *Lighting.* A consistent lighting plan and light design including light heights, standard design, and color as well as light intensity shall be established for an overall planned commercial center.
- (6) *Signs.* A sign theme shall be submitted which shall be approved by the Planning Commission at the time of review of a planned commercial center that covers all signage on the site including all center identification signs as well as a theme for all tenant signs.
- (7) *Grading.* Grading of an overall planned commercial center shall be done in such a way as to allow all buildings, pads, and other out building sites to be tied together with reciprocal access driveways both on and off the site, unless not found to be practical by the Director in consultation with the Transportation Engineer.

(LDC 2008, § 15A-23-22)

### **Sec. 21-23-23. Industrial or Research Park Standards.**

- (a) *Industrial Environmental Standards.*
  - (1) *Finding of Dangerous or Objectionable Elements.* No land or building devoted to industrial uses shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or

other substance, condition, or element, in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises.

- (2) *State Agency Notification.* The Director of Community Development shall confirm that the Environmental Health Services Section of the State Health Division is informed of applicants with uses that pose a potential risk.
- (3) *Performance Standards Review.*
  - a. In addition to meeting requirements for potential dangerous or objectionable elements, the application for industrial use shall include a description of the proposed machinery, products, and processes to be located at the development.
  - b. If the proposed use may cause the emission of dangerous or objectionable elements, the application may be referred for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable environmental and performance standards specified in this ~~Code~~title. The cost of such expert report shall be borne by the applicant.
  - c. Within 20 days after receiving the aforesaid application or report, if a report was required, the City shall determine whether reasonable measures are proposed to be employed to ensure compliance with the applicable environmental performance standards. On such basis, the City may authorize or refuse to authorize issuance of permits or may require a modification of the proposed plans, construction specifications, device or operation and shall so inform the Chief Building Official.
- (4) *Continued Compliance.* Any permit so authorized and issued shall evidence only that reasonable measures are proposed to be taken. It shall not relieve the applicant of the responsibility of meeting all performance and environmental standards when the plant is actually in operation; and, in case of a failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards are required to be made and shall be the sole responsibility of the applicant.
- (5) *Continued Enforcement.*
  - a. The Director shall investigate any purported violation of environmental or performance standards; and, if necessary for such investigation, may request that the City employ qualified experts.
  - b. If the City finds that a violation has existed or does exist, the Director shall serve notice that compliance with the environmental or performance standards must be achieved within a specified period of time or the plant will be shut down.
  - c. Should the violation of environmental or performance standards pose an immediate threat to public health, convenience, or welfare, the Mayor may order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation.
  - d. The services of any qualified experts employed by the City to advise in establishing a violation shall be paid by the violator if said violation is established.

(b) *Locations Where Determinations Are to Be Made for Enforcement of Environmental and Performance Standards.* The determination of the existence of dangerous and objectionable elements shall be made at any point; provided, however, that the measurements having to do with noise, vibration, odors, or glare shall be taken at the lot line of the establishment or use.

- (1) *Standards for Dangerous and Objectionable Elements.*
  - a. *Noise.*
    1. No use shall emit or cause the emission of sound from a stationary source such that one hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by six dB(A) or more, the one-hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 Highway Traffic Noise Prediction Mode, or by other techniques at least as accurate as those set out in FHWA-RD-77-108.

2. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 Type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1977, with the following adjustments:
  - (i) *Adjustment for Temporal and Tonal Characteristics of Sound.* If the sound has a pronounced audible tonal quality such as a whine, screech, buzz, or hum, or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, five dB(A) shall be added to the measured sound level to allow for increased subjective response to the sound.
  - (ii) *Quasi-Steady Impulsive Sound.* Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then ten dB(A) shall be added to the measured value to allow for the increased subjective response to the sound.
    - A. An adjustment may be made under only one of the ~~Subparagraphs A and B~~ two preceding subsections. In a case where both ~~paragraphs~~ subsections apply, then ~~paragraph A~~ Subsection (b)(1)a.2(i) takes precedence.
    - B. No use shall emit or cause or permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of 80 dB(A) or in a one-hour equivalent level (Leq) exceeding that one hour equivalent (Leq) level caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 or equivalent method.
- b. *Vibration.* No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.
- c. *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the property line of the industrial use or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
- d. *Glare.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise regulated by the provisions of this ~~Code~~ title.
- e. *Fire and Explosion Hazards.* All activities involving, and all storage of, flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.
- f. *Air Pollution.* No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah Air Conservation Act (U.C.A. 1953, § 19-2-101 et seq.), its amendments, or resulting regulations.
- g. *Liquid or Solid Wastes.* No discharge at any point into a public sewer, private sewage system, stream, ditch, canal, or into the ground shall be allowed contrary to the ~~Utah State Water Pollution Control Act~~ Water Quality Act (U.C.A. 1953, § 19-5-101 et seq.), its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code on Solid Waste Disposal Regulations.

(c) *Compliance with Other Regulations.* All uses must meet any other applicable City, County, State or Federal regulations.

(LDC 2008, § 15A-23-23)

#### **Sec. 21-23-24. Mixed Use Development Standards.**

- (a) *Purpose and intent.*

- (1) This ~~Chapter section~~ is established to provide a zone to be used near City transportation corridors that allows a mix of specific land uses that are typically found separately in mutually exclusive zoning districts. Mixed use represents a departure from characteristic zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible.
- (2) The intent of this zone is to create self-sustaining villages that become walkable neighborhoods, in which residents may walk to work, to shopping, to recreational facilities, and have access to mass transit. These neighborhoods are to provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. They shall provide convenient pedestrian commercial services, employment opportunities, and shall be located in areas with existing, or probable future, multiple transportation choices. Design standards include requirements that help provide a true neighborhood by stipulating various mix of uses, "build to" lines, compact building design, preservation of open space, pedestrian-friendly streets and streetscape, parking concealment, architectural control, and maintenance. Proposed developments with increased land intensity and housing density but without the above walkable elements are unacceptable and will not be approved.

(b) *Procedures.*

- (1) The Planning Commission will review all development proposals in the MU Zone. All exterior building elevations visible from adjacent properties or streets must also be reviewed and approved by the Planning Commission.
- (2) Prior to the Planning Commission taking action, plans must be submitted in accordance with ~~the zoning ordinance~~ this title.
- (3) All submissions shall be made well in advance of planned construction for proper coordination and feedback, and shall be reviewed at a City Development Review Meeting and/or respective architectural review meeting before submittal to the Planning Commission.
- (4) For a typical building project, 12 copies of the required information must be submitted for complete review and recommendation by the Planning Commission. One copy will remain on file with the Planning Division and the second copy will be returned with comments. Communication with the Planning Commission may be directed to the Director.
- (5) The owner's representative, for on-going coordination with the Planning Commission, must also be identified, including address and telephone number.

(c) *Land Coverage.* It is the intent to create efficient usage of land within the Mixed Use District by controlling the intensity of different types of land uses and providing sufficient critical mass to create a walkable neighborhood.

- (1) Coverage for both buildings and paved areas (parking, loading and circulation) shall not exceed 90 percent, thereby reserving a minimum of ten percent for landscaped areas and open space.
- (2) Parking terraces and underground parking is strongly encouraged. Surface parking (permanent or temporary) may be allowed in addition to, or in lieu of, a parking structure, upon the approval of the Planning Commission, where it is screened from streets and where it can be shown that the Phasing Plan, design, size and scope of the project substantially provides a walkable community.

(d) *Uses Allowed.* In order to achieve an overall walkable development, appropriate land uses, pedestrian connections, cross-easements, common driveways, consistent site standards, etc., must be coordinated, even though properties may be individually owned. In order to encourage pedestrian activity and to improve air quality, drive-thru windows are not permitted in conjunction with uses such as fast food restaurants, dry cleaners, banks, etc.

(1) *Location Restrictions.*

- a. Mixed use developments shall be located along transportation corridors and other locations where walkable components (i.e., housing choices, convenience commercial, employment, community facilities, transportation linkages, park or other open space, schools, churches, etc.) are already present, planned, or where the size and scale of development is such that said components can be provided within the project itself.

- b. As a guiding principle, mixed use components should be within a five-minute (or one-fourth mile) walking distance. The actual blend of vertical and/or horizontal mixed use development shall be determined by the Planning Commission depending upon the size, scale, and location of the development. Where size and scale permit, housing units shall include a mix of housing types, housing size, and number of bedrooms, encouraging neighborhoods with a mix of family cycles and incomes.
- (2) *Ancillary Uses.* All permitted and conditional land uses within the MU Zone may conduct ancillary uses, as specifically defined in ~~the Definitions Chapter of the Land Development Code, Revised Ordinances of Sandy City Chapter 21-37,~~ provided such use is not regulated by other sections or is listed as a prohibited land use in this zone.
- (e) *Development Standards.* The following standards are to be considered as applying specifically to development in the Mixed Use (MU) District, in addition to general standards provided elsewhere in this ~~Code title.~~
- (1) *Mixed Use Master Plan.* Regardless of the size and ownership of individual parcels, a walkable Mixed Use Master Plan must be submitted to the Planning staff for review and approval by the Planning Commission. The plan must show all phases of the development (including any phasing plans) and both existing and reasonable projected development on adjoining properties, determined through consultation with City staff and adjoining property owners.
- a. The intent of the above is to achieve a consistent overall mixed use development with uniform and compatible site standards when the project area is completely built out. Standards that will be applied to a Master Plan are set forth in this chapter.
- b. Remnant parcels left from old developments, rebuilds of existing parcels, or pads within existing center developments, are required to make reasonable compliance with mixed use development standards through consultation with the Director.
- (2) *Parcel Size.* Parcels shall be of sufficient size to ensure compliance with building setbacks, landscaping, access, parking, and walkability standards.
- (3) *Building Placement and Massing.*
- a. *Setbacks.*
1. Building facades shall comprise at least 70 percent of each street edge identified as "build-to lines." To meet this requirement, building facades must be zero to five feet from street side (typically inside edge of sidewalk) property lines where build-to lines are drawn. Awnings and architectural features may project beyond build-to lines, as approved by the Planning Commission. Street side setback variations may be used when an activity related to pedestrian use is maintained, (i.e., special landscaping, outside seating for a restaurant). Recessed plazas, courtyards, and trellises are encouraged.

[GRAPHIC--Buildings to the Street]

2. Zero lot line side setbacks with attached structures, in compliance with the International Building Code, may be required except for necessary driveway access, pedestrian access, open space, and landscape areas. Rear setbacks shall be of sufficient depth to allow proper parking and landscaped areas to the rear of the buildings. Unless otherwise approved by the Planning Commission, rear yards and the rear of buildings shall not directly abut streets. If the rear of building is approved adjacent to a street, pedestrian access and street oriented building treatment must be adequately addressed.

[GRAPHIC--Anchor Retail]

- b. *Building Orientation.* The entrances of all retail, civic, residential, and office buildings shall front onto streets, with the exception of center block residences (which still must front pedestrian ways) and anchor stores greater than 30,000 square feet in size. Secondary entries may be required at the rear of street-facing buildings. Where possible, like land uses shall face like land uses or open space

(i.e., retail across the street from retail, town homes from town homes, etc.). Loading docks and service areas must be screened from streets and adjacent properties ~~thru~~through architectural design and landscaping. Anchor store entrances must be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking areas may be via mid-block passageways or paseos, to the street.

[GRAPHIC--Walkways ~~thru~~Through Parking Areas]

c. *Building Height.*

1. Buildings at build-to lines shall have a minimum and maximum height as indicated on the table by building type, with height to be measured in accordance with the City's adopted ordinances and standards.

<i>Land Use</i>	<i>Commercial, Office and Vertical Mixed Use</i>	<i>Condos, Town Homes, Garden Apartments</i>	<i>Single-Family, Twin Homes, and Quads</i>	<i>Civic Uses and other Stand-Alone Uses</i>
Minimum building height	Two stories	Two stories	One story	One story
Maximum building height	Four stories	Three stories	Two stories	Three stories

2. Buildings of greater height than allowed in the above table may be approved by the Planning Commission on a limited basis, based upon the size, scale, topography, and uniqueness of the development. Approved structures with additional height may be required to include suitable "step-back" architecture and other architectural features which encourage a village feel on street level.

d. *CPTED (Crime Prevention ~~thru~~through Environmental Design).*

1. Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, management, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two to three feet and trees with a proper ground clearance of six to eight feet above walkways and sidewalks and eight to ten feet above vehicular travel and parking lanes.
2. In order to encourage public safety ~~thru~~through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Symbolic barriers, such as low-lying fences/walls, landscaping and signage, shall be used, as appropriate, to discourage crime and to promote safety. Ground floor parking garages are not permitted immediately adjacent to streets. Developments shall have street side building elevations with extensive windows, with balconies, decks or landscape terraces being encouraged.

[GRAPHIC--Natural Surveillance]

(4) *Land Use Impact and Buffering.*

- a. Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between compatible uses. Visual screening which creates outdoor rooms is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating

- isolated uses or dead space void of natural surveillance. Approved fences or walls shall be compatible in color, texture, and design in relationship to building materials.
- b. In order to mitigate any negative impacts, the Planning Commission, after due consideration, may modify building setbacks and heights, and require additional architectural and/or landscape elements, as needed between uses, within and without a mixed use development.
- (5) *Architectural Design and Materials.* The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding buildings, and yet provides diversity in design. Requirements applicable to all buildings are ~~stated below as follows:~~
- a. All sides of buildings shall receive equal design consideration, particularly where exposed to pedestrian and/or vehicular traffic and adjacent properties.
- b. Basic building materials shall include, but are not necessarily limited to, architecturally treated pre-cast concrete, brick, stone, granite, ceramic tile, architectural metals and glass. All residential uses shall be predominantly brick or masonry. Limited amounts of stucco and masonite siding may be considered if the quality of the design merits such consideration. The use of exposed concrete (architectural concrete excepted), metal, or plastic for storefront facades is not permitted. All buildings within the development shall possess a similar architectural theme and have common architectural elements creating a unifying development.
- c. No more than four colors may be used per development. Earth tone colors are encouraged to help buildings blend into the environment; however, color may vary if approved by the Planning Commission as being compatible with surrounding developments. Approved tinted glass surfaces shall be considered as one of the colors allowed and shall conform to the color requirements included herein. Building styles shall be compatible with existing buildings within the respective MU Zone.
- d. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial buildings shall be designed with ground floor architectural separation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, terraces, or other design features which are oriented to the street, or other people spaces, in order to maximize interface connection. Windows, display windows, doors, and arcades must make up at least 70 percent of street-facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Tinted windows or windows with reflective film or glass are not permitted at street level.

[GRAPHIC--Building Facades and Relationship to Street]

- e. Mechanical equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent developments. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof.
- f. Plans for significant exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the MU Zone.
- (6) *Signage.*
- a. Proper design and placement of signs and their lighting is critical and shall be compatible with structures and uses. Mixed use developments shall have a sign theme which promotes mixed use compatibility. Permitted signs within the MU Zone shall be in compliance with ~~the Sandy City Sign Ordinance Chapter 21-26~~, except that freestanding and off-premises signs or billboards shall not be permitted. Wall signs, projecting wall signs, and window signs, approved as part of a sign theme, are encouraged.

- b. Monument signs and directional signs are discouraged. Where approved, a monument sign must comply with the following limitations: the sign shall have as the prominent feature the name of the development (i.e., "Jordan Village," "Jordan Plaza," etc.). All other lettering shall be no taller than four inches in height. The maximum height of the sign shall be four feet for the portion containing general copy, with an overall maximum height of six feet above sidewalk grade. It is intended that the top two feet be utilized to identify the name of the development. The lettering font style for tenant identification shall be the same for all tenants. Monument signs shall be constructed with the materials similar to that of the main building. Monument signs may not extend into the required sign visibility triangle, unless otherwise approved by the City Transportation Engineer.
- (7) *Open Space.*
- a. Significant usable open space shall be provided within the mixed use development, depending upon size, scale, and nature of the development as determined by the Planning Commission. Approved open space may include, but is not limited to, commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, greenbelts, and trail connections. A Village Green, as a commons area, may be required adjacent to mass transit connections or other significant activity. Building materials used within open space areas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.
  - b. Areas of environmental concern or interest may be required to be preserved (i.e., drainages, steep slopes, connections to trail systems, and water features). Unless otherwise specified thru special agreement or understanding with the City, all open space areas shall be maintained by property owners or Homeowners' Associations.
- (8) *Landscaping.* Landscaping guidelines are established to improve and then maintain site qualities while minimizing alteration, removal, or degradation of approved landscaping. Landscaping, in general, shall follow CPTED (Crime Prevention Through Environmental Design) principles.
- a. *Landscape and Streetscape Plans.* No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted landscape and streetscape plans satisfactory to the Planning Commission.
  - b. *Landscaping to be Installed within 30 Days.* Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Division as seasonal conditions may dictate.
  - c. *Future Development Areas to be Weed-Free or Landscaped.* Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.
  - d. *Performance Assurance.* The developer shall bond for such landscape improvements to assure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.
  - e. *Plant Materials.*
    1. 60 percent medium size trees; deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet. 40 percent small size trees and shrubs in a combination with deciduous trees with a caliper of 1 1/2 to two inches and evergreen trees with a minimum height of four feet. Where possible, a 50/50 mix of deciduous and evergreen trees and shrubs shall be used for on-site landscaping.
    2. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer. The species-type, location, and spacing of trees shall be as shown on the approved Landscape Plan, in compliance with designated streets within the City's Streetscape Plan. For streets not specified in the Streetscape Plan, the following trees may be used as part of an approved Landscape Plan, depending upon space requirements:

Bur Oak	(Quercus macrocarpa)
Flowering Pear	(Pyrus calleryana 'Redspire')
	(Pyrus calleryana 'Aristocrat')
Hedge Maple	(Acer campestre)
Little Leaf Linden	(Tilia cordata 'Greenspire')
	(Tilia cordata 'Rancho')
London Plane	(Platanus acerifolia 'Bloodgood')
Norway Maple	(Acer platanoides 'Cleveland')
	(Acer platanoides 'Columnare')
	(Acer platanoides 'Emerald Queen')
	(Acer platanoides 'Schwedleri')
	(Acer platanoides 'Deborah')
	(Improved Schwedleri)
Red Maple	(Acer rubrum 'October Glory')
	(Acer rubrum 'Red Sunset')
Red Oak	(Quercus rubrum)
Redmond Linden	(Tilia euchlora 'Redmond')
Sycamore Maple	(Acer pseudoplatanus)

3. For planted medians and accent trees, both on-site and at intersections, the following trees may be used:

Bechtel Crab	(Malus ioensis 'Klehms Improved')
Crimson King Maple	(Acer platanoides 'Crimson King')
	(Acer platanoides 'Royal Red')
Flowering Plum	(Prunus cerasifera 'Blireiana')
Kwanzan Cherry	(Prunus serrulata 'Kwanzan')
Washington Hawthorn	(Crataegus phaenopyrum)

- f. *Installation.* It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
- g. *Maintenance.* It shall be the responsibility of the developer and/or property association to properly maintain landscaped areas, including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.
- h. *Vegetation Modification/Removal.* Pruning vegetation for exposure, which results in unnatural plant specimens, is prohibited. Necessary vegetation removal shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees replacement shall be in compliance with the City's Streetscape Plan, unless otherwise approved by the Planning Division.

- i. *Utility Connections.* When disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Director.

(9) *Outdoor Lighting.*

- a. The lighting of streets, pedestrian areas, parking lots, and open space is required. Exterior wall-mounted floodlights are expressly prohibited. Indirect lighting, bollard lighting, and landscape lighting is encouraged. Lighting of a building and site identification signs are permitted as allowed elsewhere in this ~~Code~~ title.
- b. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that safety lighting is provided while neighboring areas are protected from glare or excessive direct light. See cross-section illustration for additional requirements in the report: "Sandy Civic Center Development Master Plan." Street light design fixtures shall evoke a village feel and be installed as required by the Street Lighting Policy.

(10) *Streets and Pedestrian Ways.*

- a. *Streets.* All accesses within a Mixed Use (MU) development shall have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where practically possible. Cul-de-sac streets will not be approved unless it can be demonstrated that no other practical way exists to make connectivity. In order to uphold and enhance traditional neighborhood development principles, private streets are discouraged and gated communities are prohibited.

[GRAPHIC--Disconnected Street System]

[GRAPHIC--Connected Modified Grid System]

- b. *Widths.* Street widths shall be determined during site plan review as may be recommended by the City Transportation Engineer and approved by the Planning Commission. In general, streets shall be designed to meet the level of travel and service, while incorporating principles of traffic calming and pedestrian compatibility (i.e., tree lined streets with pedestrian ways and linkages), decreasing the need for pavement width by spreading traffic through a grid or modified street hierarchy system.
- c. *Sidewalks and Walkways.*
  - 1. The design of pedestrian ways may include a solitary meandering pathway or trail, a pedestrian street and the many possible designs in between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access will be made based upon the scale and type of mixed use project being proposed and by the way uses are intermingled. The standard nine-foot cross-section (five-foot parkstrip, four-foot sidewalk) is a minimum, while a wider parkstrip and/or sidewalk may be required depending upon the land use and the desired effect. All streets shall have sidewalks and curbside streetscape.
  - 2. Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order break up expanses of hard-surfacing and to encourage pedestrian interest and activity.
  - 3. In vertical mixed use areas, wider sidewalks are required in order to enhance street and land use connectivity. Portions of the parkstrip may be paved to accommodate street furniture, leaving tree wells for street trees. Street furniture, including, but not limited to, benches, trash receptacles, artwork, drinking fountains, bike racks, and newspaper racks, may be required depending upon the nature of approved uses. Street furniture requirements shall include an overall design theme for compatibility.
- d. *Crosswalks.* Extensive use of crosswalks shall be incorporated within the project, at intersections, mid-blocks, within parking lots, or other needed pedestrian connections. A pedestrian

inconvenience distance of 150 feet should be used as a guideline. Crosswalks shall be so configured to be a design feature of the development (i.e., heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use). Bulb-outs and other pedestrian design shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians.

(11) *Other Forms of Transportation.*

- a. All forms of transportation shall be considered within and without the mixed use development with the intent to improve convenience and reduce automobile trips. All forms of transportation should be encouraged, including bus, bicycle, and pedestrian. Access connections shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities.
- b. Appropriate bus turnouts and stops shall be coordinated and planned as part of the development review process. Based upon land use and the level of demand, bicycle parking shall be provided in appropriate locations (i.e., visible from store fronts and entrances to office buildings and residential structures).

(12) *Parking Areas.* Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.

- a. Location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe, convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by and Planning Commission on the basis of the following factors:
  1. Type of land use and structure.
  2. Building height and configuration.
  3. Relationship to other buildings, both horizontally and vertically.
  4. Natural land features such as slopes and vegetation.
  5. Physical features such as rail lines, canals, and controlled ingress and egress.
  6. Visibility from vehicular approaches and distant highways.
  7. Safe pedestrian connections to buildings, walkways, open space, and streets.
- b. Where possible, parking lots shall be broken up and planned as outdoor rooms ~~thru~~through the use of buildings, walkways, open space, and landscape design. When approved, larger parking lots shall be broken up with substantial tree and ground cover. Large parking lots should be broken up into rooms of no more than 300 parking stalls ~~thru~~through the use of connecting walkways.

[GRAPHIC--Parking Structures]

- c. Unless otherwise approved by the Planning Commission, parking lots are prohibited adjacent to any street.
- d. Underground parking, deck or terrace parking, and parking garages are encouraged and may be required in conjunction with structures of three stories or more. Said structures shall have architectural treatments compatible with adjoining buildings. Parking structures with first level parking immediately adjacent to the frontage of a street are prohibited. Parking structures shall be designed around natural light with safety lighting added as needed. Landscaping, within and without, may be required to enhance compatibility and safety.
- e. Developments are not allowed to be over-parked without justification. Developments may be approved with less than required parking if evidence can be shown that the nature of the land use proposed will not generate the number of stalls as recommended in ~~the City's Parking Ordinance Chapter 21-24~~, as may be approved by the Planning Commission. Developments may also be under-parked if justified with a walkable design that demonstrates such, and/or where local multi-modal

transit systems exist or are immediately planned, which would help reduce the number of needed parking stalls and/or automobile trips. Shared parking arrangements may be required in order to reduce unnecessary parking areas and to encourage pedestrian activity.

- f. Where possible, on-street parking shall be provided adjacent to developments, and a pro-rated share of such may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the City Transportation Engineer and approved by the Planning Commission.
- (f) *Environmental Concerns.*
- (1) Building, landscape, and solar design should be adjusted, where possible, to be compatible with the local climate. Such design should include, but may not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement, planned in such a way to enhance livability and reduce energy costs.
  - (2) The use of lighter colored building materials (i.e., roof tops), fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking lots, etc., should use concrete or other materials which absorb less sunlight. Parking lot landscaping shall be provided at the ratio of at least one tree per six parking stalls.
  - (3) Where possible, drought-resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Extensive areas of grass or other high water use plants without a public purpose are discouraged.
- (g) *Requirements Unique to Residential Uses.* The following shall apply to residential uses:
- (1) Multifamily residential use shall comprise a variety of types of housing, fulfilling housing needs with a wide assortment of housing options and shall be designed using Traditional Neighborhood Development (TND) design principles. The number of bedrooms per unit and other housing design options shall be varied in proportions to assist in providing suitable housing for a market range of household incomes, family size, and life cycles. The site plan design of multifamily development shall conform to requirements heretofore presented. Setbacks shall be determined by the Planning Commission based upon acceptable layout and design. Where practically possible, like housing shall face like housing or open space.
    - a. The following TND standards shall be required for multifamily residential:
      1. Properly designed off-street surface parking hidden from streets, parking terraces, or underground parking. Garage units associated with multifamily development should be rear loaded. Where only front loaded garages are possible, they shall be subservient to the residential structure.
      2. Roofs with a four-twelfths pitch or greater, unless otherwise approved by the Planning Commission.
      3. Dwelling and garage gables facing streets and alleys.
      4. Extensive windows facing streets, alleys and pedestrian connections.
      5. Covered entrance porches.
      6. Entry sidewalks that connect directly to public sidewalks.
    - b. The following TND standards for multifamily residential shall be encouraged:
      1. Multi-level structures.
      2. Dormers and/or shutters, and other window treatments.
      3. Street side balconies/decks.
      4. Streets which de-emphasize the need and speed of automobiles.

## 5. Other pedestrian oriented design

[GRAPHIC--Garden Apartments--Plan View]

[GRAPHIC--Garden Apartments--Elevations]

[GRAPHIC--Condos w/ Underground Parking--Plan View]

[GRAPHIC--Condos w/ Underground Parking--Elevations]

[GRAPHIC--Town Homes--Plan View]

[GRAPHIC--Town Home---Elevations]

- (2) Single-family residential uses, if approved, shall be designed using Traditional Neighborhood Development (TND) design principles. Front setbacks shall range between 12 and 20 feet typically measured from the inside edge of sidewalk to the porch. Front loaded garages shall be subservient to the dwelling and shall not have a setback less than 18 feet. Side and rear setbacks shall be determined by the Planning Commission based upon acceptable subdivision layout and design.

## a. The following TND standards shall be required for single-family residential:

1. Subservient garages (i.e., back loaded detached with alley access, front loaded detached, attached but set back from the front line of the home by at least five feet, side entry attached, or a combination of the above).
2. Roofs with a four-twelfths pitch or greater.
3. Dwelling and garage gables facing streets and alleys.
4. Covered open front porches comprising at least 50 percent of the front elevation (not including the garage), in no case being ~~no~~ less than 15 feet in width.
5. Entry sidewalks that connect directly to public sidewalks.

## b. The following TND standards for single-family residential shall be encouraged:

1. Two-story dwellings.
2. House dormers and/or shutters, and other window treatments.
3. Street side balconies/decks.
4. Wrap-around porches, particularly on corner lots.
5. Streets which de-emphasize the need and speed of automobiles.
6. Other pedestrian oriented design

[GRAPHIC--Single-Family Residential--Plan View]

[GRAPHIC--Single-Family Residential--Elevations]

(h) *Service Areas.*

- (1) Loading and refuse collection areas must be screened from public view. These areas are not ~~be~~ permitted between buildings and streets unless they can be adequately screened ~~thru~~ through landscaping and architectural design. Streets shall not be used directly for commercial loading, unloading, or refuse collection. Building and improvements upon lots must be designed to properly accommodate loading, unloading and refuse collection. Screen walls and enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris-free condition.
- (2) Except for approved and screened R.V. storage lots associated with a residential use, storage areas, including the storage of materials, merchandise, pallets, etc., shall be within buildings.

(LDC 2008, § 15A-23-24; Ord. No. 12-07, 2-28-2012)

## CHAPTER ~~15A-24~~21-24. PARKING, ACCESS AND CIRCULATION REQUIREMENTS

### Sec. 21-24-1. Purpose.

(a) These regulations are established to reduce street congestion and traffic hazards in Sandy City by incorporating adequate, attractively designed facilities for off-street parking as an integral part of every use of land in the City. These regulations are intended to complement any performance standards relating to development of parking lots as may be contained in other chapters of this ~~Code~~title.

(b) This chapter also provides for vehicle ingress and egress, internal circulation, reciprocal access, and transportation demand management options within developments. Vehicular access and circulation must be properly designed so that the City street system will be able to accommodate traffic at an acceptable level of service. Thus, this chapter is intended to balance the right of reasonable access to private property with safe and efficient travel.

(c) Streets have been categorized in the Transportation Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of mitigating traffic demand and reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the street network. These regulations further the orderly use of land, protect community character, provide universal pedestrian and bicycle access, and conserve natural resources by promoting well-designed road and access systems.

(LDC 2008, § 15A-24-01)

### Sec. 21-24-2. General Provisions.

#### (a) *General.*

- (1) Minimum off-street parking space with adequate provision for ingress and egress by standard-sized vehicles shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity. Exception: ~~For~~ Those homes existing or constructed prior to February 1, 2008, shall be exempt from the requirement to enlarge their attached garage to meet the present standard.
- (2) Parking areas shall be considered as structures since they represent a three-dimensional appearance when occupied. Parking shall be designed as outdoor rooms promoting maintenance and ownership.

#### (b) *Parking Space Size.*

- (1) All parallel parking spaces shall be a minimum of nine feet wide by 22 feet long, as designated on the diagram in this chapter.
- (2) All parking spaces (not including parallel spaces) shall be a minimum of nine feet wide by 20 feet long, as designated on the diagram in this chapter.
- (3) Parking spaces (not including parallel spaces) may be reduced to 18 feet in depth based upon the following exceptions:

- a. Where cars overhang landscape areas that are at least 15 feet wide along street frontages; ~~or~~

[GRAPHIC--Reduction for Landscape Buffer]

- b. Where cars overhang landscape areas that are at least five feet wide along a side or rear property line or adjacent to an interior parking lot landscape area that is at least ten feet wide (for double loaded parking); ~~or~~

[GRAPHIC--Reduction for Planter Overhangs]

- c. Where cars overhang a sidewalk on private property where the sidewalk is at least six feet in width; or

[GRAPHIC--Reduction for Sidewalk Overhang]

- d. 90-degree parking within a parking structure.
- (4) The minimum garage size for residential development shall be as follows:

<i>Type of Garage</i>	<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Minimum Square Footage</i>
Single	12 ft.	20 ft.	240 sq. ft.
Double	20 ft.	20 ft.	400 sq. ft.
Triple	30 ft.	20 ft.	600 sq. ft.

(c) *Floor Area Defined.* For the purposes of parking requirements, floor area shall be defined as the gross square footage of the building.

(LDC 2008, § 15A-24-02; Ord. No. 14-06, 4-23-2014)

**Sec. 21-24-3. Special Access and Parking Provisions.**

- (a) *Alternative to On-Site Parking.*
- (1) *Off-Site Parking.* Off-site parking may be allowed for the required parking of any new use, structure, or building in any commercial or RM District that cannot be provided on the premises due to the property's size or location according to the following criteria:
- a. The off-site parking must be located on other appropriately zoned property.
  - b. The off-site parking cannot be more than 300 feet of walking distance from the nearest point of the parcel.
  - c. The adjacent site has excess parking that is not required for their use, or the hours parking is needed will not conflict with the hours of use on the adjacent property.
  - d. The applicant shall provide a document to the Community Development Department, signed by the owners of the alternate site and recorded at the Salt Lake County Recorder's Office, that stipulates the permanent reservation of use of the site for said parking.
- (2) *Temporary Off-Site Event Parking.*
- a. Temporary off-site parking for events may be allowed after review and approval of a Parking and Access Management Plan by the Planning Commission at a public meeting. Temporary parking is parking established for a fixed period of time with the intent to discontinue such parking upon the expiration of the time period. An occasional event with an expected attendance of less than 500 persons or if the event does not occur more than once a year shall not be subject to the requirements of this section.
  - b. The applicant will be responsible to make provisions for on- and off-site parking, safe pedestrian routes to and from the off-site parking, transportation to and from off-site parking locations beyond a 5,000-foot (approximately 15 minutes) walking route, entry and exiting methods, temporary or permanent traffic control methods, and restricting parking in identified areas.
  - c. The Parking and Access Management Plan must be approved prior to the issuance of a temporary use permit, business license or Certificate of Occupancy required for the event, project, or use. Upon approval, the Parking and Access Management Plan shall be available for public inspection. All approved updates of a Parking and Access Management Plan shall be available for public inspection.
  - d. The applicant may be responsible to post a guarantee for improvements and implementation of various components of the Parking and Access Management Plan.

- e. The Parking and Access Management Plan shall be submitted with the application for the project or use and shall:
1. Determine the total number of parking spaces required based upon the land use category less any anticipated mass transit use projection, which may be limited to 15 percent of the total number of required parking spaces unless greater mass transit use is demonstrated.
  2. Establish the minimum number of on-site spaces that are required. Specify the number of those on-site spaces that will be reserved for or utilized by employees, VIPs, buses, media, etc.
  3. Establish the minimum number of off-site spaces, if any, that are required within a 1,650-foot (approximately five minutes) walking route of the site.
  4. Establish the minimum number of off-site parking spaces, if any, that are required within a 5,000-foot (approximately 15 minutes) walking route of the site.
  5. Establish the minimum number of off-site parking spaces, if any, that are required beyond the 5,000-foot (approximately 15 minutes) walking route of the site.
  6. Identify all off-site parking sites potentially available to be used for Subsections (a)(2)e.3 through 5 of this section. Identify methods that the applicant will provide for safe pedestrian routes to and from the parking sites satisfying Subsections (a)(2)e.3 and 4 of this section (e.g., wider sidewalks, trails, bridges, permanent or temporary traffic control devices, individuals directing traffic, etc.), and methods to provide transportation to and from those sites satisfying Subsection (a)(2)e.5 of this section (e.g., Trax, UTA buses, shuttle buses, etc.), and provide a timeline for the implementation of the identified methods. Each potential off-site parking location shall conform to the parking area development and maintenance requirements in this section.
  7. Identify neighborhoods and other areas that will specifically not be allowed to be part of the calculation of available parking spaces or will be subject to parking restrictions during the event. Identify measures that the applicant will implement to prevent parking within restricted areas (e.g., signage, security personnel, proposed new parking regulations, etc.), and provide a timeline for the implementation of the identified methods.
  8. Identify pedestrian exit times and volumes to on-site and off-site parking areas. Identify methods that the applicant will implement to manage the projected volume expeditiously and safely (e.g., wider sidewalks, temporary or permanent traffic control methods, etc.), and provide a timeline for the implementation of the identified methods.
  9. Include a Traffic Study presenting traffic counts, times and circulation patterns for a geographic area encompassing all potential off-site parking sites if required by the City Transportation Engineer. If required, the Traffic Study shall also present the projected impact of the event on existing traffic counts, times and circulation patterns.
  10. Identify the methods the applicant will implement, on vacant or unimproved lots, to control the dust and debris.
  11. Identify any permits or approvals necessary from other transportation agencies with jurisdiction over roads or streets affected by the temporary or permanent traffic control measures identified in Subsections (a)(2)e.7 through 9 of this section.
  12. Specify a date by which the applicant must provide the Planning Commission with evidence of availability of off-site parking spaces, safe pedestrian routes, transportation services, measures to prevent parking in restricted areas, and measures to manage entry and exit times and volumes of pedestrians and vehicles.
  13. Indicate the time period for which the Parking and Access Management Plan will be in effect.
  14. Be updated on a yearly basis or as otherwise required by the Planning Commission after the project or event has commenced operation. The Planning Commission shall hold at least one

public meeting prior to the approval of any updated Parking and Access Management Plan.

(b) *Parking Reduction/Increase*. Developments are required to provide a certain number of parking stalls, as determined by this code title, based on the land uses associated with the site. In some cases, it may be appropriate to allow for more or less than the required parking. At the time of site plan review, a Parking Plan shall be submitted showing all parking spaces, the overall circulation system, and justification for requesting reductions or increases in parking space requirements as ~~specified below follows~~:

- (1) *Reduction/Increase up to ten percent*. The Director may approve a reduction or increase of up to ten percent of the amount of required parking upon review of one or more of the following that justifies the request:
  - a. *Parking Demand Analysis*. A study provided by a licensed transportation engineer that demonstrates actual usage of employees and customers of the proposed land use or similarly situated land uses in other locations.
  - b. *Market Demand Analysis*. A study provided by a licensed real estate professional or real estate financial professional that provides estimates of current market demand for a particular land use.
  - c. *Walkability and Multi-Model Design*. If a reduction is requested, a site plan design that demonstrates walkable elements and promotes multiple modes of transportation that would help reduce the number of needed parking stalls and automobile trips
  - d. *Proximity to Transit*. If a reduction is requested, a site that is within a half-mile of existing or immediately planned local mass transit systems that would help reduce the number of needed parking stalls and automobile trips.
- (2) *Reduction/Increase above Ten Percent*. The Planning Commission may approve a reduction or increase of up to 25 percent of the amount of required parking upon review of the criteria listed in Subsection (b)(1) of this section. The Planning Commission may approve a request to increase the amount of parking provided beyond the 25 percent increase of required parking if the additional parking is sited within a parking structure that meets the following criteria:
  - a. The parking structure contains at least 90 percent or more of the total proposed parking stalls of the development; ~~and~~
  - b. The footprint of the parking structure consumes no more than 50 percent of the above grade total site area, is contained within the proposed building footprint, or is completely underground; ~~and~~
  - c. The parking structure contains at least three levels; and
  - d. The parking structure does not exceed the height of the surrounding buildings within the site.
- (c) *Shared Parking*.
  - (1) *Shared Parking Proposal*. Notwithstanding any other parking requirements provided in this chapter, when land uses occupy the same lot or adjacent lots, the total number of off-street parking spaces required for each use may be combined and shared. A proposal for sharing off-street parking shall be presented to the Director. If the proposal involves the accommodation of more than ten parking spaces (total accumulated spaces required for all involved uses), the Director may present the proposal to the Planning Commission for site plan review.
  - (2) *Requirements*. In order to qualify for approval for shared parking, applicants shall present the following:
    - a. The location and identity of each use that will share the facility.
    - b. The total parking requirement for each use.
    - c. The projected hours of operation of each use and the hours during which the peak parking demand will be experienced.
    - d. The number of existing and/or proposed parking spaces.
    - e. A site plan that provides for a distance of no greater than 500 feet from the nearest entrance of each use to the nearest edge of the parking facility.

f. A site plan that demonstrates that the proposed shared parking facility will comply with all standards required by this ~~Code~~-title for parking lot development.

(d) *Drive-Thru Business Stacking Space*. See Chapter 21-23.

(e) *Excessive Parking*. Developments shall not have parking in excess of that required by this Code without prior approval of the Director or Planning Commission, upon written justification of the specific need for more parking spaces than the provisions of this ~~Code~~-title allows. In addition, developers are encouraged to work out shared parking agreements with adjacent users wherever possible according to the provisions for shared parking contained within this ~~Code~~-title.

(f) *Prohibited Parking*. No parking shall occur in any alley, driveway, service driveway, traffic aisle (either public or ways open to the public), delivery area (other than for a minimal period of time needed for the delivery of goods and materials to a specific tenant) or other location designed for through traffic, unless:

- (1) Said area has been specifically designated for parking on the original approved site plan; or
- (2) The original site plan has been specifically modified by written approval of the City Transportation Engineer, for parking space use; and
- (3) ~~Be~~It is designed in accordance with the parking designs specified in this chapter.

(LDC 2008, § 15A-24-03; Ord. No. 18-18, § 1, 6-26-2018)

#### **Sec. 21-24-4. Residential Parking Requirements and Restrictions.**

(a) *Vehicles Must Be Parked Upon a Hard Surface*.

(1) All areas utilized for the parking of vehicles shall be paved with a hard surface (e.g., concrete, asphalt, brick, or other water impenetrable surface). This includes the front yard, side yard, and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.

(2) Exceptions:

- a. A six-inch gravel base complying with City specifications may be used for the storage of recreational vehicles. This area must be kept weed-free.
- b. Single-family residential properties with animal rights will be allowed to store animal transport trailers. These trailers are not required to be parked on a gravel or hard surface, but must be parked within the rear setback of the home.
- c. Passenger vehicles used for daily transportation located at a residence that existed prior to hard surface parking requirements (concrete or asphalt) are exempt from this requirement. The resident bears the burden of proof relative to this exception.

(b) *Maximum Area*. The maximum area of hard surface for the purpose of parking vehicles on a residential lot shall be restricted to not more than 20 percent of the front yard, excluding the driveway providing access to the primary attached or detached garage, 35 percent of the rear yard, and one of the two side yards associated with the lot. Exception: The maximum area of hard surface allowed for residential lots with circular driveways shall be determined on a case-by-case basis.

(c) *Junk Vehicles That are Parked/Stored Outside*. A maximum of one junk vehicle may be parked or stored upon a lot outside a fully-enclosed permanent structure. Any parking of junk vehicles shall comply with the hard surface requirements stated within this section and shall be within the side or rear yard. If on a corner lot and located adjacent to the street, the junk vehicle must be screened from view from the street by a six-foot opaque fence. All junk vehicles shall be covered with a cover manufactured specifically for covering vehicles (no tarps allowed). Earth tone colors are encouraged (beige or brown tones) for vehicle covers.

(d) *Carports*. All structures attached to the dwelling for the purpose of protecting or otherwise covering the vehicle shall comply with Building Codes for the structure and with existing zoning regulations for minimum distance between main dwelling structures and side property lines. Detached carports are required to meet the minimum standards for an accessory structure and the adopted Building Codes.

(e) *Parking of Recreational Vehicles*.

- (1) *Parking Location Restrictions.* Recreational vehicles parked or stored at a residence must be located within the rear or side yard of the home. Such vehicles may only be parked or stored within the front yard of a home if it is physically impossible due to natural topography or property boundaries to locate a recreational vehicle within the rear or side yard of a home.
- (2) *Restricted Parking Area.* No recreational vehicle shall park or extend within a restricted parking area. The restricted parking area is defined as follows:
  - a. *Interior Lots (Non-Corner Lots).* The street right-of-way, which includes the back edge of sidewalk (edge closest to the home, a minimum of five feet), or any area in which parking or storing of a recreational vehicle would create a traffic visibility hazard.
  - b. *Corner Lots.* Both frontages shall comply with those standards outlined for interior lots and nothing shall be parked that intrudes into the corner sight visibility triangle as defined by this ~~Code~~ title.
- (3) *Prohibited Parking Locations.* Recreational vehicles shall not be parked or stored within the street right-of-way.
- (4) *Number of Recreational Vehicles Permitted.* Only one such vehicle may be parked within the front yard, and then only when a side or rear yard location is not available. All recreational vehicles parked or stored on a residential lot must be owned by an occupant who resides at the residence.

(f) *Parking of Commercial Vehicles.*

- (1) *Parking Location Restrictions.* Commercial vehicles parked or stored at a residence must be located within the rear or side yard of the home. Such vehicles may only park within the front yard of a home if it is physically impossible due to natural topography or property boundaries to locate a commercial vehicle within the rear or side yard of the home.
- (2) *Restricted Parking Area.* No commercial vehicle shall park or extend within the restricted parking area. The restricted parking area is defined as follows:
  - a. *Interior Lots (Non-Corner Lots).*
    1. Any area in which parking or storing of the commercial vehicle would create a traffic visibility hazard.
    2. Commercial vehicles less than 24 feet in length and less than eight feet in height may not be closer than ten feet from the back edge of the sidewalk (edge closest to the home) or the public right-of-way.
    3. Commercial vehicles between eight feet and ten feet in height and less than 30 feet in length shall be parked in the side yard or rear yard.
    4. Commercial vehicles over ten feet in height or more than 30 feet in length shall not be parked on a residential lot.
    5. Semi-tractors, trailers, or trucks shall not be parked on a residential lot.
  - b. *Corner Lots.* Both frontages shall comply with those standards outlined for parking or storage of commercial vehicles on interior lots and nothing shall intrude into the corner site visibility triangle as defined by this ~~Code~~ title.
  - c. *Prohibited Parking Locations.* Commercial vehicles shall not be parked or stored within the street right-of-way.
  - d. *Number of Commercial Vehicles Permitted.* Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence.
  - e. *Storage of Commercial Vehicles.* The storage of any commercial vehicles for a period exceeding 72 hours is prohibited except for a bona fide temporary absence of the owner.

(g) *Enforcement.* The authority to enforce the provisions of this section shall be vested in the Sandy City Police Department and with the Community Development Department.

(LDC 2008, § 15A-24-04; Ord. No. 10-26, 7-30-2010)

**Sec. 21-24-5. Parking Lots; Design Criteria.**

(a) *On-Site Parking Required.* All required parking shall be provided on-site unless otherwise allowed by other provisions in this chapter.

(b) *Parking Consolidation.*

(1) Parking facilities need not be located in one consolidated area of a particular site, but may be separated by landscaping or building elements for reasonable safe pedestrian access to the building. However, all parking must be located conveniently to the entrances to all buildings.

(2) Location of parking shall be determined not only from its visual relationship to a building and site but also as it relates to safe and convenient pedestrian and vehicular circulation patterns. Location may also be determined by the relationship and location of customer parking, employee parking, service area parking, vehicular display areas, and circulation patterns thereto on adjoining properties. Combined entrance, access, circulation, service, loading, and parking areas may be required.

(c) *Reciprocal Access.*

(1) Reciprocal access shall be designed into all commercial developments. Some cases may exist where grading differences or building locations make reciprocal access between developments impractical.

(2) When a development is built in phases, each phase shall include the minimum number of parking stalls, necessary driveways, and access points required for the uses proposed in that phase of construction.

(d) *Minimum Parking Backout.* The minimum depth of a parking space backout area for all parking lots designed with 90 degree parking, whether designed for single or double loaded parking, shall be a minimum of 24 feet.

(e) *Curb.* The perimeter of all paved surfaces shall be finished with six-inch-high concrete curbing with handicap ramps, where necessary.

(f) *Parking Lot Surface.* Every parcel of land used as a parking or storage area shall be paved with impervious asphalt, brick, or concrete surfacing and shall be arranged and striped to provide orderly and safe loading, unloading, parking, and storage of vehicles.

(g) *Deviations to Surfacing Materials.* The City Engineer and Director shall review and may approve or deny other types of surfacing materials.

(h) *Striping.* Parking lot striping shall be maintained on a regular basis so that striping is visible for the safe ingress/egress and parking of vehicles.

(LDC 2008, § 15A-24-05)

**Sec. 21-24-6. Loading Areas.**

Loading and refuse collection areas shall not be permitted between buildings and streets. Loading areas and refuse collection areas shall not face toward any street and must be screened from view of public and private streets and rights-of-way.

(1) Streets shall not be used directly for loading, unloading, or refuse collection.

(2) Buildings and improvements upon lots must be designed to properly accommodate loading, unloading, and refuse collection.

(3) At least one off-street loading space shall be provided and maintained on the same lot with every building or part thereof having a gross floor area of 10,000 square feet or more, that is to be occupied by a commercial or industrial use, to or from which delivery of materials or merchandise are regularly made by a motor vehicle.

(4) Off-street loading spaces may not block use of required parking space areas of site or adjacent sites.

(5) Loading space shall be located no closer than 30 feet from the edge of the dock to any residential district and shall be located in the side or rear yard.

- (6) All loading and unloading shall be performed on the site. Such on-site loading areas shall be in addition to required off-street parking and shall not be located within driveways.
- (7) Each loading area shall be not less than 12 feet wide, 25 feet long and, if enclosed or covered, 14 feet high. Adequate turning and maneuvering space must be provided on the site.
- (8) Loading/unloading and refuse collection activities shall follow hours specifically noted in ~~the Sandy City Noise Ordinance Chapter 13-2.~~

(LDC 2008, § 15A-24-06)

#### **Sec. 21-24-7. Accessible Parking Spaces Requirements for Persons with Disabilities.**

(a) Accessible parking and passenger loading facilities for residential and commercial uses shall be as outlined in the International Building Code, the American National Standard (ICC/ANSI A117.1), as adopted by the State of Utah.

(b) Accessible parking spaces required by this section may be counted towards the fulfillment of the general on-site parking requirements of this chapter.

(LDC 2008, § 15A-24-07)

#### **Sec. 21-24-8. Parking Space Requirements.**

(a) *Specific Requirement for Each Land Use.* Off-street parking shall be provided for land uses as described below. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Planning Commission. Land uses are grouped into categories that have comparable parking requirements.

(b) *Table of Parking Requirements by Land Use Category.* The following minimum parking is required:

<i>Table 21-24-8(B)-Parking Requirements by Land Use Category</i>		
	<i>Land Use Categories</i>	<i>Space Requirements</i>
Residential	Dwelling, single-family	2 spaces per dwelling unit (within an enclosed garage)
	Dwelling, duplex	2 spaces per dwelling unit
	Dwelling, multiple-unit (tri-plex, four-plex, and five-plex)	2 spaces per dwelling unit
	Dwelling, multiple-unit (apartments)	
	-one-bedroom unit	1.5 spaces per unit
	-two-bedroom unit	2.0 spaces per unit
	-three or more bedroom unit	2.5 spaces per unit
	-guest parking	0.25 spaces per unit
		NOTE: There shall be no less than 1.5 covered parking spaces (1.0 carports, 0.5 garages) per unit.
	Assisted living center, nursing home, convalescent home and other similar uses as determined by the planning Commission upon review.	0.5 spaces per bed, plus 10% for support staff/physicians, plus a bus only parking stall to meet the dimensions of a handicap parking stall
Senior or elderly housing	1 space per unit (The completed parking ratio may be reduced to one space per unit for any congregate care facility, provided	

		that adequate space is created and landscaped that can be converted to additional parking stalls to comply with the minimum standards as set forth for Planned Unit Developments. The area that is held in reserve for additional parking shall not be located within a required landscape setback area, and shall not be used in the calculations for any required landscaping or open space coverage percentage.)
Retail Commercial	Automotive repair (service bays are not included in the required number of required parking spaces)	5 spaces per 1,000 square feet
	Commercial retail sales and services **	
	Heavy commercial	
	Commercial center, community	
	Commercial center, convenience	
	Commercial center, neighborhood	
	Commercial center, regional	
	Liquor sales	
Exceptions: **Reduction may be allowed by the Planning Commission for retail businesses with exceptionally large show room floor space per volume of sales (e.g., furniture store at a ratio of 3 spaces per 1,000 sq. ft.)		
Commercial Services, Offices	Bar, tavern, club	3.5 spaces per 1,000 sq. ft.
	Business or financial services	4.0 spaces per 1,000 sq. ft.
	Dance hall, discotheque	3.5 spaces per 1,000 sq. ft.
	Day care, group	One space for each instructor (plus drop-off space)
	Veterinary office	4 spaces for each practitioner
	Medical and health care	5 spaces per 1,000 square feet OR 4 spaces for each practitioner plus 1 space per employee (including practitioner) at highest shift, whichever is greater. For the purpose of the parking ratio. Employees include nursing staff, receptionist, rehabilitation specialists, and dental assistants. Site plan shall be reviewed to verify compliance with this standard upon application of business license. Business License shall be denied if adequate parking is unavailable.
	Motel, hotel	1 space per rental unit, 1 space for each 200 sq. ft. of assembly, conference space, banquet, sit-down restaurant facility and

		office space.
Recreation, Indoor	Bowling center	5 spaces per lane
	Movie theater	1 space per 4 seats
	Skating rink	3 spaces per 1,000 sq. ft. of skating area.
Restaurants	Restaurant--sit down	1 space per 3 seats (including outdoor seating) plus 0.5 space per number of employees on the largest shift (minimum of 5 employee spaces)
	Restaurant--drive-in/drive thru (all fast food outlets with large proportion of take-out and/or drive-in service.)	1 space per 100 sq. ft. of floor area. Required parking spaces do not include spaces required in drive thru lanes).
Public Uses	Hospital	2 spaces per bed
	Rehabilitation center	0.5 space per bed
	School, private or quasi-public	As determined by Planning Commission review
	School, public	As determined by Planning Commission review
	Elementary and middle school	1 space per teacher and staff plus 1 space per 2 classrooms.
	Senior high school	1 space per teacher and staff plus 1 space per 5 non-bussed students.
	Religious or cultural activity	1 space per 4 seats
	Theater or concert hall	1 space per 4 seats
Industry	Industry, light and medium	1 space per 1,000 sq. ft. of gross floor area
	Warehouse, wholesale, storage	1 space per 1,000 sq. ft. of storage space
Special Review	Athletic, tennis or health centers	Specific off-street parking shall be determined by the Planning Commission.
	Auto, truck, R.V. and equipment sales and storage	
	Cemetery, columbarium, mausoleum	
	Golf course	
	Park (active and passive)	
	Recreation center	
	Recreation, outdoor	

(LDC 2008, § 15A-24-08; Ord. No. 10-26, 7-30-2010)

**Sec. 21-24-9. Parking Structure Design Standards.**

(a) *Setbacks.* The parking structure shall comply with the minimum requirements, including all height adjustments for stepped buildings.

(b) *Maximum Height.* The parking structure shall comply with all height requirements, including the stepping back of the additional stories above grade.

(c) *Parking Stall Size Requirements.*

- (1) Ninety-degree stalls within parking structures shall be a minimum of nine feet wide by 18 feet long. Drive aisle dimensions and all other angled parking shall be designed according to the specifications listed within the chapter.
- (2) Signage shall be installed on parking structures to discourage the parking of oversized vehicles.

(d) *Parking Structure Appearance Requirements.* Parking structures shall be designed to complement adjacent non-parking structures and blend in with the local manmade or natural environment. If adjacent to an existing or future office building and the facility is adjacent to a right-of-way, the parking structure shall be designed to appear as an office building with simulated window openings and doors, unless otherwise approved by the Planning Commission. Exterior elements shall use at least one of the following materials: embossed concrete, polished masonry, colored glass, and/or brick. Stucco shall not cover more than 20 percent of the hard vertical surface area. Stucco may only be used if approved by the Planning Commission after determination that the material blends with the adjacent manmade or natural environment and is used in an architecturally pleasing manner (such as quoins, pediments, etc.).

(e) *Landscaping.* The parking structure shall be landscaped at the base of the facility with trees and shrubs, along with other materials that will de-emphasize the use of the facility as a parking structure. It is strongly encouraged, but not required, to landscape the top level with trees, grass, and other pedestrian-friendly elements.

(LDC 2008, § 15A-24-09; Ord. No. 14-06, 4-23-2014)

#### **Sec. 21-24-10. Parking Stall Dimensions.**

[GRAPHIC]

[GRAPHIC]

[GRAPHIC]

[GRAPHIC]

(LDC 2008, § 15A-24-10)

#### **Sec. 21-24-11. City Approval of Access Required.**

Access to a public street requires approval by the Public Works Director based on the standards contained in this ~~Code title~~ and the Sandy City Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-24-11)

#### **Sec. 21-24-12. Traffic Impact Analysis.**

The City may require a traffic impact analysis prepared by a registered engineer to determine access, circulation, transportation demand management, and other reasonable transportation system mitigation requirements.

(LDC 2008, § 15A-24-12)

#### **Sec. 21-24-13. Access; Ingress and Egress.**

(a) *Ingress and Egress.* All parking areas shall be designed to provide ingress and egress from a public street by forward motion of the vehicle. Single-family developments are exempt from this requirement.

(b) *Paved Access.* All off-street parking areas shall have access to a public street by means of a paved driveway that extends no less than 15 feet from the public right-of-way to the nearest parking area and/or driveway access to parking spaces. No parking space shall be located within the first 15 feet of a driveway. Single-family developments are exempt from this requirement.

(c) *Entry/Guardhouse Gateways.* Where an entry gate or guardhouse controls vehicle access or egress, a stacking lane shall be provided as required by the City Transportation Engineer. The stacking lane shall not interfere with maneuvering, traffic flow of aisles, streets, bike paths, parking spaces, and sidewalks.

(d) *Unobstructed Access.* Unobstructed and direct driveways shall be provided from commercial off-street

parking or loading facilities to a street or alley. Loading driveways may coincide with driveways to parking facilities.

(LDC 2008, § 15A-24-13)

**Sec. 21-24-14. Access and Maneuvering for Fire and Refuse Trucks.**

Parking lots shall include the necessary dimensions for the on-site maneuvering of refuse vehicles and fire trucks, as determined by the City Transportation Engineer and City Fire Marshal. A minimum 20-foot-wide, unobstructed driveway, lane, or other access way and turn-around may be required for this purpose. No off-site maneuvering is permitted.

(LDC 2008, § 15A-24-14)

**Sec. 21-24-15. Driveway Access; General Standards.**

(a) *Determination of Necessity.* In establishing permissible curb openings and sidewalk or driveway crossings for access to private property, such curb openings or driveways shall not be authorized where they are unnecessary or where they would interfere with the movement of vehicular traffic, with public improvements, or with the rights of the public in the adjacent street or alley. In no case shall any curb opening be of greater width than necessary for reasonable access to the property to be served.

(b) *Width of Curb Openings.* In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening. The curb opening or width of each driveway shall be defined as the throat width of the driveway at the inside point of the curb transition radius at the top face of the curb.

(c) *Number of Curb Openings.* Only one driveway opening per street frontage/per parcel shall be allowed unless a capacity or safety need for more than one driveway opening can be demonstrated to the City Transportation Engineer. This may be determined on a case-by-case basis.

(d) *Reciprocal/Shared Access.* Where nonresidential uses share a property line, off-street parking lots serving the properties shall be made accessible to each other unless grade differences or building locations make reciprocal access between developments impractical.

(e) *Single-Family Residential.*

(1) Minimum separation from driveways, measured from edge of driveway to edge of driveway at back of sidewalk, is 30 feet for multiple drive approaches along the same parcel.

(2) No circular driveway that cuts across corner lots to access two separate streets is allowed.

(LDC 2008, § 15A-24-15)

**Sec. 21-24-16. Driveway Separations.**

(a) *Frontage on Arterial (106 feet plus) or Major Collector Streets (80 Feet Plus).* Uses, other than single-family dwellings, on parcels with less than 150 feet of frontage shall be required to share a common driveway in order to assure that a minimum of 170 feet of continuous curb and gutter exists from the throat of one driveway to the throat of the next adjacent driveway. Driveways offset less than 170 feet from existing driveways, approved driveways, or existing public streets on the opposite side of the street shall not be allowed unless the City Transportation Engineer determines that an unacceptable capacity or safety impact will not result.

(b) *Frontage on Minor Collector (60 feet or 66 feet) or Local Streets (50 Feet Plus).* Uses with less than 70 feet of frontage shall be required to share a common driveway in order to assure that a minimum of 90 feet of continuous curb and gutter exists from the throat of one driveway to the throat of the next adjacent driveway. Driveways offset less than 170 feet from existing or approved driveways on the opposite side of the street shall not be allowed unless the City Transportation Engineer determines that an unacceptable capacity or safety impact will not result. Single-family developments are exempt from this requirement.

(c) *Driveways Adjacent to Intersections.* The minimum distance from the intersection to the nearest driveway shall be according to the following intersection illustration and distance table. (Distances are measured from the back of curb to the throat of the nearest edge of the driveway.)

<i>Table 21-24-16. Driveway Clearance Distances</i>				
	<i>Median Barrier Present</i>	<i>Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>
Driveway clearance	No	200 feet	175 feet	50 feet
Driveway clearance	Yes	185 feet	115 feet	50 feet

[GRAPHIC--Driveway Corner Clearance]

(d) *Deviations to Driveway Separation.* The City Transportation Engineer shall review and may approve or deny deviations to the above standards based upon a site visit and review of items, including, but not limited to:

- (1) Safety.
- (2) Alternative access points and potential for reciprocal/shared access.
- (3) Sight lines.
- (4) Impact on traffic flow.

(LDC 2008, § 15A-24-16)

**Sec. 21-24-17. Driveways; Widths and Curb Designs; Non-Single-Family Residential Developments.**

- (a) *One-Way.*
  - (1) One-way driveways shall be not less than 12 feet, nor more than 24 feet in width. A wider one-way driveway may be required by the Sandy City Fire Marshal.
  - (2) Exception: No two complementary one-way driveways may total more than 45 feet in width.
- (b) *Two-Way.*
  - (1) Two-way driveway approaches shall be not less than 24 feet, nor more than 36 feet in width. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening.
  - (2) Wherever a common driveway is constructed serving two or more properties, the common curb opening shall have a maximum width of 36 feet.

[GRAPHIC]

- (3) The City Transportation Engineer shall review and may approve or deny deviations to the above driveway width standards based upon review of the site and land use, along with impact on streets and neighbors.
- (c) *Drive Approaches.* All driveway approaches shall be constructed with curb radii and provide for handicap access.
  - (1) *Minimum Curb Radius.* All drive approaches shall have a minimum end transition (curb radius) of ten feet and a maximum of 30 feet. If the driveway is to be used for delivery truck traffic, the minimum curb radius shall be 25 feet.
  - (2) *Driveways.* Driveways shall be located a minimum of five feet from the property line, measured from the throat of the driveway. This does not apply to property lines where a shared driveway is proposed.
  - (3) *One-Way Paired Driveways.* Where a driveway is of the split, one-way paired directional type, there shall be a raised landscaped island of at least five feet in width between the two driveways. The size of the entrance shall have a minimum of 14 feet and a maximum of 16 feet. The exit lanes shall be a minimum of 12 feet and a maximum of 29 feet (combined).

- (4) *Maximum Curb Opening Coverage.* The total width of all curb openings shall not exceed 40 percent of a project's frontage. For corner lots, the total width of all curb openings shall not exceed 30 percent of the combined frontages.
- (5) *Vehicle Encroachment.* No curb opening will be approved that allows vehicle encroachment on any portion of a street right-of-way for loading, unloading, or standing.
- (6) *Drainage.* Curb openings and driveways shall be paved and shall provide for adequate drainage.
- (7) *Drive Angle to Right-of-Way.* All driveways shall intersect the street at a 90-degree angle to a distance at least 15 feet from the property line.

(LDC 2008, § 15A-24-17)

#### **Sec. 21-24-18. Unused or Abandoned Drive Approaches.**

(a) Upon the issuance of a building permit, any unused or abandoned drive approaches or portions thereof shall be restored to the original curb section by the removal of the drive approach and replacement with high back curb and gutter to Sandy City Specifications and Details for Municipal Construction at the expense of the property owner adjoining that portion of the right-of-way.

(b) Upon refusal or neglect of the property owner or agent to restore the unused or abandoned drive approach to its original high back curb and gutter section, the City may proceed to do such work and all expenditures so incurred shall be charged against the owner or agent.

(LDC 2008, § 15A-24-18)

#### **Sec. 21-24-19. Improvements in Public Right-of-Way.**

Improvements in the public right-of-way shall be designed and constructed in conformance with the AASHTO specifications, including, but not limited to, the following:

- (1) *Minimum Design Vehicle.* The minimum design vehicle shall be the single-unit truck.
- (2) *Sight Obstructions.* No object shall be situated to interfere with the required sight distance of intersections as set forth in the AASHTO specifications.

(LDC 2008, § 15A-24-19)

#### **Sec. 21-24-20. Pedestrian and Bicycle Access and Circulation Standards.**

(a) *Purpose.* The purpose of this section is to provide transportation options and ensure that new pedestrian and bicycle facilities are designed to be attractive, safe, and convenient to use, as well as ADA accessible and supportive of transit use.

(b) *Pedestrian and Bicycle Accessibility.* All projects that are subject to the provisions of this Code title shall provide for pedestrian and bicycle accessibility. Accessibility shall be from a direct, convenient, and attractive pathway system that conforms to the following standards:

- (1) *Continuous Pathways.* A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances as generally shown in the ~~attached following~~ Figure. The Director may require the developer to connect or stub pathways to adjacent streets, private property, adjacent trails, plazas, future phases of development, and open space areas (when reciprocal access is available or can reasonably be provided).

[GRAPHIC--Pathway Circulation]

- (2) *Pathways Encouraged to be Raised.* For the purpose of pedestrian safety, pathways through parking lots are encouraged to be raised on a six-inch-high curb, with the exception of areas crossing driveways.
- (c) *Pathway Safety, Comfort, and Convenience.* All portions of a development shall be accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, as follows:
  - (1) *Direct.* Pathways should not deviate unnecessarily from a direct route or involve a significant amount of out-of-direction travel.

- (2) *Safety, Comfort, and Accessibility.* Pathways should be free from hazards, have appropriate lighting levels (i.e., relative to the adjacent uses and considering natural surveillance), be suitable for people in wheelchairs (e.g., traction, not bumpy, etc.), and/or people with visual impediments, and provide a reasonably route of travel between destinations. The pathway system shall comply with ADA requirements.
- (3) *Access to Primary Building Entrances and Parking Areas.*
- a. For commercial, industrial, mixed use, public, and institutional buildings, at least one pedestrian pathway is required to connect the public sidewalk to the primary entrance. A primary entrance is the main public building entrance. In the case where no public entrance exists, pathway connections shall be provided to the main employee entrance.
  - b. For multifamily buildings and ground floor residential uses in mixed use buildings, the primary entrance is the front door (i.e., facing the street), except that for multifamily buildings or courtyard housing in which each unit does not have its own exterior entrance facing a street, the primary entrance may be a lobby, courtyard, plaza, or breezeway that serves as a common entrance for more than one dwelling.
- (4) *Pedestrian Amenities.* Pedestrian amenities such as benches, planters, trees, lighting, etc., are required along sidewalks and pathways to provide defensible space, crime prevention, pedestrian comfort, and accessibility.
- (d) *Design and Construction Standards for Pathways and Access Ways.* At a minimum, all pathways and access ways shall conform to the following standards:
- (1) *Vehicle Separation from Pathways and Access Ways.* Pathways and access ways adjacent to a driveway, street (public or private), or parking spaces are encouraged to be raised six inches and curbed, and be separated from the driveway/street by a buffer strip with a minimum width of 11 feet (combined landscaping and meandering walk), utilizing bollards, lighting, landscape berming, or other physical barriers. The ends of the raised portions must be constructed with accessible curb ramps.
  - (2) *Housing Separation from Pathways and Access Ways.* Pedestrian pathways and access ways shall be separated a minimum of ten feet from all residential living areas on the ground floor, except at building and courtyard entrances, to provide for privacy in living areas. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped. Pathway/building separation is not required for commercial, industrial, public, or institutional uses except as may be required through site plan review.
  - (3) *Crosswalks.* Where pathways and access ways cross parking areas, driveways, or private streets, they shall be clearly marked in accordance with ADA standards. Continuous pedestrian pavement materials are encouraged across such areas.
  - (4) *Surface Materials.* Pathway and access way surfaces shall be concrete and have a width that is based on their function. Pavers, brick, and other ornamental paving may be used if it has a smooth finish. Textured or bumpy materials may be used as an edge treatment provided an accessible route is provided between the edge treatment. Multi-use paths (e.g., bicycles and pedestrians), shall be concrete or asphalt.
- (e) *Shade on Long Access Ways and Pathways.*
- (1) When the primary entrance of a building is more than 100 feet from the nearest point of a public sidewalk and the entrance is accessed by a pathway traversing a parking lot with more than 100 parking spaces, an overhead, shade structure or tree canopy is encouraged along the pathway.
  - (2) Shade elements may include opaque structures (e.g., arbors, pergolas, porticos, awnings, canopies, etc.), and/or shade trees planted 30 feet on center or closer.

(LDC 2008, § 15A-24-20)

## **CHAPTER ~~15A-25~~ 21-25. LANDSCAPING STANDARDS**

### **Sec. 21-25-1. General Landscaping Standards.**

The following standards shall apply to all districts:

- (1) *Preservation of Natural Features.* The preservation of natural features that enhance the development and will benefit the community, including trees, scenic points, view corridors, historic buildings or locations, unique geological formations, and other community assets shall be preserved and incorporated into the overall Landscape Plan.
- (2) *Parking in Landscaped Areas.* Parking is prohibited upon any front, side, rear, or interior landscaped areas.
- (3) *Parkstrip Maintenance.* Parkstrip maintenance shall be the responsibility of the adjacent property owner. Proper maintenance shall include the removal of all weeds (regardless of height) and debris. Adjacent property owners are required to landscape and beautify the parkstrip with approved streetscape materials. Unless otherwise approved by the Public Works, Public Utilities, and Parks and Recreation Departments, placement of concrete slabs or other impenetrable material, other than approved hard surface materials, as set forth below, within the parkstrip is prohibited. It is prohibited to install either permanent or temporary recreational equipment, such as a basketball standard, anywhere within the public right-of-way.
- (4) *Parkstrip Hard Surface and Streetscape Materials.*
  - a. Parkstrip hard surface material includes material that is not plant material, does not need watering, and is a permanent surface. Examples would include colored concrete, stamped concrete (e.g., Bomanite), and concrete pavers.
  - b. In general, it is preferable to have no more than 50 percent of the parkstrip area covered in hard surface material. Hard surface sections should alternate with planted sections and be complimentary to the surrounding landscape. The property owner is required to obtain a road cut permit from the Public Works Department prior to adding or changing any hard surface materials within the parkstrip. All hard surface material must be installed according to the specifications within the Sandy City Standard Specifications and Details for Municipal Construction.
  - c. Landscaped sections used in conjunction with hard surface sections should not include trees if the parkstrip is less than eight feet wide. If parkstrip is eight feet wide, planting may include trees (planted equidistant from the sidewalk and curb and gutter in a planter bed no smaller than eight feet wide by eight feet long), sod, ground cover, drought tolerant shrubs, bark, or colored mulch not to exceed three feet in height. Planting within 15 feet of the driveway should not exceed three feet in height. Drip irrigation systems are highly encouraged and landscaping should comply with Water Efficient Landscape Ordinance Section 21-25-4.

(LDC 2008, § 15A-25-01; Ord. No. 11-14, 9-2-2011)

### **Sec. 21-25-2. Commercial and Industrial Landscaping Requirements.**

(a) *Front Yard.* Front yard landscaping is measured from the front property lines after any required street dedication. This standard shall apply to all street frontages.

- (1) *Commercial and Industrial Zones.* In all commercial and industrial zones, a minimum of 15 feet of front yard landscaping shall be required.
- (2) *Berming.* The use of berms (random sculptured mounds), 12 to 18 inches high above the curb level, are required in all front landscape areas where found to be practical by the Community Development and Public Utilities staff.
- (3) *Street Trees.* Two-inch minimum caliper street trees shall be planted in the front parkstrip area (centered between the sidewalk and the curb to minimize tree conflicts and to maximize tree root zone) where the parkstrip is a minimum of eight feet in width, according to the varieties and spacing specified in the Sandy City Streetscape Plan. Where the parkstrip is less than eight feet in width or the sidewalk has been placed against the curb, street trees shall be planted four feet behind the sidewalk.
- (4) *Front Landscape.* Front landscape areas shall include a combination of sod as well as areas of trees, shrubs, ground covers, and mulch.

- (5) *Elimination of Parkstrip.* The Planning Commission may approve the elimination of the parkstrip in a commercial district allowing the sidewalk to be placed against the curb. If the elimination of the parkstrip is approved by the Planning Commission, the sidewalk against the curb shall be increased in width to six feet or wider as per AASHTO standards. In these instances, the front landscape area shall not be less than 20 feet in depth.
- (6) *Non-Existent Parkstrips.* Where a sidewalk exists directly adjacent to a public right-of-way, the front landscaping shall be a minimum of 20 feet in depth.
- (b) *Side and Rear Yards.*
- (1) There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access, or where structures are allowed to have a zero setback) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.
- (2) Areas not visible from the street shall have one landscape area in the amount of 100 square feet for every 75 lineal feet of property line not visible from the public right-of-way.
- (c) *Landscaping Within Parking Areas.*
- (1) Landscaping within all parking and driveway areas shall comprise a minimum five percent of the total square footage of those areas. In addition, the required front, side, and rear landscaping (parking area shall be defined to include all asphalt areas with parking spaces and driveways). The placement of this landscaping shall be within parking areas to break up the mass of asphalt as well as adjacent to the building for foundation landscaping. Such landscaping shall be composed of natural elements, including ground cover, shrubs, trees (evergreen and deciduous), and combinations of mulch.
- (2) All traffic islands shall be fully landscaped and be considered as a portion of the required five percent parking lot landscaping and shall be a minimum of five feet in width.
- (3) Landscape planters and/or raised barrier sidewalks shall be installed along buildings (except where not visible from public access areas or loading areas) and any paved areas where visible from the street to provide safety to pedestrians, to protect the structure, and to provide foundation landscaping to soften a structure's appearance.
- (4) All landscaped areas abutting any paved area shall include a six-inch-high concrete curb. Concrete bumper stops are not acceptable.
- (5) At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than three feet above street level within the area required for minimum sight distances for local roads and streets.
- (d) *Undeveloped Areas.*
- (1) All undeveloped areas shall be maintained free of weeds and trash.
- (2) All expansion areas or pad sites shall be maintained with drought tolerant sod, mulch, or other materials as approved by the Director until such time as construction is started on that building pad.
- (e) *Adjacent to Residential Districts.* A minimum ten-foot width of landscaping shall be provided on an applicant's property, including a combination of trees and shrubs (evergreen and deciduous), and ground covers shall be provided to create a buffer for the adjacent residential district.
- (f) *Installation.*
- (1) It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
- (2) All trees planted on-site less than two-inch caliper shall be double staked.
- (3) All landscaping shall be completed in accordance with the plans submitted and approved by staff.
- a. All landscape work must be installed prior to a Certificate of Occupancy of the building being

issued or as otherwise approved by the Community Development Department as seasonal conditions may dictate.

- b. The developer shall bond for such landscape improvements if not installed prior to occupancy to assure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.

(g) *Maintenance.*

- (1) It shall be the responsibility of the property owner to properly maintain landscaped areas in accordance with the approved site plan and Landscape Plan, which includes watering, mowing, proper pruning, fertilizing, the removal and replacement of dead plant materials in a timely manner, and the maintenance of irrigation systems to eliminate waste of water.
- (2) All pruning shall be accomplished according to good horticultural standards. Trees shall be pruned only as necessary to promote healthy growth.
- (3) Unless approval is otherwise provided by the Director, trees shall be allowed to attain their normal size and shall not be severely pruned up from the ground or "hat racked" in order to permanently maintain growth at a reduced height. Pruning trees solely for the purpose of exposure is prohibited.
- (4) Pruning trees for traffic safety reasons shall be reviewed and approved by the City Transportation Engineer.

(h) *Vegetation Removal.*

- (1) Once the required landscaping has been installed, it shall not be removed without the approval of the Community Development Department.
- (2) Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable original Landscape Plan caliper in compliance with the Sandy City Streetscape Plan, unless otherwise approved by the Community Development Department.
- (3) When utility connections or other disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Director.

(i) *Minimum Tree Size.* The minimum size of all trees planted on a development site shall be as follows:

- (1) Street trees: two-inch caliper minimum as measured 18 inches above grade.
- (2) All other trees on-site: 1 1/2-inch caliper minimum as measured 18 inches above grade.
- (3) Evergreen trees: six-foot minimum height above grade.

(j) *Tree Mix.* There shall be a mix of evergreen and deciduous trees on all development sites to allow for a green winterscape. A minimum of 40 percent of all trees on the proposed site shall be evergreens, where found to be practical by the Community Development Department.

(k) *Existing Trees.*

- (1) The retention of existing healthy, desirable tree species on-site is strongly encouraged. Buildings and parking areas should be designed around existing trees wherever possible.
- (2) A tree survey on an existing site may be required as determined by the Community Development Department.

(l) *Minimum Number of Trees.* A minimum ratio of one tree per every 500 square feet of on-site landscaping shall be provided on the overall site plan.

(m) *Xeriscape.*

- (1) Xeriscape is encouraged in required landscape areas. A true xeriscape may include a combination of

drought-resistant trees, shrubs, ground covers, organic mulches as well as some dry landscape materials.

- (2) All xeriscape design and installation shall be completed by a professional landscape designer and installer certified in the design and installation of xeriscape.

(LDC 2008, § 15A-25-02; Ord. No. 14-24, 9-4-2014)

### **Sec. 21-25-3. Tree Stewardship.**

(a) *Purpose.* Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the City that:

- (1) Specified City property be landscaped to enhance the natural beauty of the City.
- (2) Responsibilities of City departments be coordinated to encourage quality landscaping.
- (3) Landscaped City properties be effectively managed.
- (4) The City plant species of trees that are aesthetically pleasing, require less maintenance (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
- (5) The street environment be made hospitable through landscaping.
- (6) Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this section is enacted and intended to establish a Tree Stewardship Ordinance. This section may be referred to as the "Tree Stewardship Ordinance."

(b) *Urban Forester.* The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this ~~chapter~~ section. The Urban Forester shall:

- (1) Be responsible for the long-term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks and Recreation Department, Public Utilities Department, and the Public Works Department.
- (2) Foster and maintain partnerships between public and private parties for the benefit of trees.
- (3) Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
- (4) Keep abreast of new information and research in arboriculture.
- (5) Provide a written annual report to the Parks and Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
- (6) Train and supervise City crews so the best methods of tree care are practiced in the community.
- (7) Work with engineers, architects, and the Community Development Department during the design phase of development.
- (8) Periodically review this section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

(c) *Citizen Responsibilities.* Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property, except in those parkstrips that are maintained by the City:

- (1) Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
- (2) Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
- (3) Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.

- (4) The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
  - (5) Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
  - (6) Maintain ground covers, except in those parkstrips maintained by the City.
  - (7) Notify the Urban Forester of any hazard tree.
  - (8) Rake, clean up, and properly ~~disposing~~ dispose of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
  - (9) Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
  - (10) Keep any branches that overhang a public access sidewalk pruned eight feet above the sidewalk and any branch that overhangs a road pruned 14 feet above the road.
- (d) *City Responsibilities*. The City shall assume responsibility for:
- (1) Tree care in City-owned and -operated parks, on the grounds of City buildings, and in parkstrips that the City administration has designated will be maintained by the City in this ~~chapter~~ section.
  - (2) Pruning of City trees, as necessary, after appropriate notification to property owners.
  - (3) Pruning of trees in the City-maintained public rights-of-way and utility easements.
  - (4) Removal and replacement of diseased or dying City trees that are beyond reclamation, as determined appropriate by the Urban Forester.
  - (5) Removal of City trees and/or limbs that the Urban Forester ~~of~~ or Transportation Engineer determines to be a hazard after appropriate notification.
  - (6) Maintenance of planted areas on City property and specifically designated City rights-of-way.
- (e) *Responsibility for Correcting Private Hazard Trees*. Where a hazard tree (see definition) exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.
- (1) It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
  - (2) If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
  - (3) Notice under ~~this section~~ Subsection (e)(2) of this section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
  - (4) If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
  - (5) The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
  - (6) If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance

abated.

- (7) The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
- (8) Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within ten working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks and Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

(f) *Protection of City Trees.*

- (1) It shall be unlawful for any person to do any of the following:
- a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
  - b. Fill up the ground area around any City tree so as to shut off air, light, or water from its roots.
  - c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
  - d. Pour or spray any injurious matter on or around a City tree.
  - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, ground cover, or lawn.
  - f. Post any sign, tree stake, or guard, or ~~by fastening~~ fasten any guy wire, cable, or rope to any City tree, tree stake, or guard.
  - g. Prune trees for commercial exposure.
- (2) Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than four feet high and have a two-foot radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured 4 1/2 feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.
- (3) No person shall use a City tree for any unauthorized purpose.

(g) *Trees Planted in Parkstrips.* Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.

(h) *Interference with Service.* It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.

(i) *Historic Tree Preservation.* The Urban Forester, in conjunction with the City's Parks and Recreation Department, the Community Development Department, and property owners, may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.

(j) *Preservation of Trees During Development.* Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least three-inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.

(k) *Violation and Penalty.* Any person who violates any provision of this ~~chapter~~ section shall be guilty of a Class C misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the

violation of any provision of this ~~chapter-section~~ causes the injury, mutilation, or death of a tree, shrub, or other plant located on City-owned or -maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal," as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against any person or entity who violates this ~~chapter-section~~ as is deemed appropriate, including abatement or injunctive relief.

(LDC 2008, § 15A-25-03; Ord. No. 18-02, § 1, 2-13-2018)

#### **Sec. 21-25-4. Water Efficient Landscaping.**

(a) *Purpose.*

(1) The City Council has found that:

- a. Water is an increasingly scarce resource.
- b. Nearly two-thirds of the City's culinary water resources are used for outdoor use, including watering landscapes.
- c. The City desires to promote the design, installation, and maintenance of landscapes that are both attractive and water efficient.

(2) Furthermore, the City Council has determined that it is in the public's interest to conserve public water resources and promote water efficient landscaping. The purpose of this section is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient landscapes throughout the City.

(b) *Definitions Applicable to Water Efficient Landscaping-Section.* ~~The following definitions shall apply to this chapter.~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Administrative standards* means the set of rules, procedures, and requirements set forth in a landscape ordinance associated with making permit application, assembling materials for public review, meeting the requirements of the landscape ordinance, seeking approvals, enforcement, conducting site inspections, and filing reports.
- (2) *Bubbler* means an irrigation head that delivers water to the root zone by flooding the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella, or short stream pattern.
- (3) *Drip emitter* means a drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.
- (4) *Evapotranspiration (ET)* means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month, or year. (See also *Reference evapotranspiration rate.*)
- (5) *Extra-drought tolerant plant* means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.
- (6) *Ground cover* means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than 12 inches.
- (7) *Hardscape* means patios, decks, and paths; does not include driveways, parking lots, and sidewalks.
- (8) *Irrigated landscaped area* means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.
- (9) *Irrigation audit* means an on-site survey of the irrigation system, conduct of a catch-can test to measure system efficiency, and the generation of an irrigation schedule and recommendations to improve irrigation efficiency.

- (10) *Irrigation contractor* means a person who has been certified by the Irrigation Association to install irrigation systems or as otherwise approved by the Public Utilities Department.
- (11) *Irrigation designer* means a person who has been certified by the Irrigation Association to prepare irrigation system designs, or a landscape architect, or as otherwise approved by the Public Utilities Department.
- (12) *Irrigation efficiency* means the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.
- (13) *Irrigation Plan* means the plan that shows the components of the irrigation system with water meter size, backflow prevention, rain shut-off device, precipitation rates, flow rate and operating pressure for each irrigation zone, and identification of all irrigation equipment.
- (14) *Landscape architect* means a person who holds a certificate to practice landscape architecture in the State of Utah.
- (15) *Landscape designer* means a person who has been certified by the Utah Nursery and Landscape Association to prepare landscape plans or as otherwise approved by the Public Utilities Department.
- (16) *Landscape Education Package* means a package of documents that is intended to inform and educate water users in the City about water efficient landscapes. The package includes the principles of water efficient landscape design, a listing of water conserving plants, a listing of certified landscape designers, landscape architects, certified irrigation designers, certified irrigation contractors, an information packet about various area demonstration projects, City's water rates, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
- (17) *Landscape Irrigation Auditor* means a person who has been certified by the Irrigation Association to conduct a landscape irrigation audit or as otherwise approved by the Public Utilities Department.
- (18) *Landscape Plan Documentation Package* means the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this section. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, a Grading Plan, a soils report, a landscape water allowance, and an irrigation schedule.
- (19) *Landscape water allowance* means, for design purposes, the upper limit of annual applied water for the established landscaped area. ~~The landscape water allowance~~ is based upon the local reference evapotranspiration rate, the ET adjustment factor, and the size of the landscaped area.
- (20) *Landscaped Zone* means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.), and soil conditions and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve or a set of valves with the same schedule.
- (21) *Landscaping* means any combination of living plants such as trees, shrubs, vines, ground covers, flowers, turf or ornamental grass; natural features such as rock, stone, or bark chips; and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.
- (22) *Mulch* means any material such as bark, wood chips, rocks/stones, or other similar materials left loose and applied to the soil.
- (23) *Non-drought tolerant plant* means a plant that will require regular irrigation for adequate appearance, growth, and disease resistance.
- (24) *Planting Plan* means a plan which clearly and accurately identifies and locates new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.
- (25) *Precipitation rate* means the rate at which water is applied per unit of time, usually measured in inches per hour.

- (26) *Rain shut-off device* means a device wired to an automatic controller that shuts off the irrigation system when it rains.
- (27) *Reconstructed landscaping* means any existing approved landscaping and irrigation that is removed and replaced as part of new construction.
- (28) *Reference evapotranspiration rate* or *ET* means a standard measurement of environmental parameters that affect the water use of plants. ET is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four- to five-inch tall, cool season grass that is well watered. The average growing season ET for the Sandy City area is 31.18 inches. (See also *Evapotranspiration*.)
- (29) *Runoff* means irrigation water that is not absorbed by the soil or landscape area to which it is applied and that flows onto other areas.
- (30) *Soils report* means a report by a soils laboratory indicating soil types, soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the top soil and subsoil for a given site. The soils report also includes recommendations for soil amendments.
- (31) *Spray sprinkler* means an irrigation head that sprays water through a nozzle.
- (32) *Stream sprinkler* means an irrigation head that projects water through a gear rotor in single or multiple streams.
- (33) *Turf* means a surface layer of earth containing mowed grass with its roots.
- (34) *Waste of water* includes, but is not limited to:
- a. The use of water for any purpose, including landscape irrigation, that consumes or for which is applied substantial amounts of excess water beyond the reasonable amount required by the use, whether such excess water remains on the site, evaporates, percolates underground, goes into the sewer system, or is allowed to run into the gutter or street. Every water consumer is deemed to have under his control at all times the water lines and facilities, other than water utility facilities, through which water is being supplied and used to his premises, and to know the manner and extent of his water use and excess runoff.
  - b. The excessive use, loss, or escape of water through breaks, leaks, or malfunctions in the water user's plumbing for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after the water user discovers such break, leak, or malfunction or receives notice from the City of such condition, whichever occurs first, is a reasonable time to correct such condition.
  - c. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate fire, health, or safety hazards.
- (35) *Water check*. See *Irrigation audit*.
- (36) *Water conserving plant* means a plant that can generally survive with available rainfall once established, although supplemental irrigation may be needed or desired during the growing season.
- (37) *Water use efficiency review* means an on-site survey and measurement of irrigation equipment and management efficiency and the generation of recommendations to improve efficiency.
- (38) *Xeriscape* means a landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation).
- (c) *Commercial, Industrial, and Multifamily Development*.
- (1) *Applicability*.
- a. The provisions of this Subsection (c) shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private commercial and industrial projects, developer-installed landscaping in multifamily residential projects, and developer-installed landscaping in single-family projects that require project review and approval by the City. Such review includes

site plan review, modified conditional use permit review, and building permits issued for exterior modifications to commercial and multifamily buildings.

- b. This Subsection (c) does not apply to homeowner-provided landscaping at single-family projects, nor to registered historical sites.
- (2) *Documentation to be Submitted for Plan Approval.* A Landscape Plan Documentation Package shall be submitted to and approved by the Public Utilities Department prior to the issuance of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect or a landscape designer. The Irrigation Plan shall be prepared by an irrigation designer or a landscape architect. The Landscape Plan Documentation Package shall consist of the following items:
- a. *Project Data Sheet.* The Project Data Sheet shall contain the following:
    1. Project name and address;
    2. Applicants or applicant's agent's name, address, phone number, and fax number;
    3. Landscape designer/landscape architect's name, address, phone number, and fax number; and
    4. Landscape contractor's name, address, phone number, and fax number.
  - b. *Planting Plan.* A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:
    1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
    2. Property lines and street names;
    3. Existing and proposed buildings, walls, fences, light poles, utilities, paved areas, and other site improvements;
    4. Existing trees and plant materials to be removed or retained; and
    5. Designation of landscape zones.
  - c. *Irrigation Plan.* A detailed Irrigation Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
    1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
    2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply; and
    3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers.
  - d. *Grading Plan.* A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
    1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements; and
    2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.
  - e. *Soils Report.* A soils report will be required where irrigated landscaped areas consisting of grass or similar turf exceed 33 percent of the overall landscaped area. The soils report shall describe the depth, composition, and bulk density of the top soil and subsoil at the site and shall include recommendations for soil amendments. The Planting Plan shall incorporate the recommendations of the soils report into the planting specifications.

- f. *Landscape Water Allowance.* The annual landscape water allowance shall be calculated using the following equation:

$$\text{Landscape Water Allowance} = \text{ET} \times 1.0 \times 0.62 \times A$$

Where landscape water allowance is in gallons per growing season:

ET	=	Reference Evapotranspiration in inches per growing season
1.0	=	ET adjustment factor, 100% of turf grass ET (growing season adjustment factor)
0.62	=	Conversion factor
A	=	Total irrigated landscape area in square feet

- g. *Irrigation Schedule.* A monthly irrigation schedule shall be prepared that covers the initial 90-day plant establishment period and the typical long-term use period. This schedule shall consist of a table with the following information for each valve:

1. Plant type (e.g., turf, trees, low water use plants);
2. Irrigation type (e.g., sprinklers, drip, bubblers);
3. Flow rate in gallons per minute;
4. Precipitation rate in inches per hour (sprinklers only);
5. Run times in minutes per day;
6. Number of water days per week; and
7. Cycle time to avoid runoff.

(3) *Landscape Design Standards.*

a. *Plant Selection.*

1. Plants selected for landscape zones shall consist of plants that are well suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible in landscape zones.
2. For projects located at the interface between urban areas and natural open space (non-irrigated), extra drought tolerant plants shall be selected that will blend with the native vegetation and are fire-resistant or fire-retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall be avoided.
3. Areas with slopes greater than 30 percent shall be landscaped with deep rooting water conserving plants for erosion control and soil stabilization. Irrigation devices are limited to drip emitters, bubblers, or sprinklers with a maximum precipitation rate not to exceed 0.85 inches per hour.
4. Parkstrips and other landscaped areas less than eight feet wide shall be landscaped with water conserving plants and/or grass.

- b. *Mulch.* After completion of all plantings, all irrigated non-turf areas shall be covered with a minimum layer of four inches of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

- c. *Soil Preparation.* Soil preparation shall be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches and amending the soil with organic material as per specific

recommendations of the landscape designer/landscape architect based on the soils report.

(4) *Irrigation Design Standards.*

- a. General. Irrigation design standards for this section shall be as outlined in the latest version of the Minimum Standards for Efficient Landscape Irrigation System Design and Installation as specified in the Sandy City Standard Specifications and Details for Municipal Construction. In addition, the following portions of this Subsection (4) shall also be applicable.
- b. Landscape Water Meter. A water meter and backflow prevention assembly for landscaping that are in compliance with State Code shall be installed after the City meter and outside the City maintained meter box on the customer's service line. The size of the meter shall be determined based on irrigation demand.
- c. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure regulating valve shall be located between the landscape water meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for sprinklers.
- d. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device.
- e. Slopes Exceeding 30 Percent. On slopes exceeding 30 percent, the irrigation system shall consist of drip emitters, bubblers, or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle to eliminate runoff.
- f. Valves. Each valve shall irrigate a landscape zone with similar site, slope and soil conditions, and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves.
- g. Drip Emitters/Bubbler. Drip emitters or a bubbler shall be provided for each tree, where practicable. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the Public Utilities Department due to the limited number of trees on the project site.
- h. Sprinklers. Sprinklers shall have matched precipitation rates with each control valve circuit.
- i. Check Valves; Pressure Compensating Valves and Sprinklers. Check valves shall be required where elevation differences will cause low head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
- j. Drip Irrigation Lines. Drip irrigation lines shall be placed underground or otherwise permanently covered, except for drip emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
- k. Operation Time for Irrigation Zones with Overhead Spray/Stream Sprinklers. Irrigation zones with overhead spray or stream sprinklers shall be designed to operate between 6:00 p.m. and 10:00 a.m. to reduce water loss from wind and evaporation. Drip or bubbler zones are excluded.
- l. Program Valves. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly slopes and soils with slow infiltration rates.

(5) *Plan Review, Construction Inspection, and Post-Construction Monitoring.*

- a. As part of the site plan approval and building permit process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Worksheet shall be completed by a landscape designer and submitted to the City.
- b. All Landscape Plan Documentation Packages submitted must be certified by a licensed landscape architect or an approved landscape designer. The Irrigation Plan must be prepared by an approved

- irrigation designer or a landscape architect.
- c. All landscape irrigation systems shall be installed by an irrigation contractor. The person representing the contracting firm shall be a full-time employee of the firm and shall be directly involved with the project, including at least weekly site visits during construction.
  - d. All installers, designers, and auditors shall meet State and local license, insurance, and bonding requirements and be able to show proof of such upon demand.
  - e. During construction, site inspection of the landscaping may be performed by the City.
  - f. Following construction and prior to the release of the secondary bond guarantee posted for the project, an inspection shall be scheduled with the Public Utilities Department to verify compliance with the approved Landscape and Irrigation Plans. A Certificate of Substantial Completion, as defined in the Sandy City Standard Specifications and Details of Municipal Construction Manual, shall be completed by the property owner, contractor, or landscape designer/landscape architect and submitted to the City.
  - g. Following construction and prior to release of the secondary bond guarantee posted for the project, a water use efficiency review will be conducted by a landscape irrigation auditor. The auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this section. The minimum efficiency required for the irrigation system is 60 percent for distribution efficiency for all fixed spray systems and 70 percent distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and an irrigation schedule. Compliance with this provision is required before the City will release the bond for the project.
- (d) *Residential (Single-Family) Development.*
- (1) The provisions of this Subsection (d) apply to landscaping for all new and reconstructed landscaping for single-family residential dwellings. This Subsection (d) does not apply to residential developments with developer installed landscapes, nor to registered historical sites.
  - (2) Provisions for New or Reconstructed Landscapes.
    - a. *Landscape Education Package.* A copy of the Landscape Education Package shall be given to all new single-family homeowners by the City at the time of application for a building permit and all new or modified water account owners. The Landscape Education Package, prepared by the Public Utilities Department, shall consist of the following items:
      1. Principals of water efficient landscape design;
      2. List of water conserving plants;
      3. List of certified landscape designers, certified irrigation system designers and suppliers, and certified landscape irrigation contractors;
      4. Information packet about the various area demonstration gardens; and
      5. Information packet about the City's water rate schedule, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
    - b. *Post Installation.* After the landscaping has been installed, the homeowner is encouraged to notify the Public Utilities Department of its completion and request a listing of landscape auditors who can perform a water use efficiency review, also called a water check. The water check will determine the irrigation system efficiency, make recommendations for improvements, and provide the homeowner with an irrigation schedule.
  - (3) Parkstrips and other landscaped areas less than eight feet wide are encouraged to be landscaped with water conserving plants and/or grass.

- (e) *Prohibited Watering Practices.*
- (1) *Waste of Water.* Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.
- (2) *Restricted Watering Time.* Watering time is restricted as specified in Title 8.
- (f) *Enforcement, Penalty for Violations.*
- (1) *Enforcement Authority.* The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this section.
- (2) *Violation of this section.* Any consumer who violates any provisions of this section shall be issued a written notice of violation. The written notice shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation and its corrections. Such notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. Failure to receive such notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a Class C misdemeanor citation.

(LDC 2008, § 15A-25-04; Ord. No. 10-04, 2-19-2010; Ord. No. 09-17, 7-31-2010)

## **CHAPTER ~~15A-26~~ 21-26. SIGNAGE AND OUTDOOR ADVERTISING**

### **Sec. 21-26-1. Purpose and Scope.**

(a) It is the intent and purpose of this chapter to outline regulations which are fair, comprehensive, and enforceable while allowing Sandy City to create and maintain safe and aesthetically pleasing building elevations and streetscapes. These regulations serve to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising for land uses. By adherence to these regulations the following objectives should be achieved:

- (1) Signs that are compatible with their surroundings and effectively index the environment while preserving the aesthetics and sense of order within the community.
- (2) Signs that are conducive to promoting traffic safety and add to the convenience and enjoyment of public travel by preventing visual distraction for motorists and protection of pedestrians.
- (3) Signs that preserve and enhance property values, increase the standard of living within the community and serve to attract visitors to the City by establishing first class businesses and commercial districts.
- (4) Signs that adhere to adopted fire, traffic, and safety standards in order to ensure the safety of residents and visitors to the City.

(b) The regulations of this chapter are intended to apply to both on-premises and off-premises signs, but do not apply to interior signs, nor hand-held placards and other similar devices used for public protest and the noncommercial exercise of free speech. Any noncommercial message may be substituted for any commercial message permitted under this chapter.

(LDC 2008, § 15A-26-01)

### **Sec. 21-26-2. Administration and Enforcement.**

(a) *Interpretation.* The sign regulations contained herein are declared to be the maximum allowed for the purposes set forth. Any sign not expressly allowed by this chapter is prohibited

(b) *Authorities.* The Director shall be vested with the duty of enforcing this chapter and in performance of such duty shall be empowered and directed to:

- (1) *Issue Permits.* Unless stipulated otherwise, a sign permit is required to erect, install, paint, or change the face of any sign, whether it be temporary or permanent in nature. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed, or modified. If no action is taken, the expiration date for such permits shall be 180 days in conjunction with building

permits.

- (2) *Determine Conformance.* The Chief Building Official may make any necessary inspections of any sign for which a permit has been issued and for which an inspection has been deemed necessary. Such inspections shall be performed to ascertain that all signs, construction, and all reconstruction or modifications of existing signs are built or constructed in conformance with ~~the Development Code~~ this title and as represented at application for a permit.
- (3) *Issue Notices of Violations, Citations, and Information.* The Director shall issue a written notice of violation to the person having charge, control, or benefit of any sign found to be hazardous, abandoned, non-maintained, or in violation of this ~~code~~ title, particularly when the City is contemplating removal of said sign. Such official may also take criminal or civil action against violators.
- (4) *Abate and Remove Signs.* The Director may at once abate and remove signs or, in the alternative, use all available legal means to have a sign removed, including, but not limited to, criminal or civil action with the appropriate court.
  - a. Abatement or removal may occur under the following circumstances:
    1. A hazardous sign is not repaired or made safe within five working days after receiving written notice of such condition from the City. The Chief Building Official may also require a sign to be removed or made safe within one working day after written notice from the City if such sign poses an immediate hazard.
    2. An abandoned, non-maintained, or sign identifying a discontinued use has not been repaired or put into use within 45 calendar days after receiving written notice from the City.
    3. A permanent sign has been installed without a permit or is otherwise illegal as defined by this ~~Code~~ title, does not obtain a permit, or made to conform within 30 calendar days after receiving written notice from the City.
    4. A temporary sign has been installed without a permit or is otherwise illegal as defined by this ~~Code~~ title and has not been made to conform either through removal of the temporary sign or by obtaining a temporary sign permit within 72 hours after receiving written notice from the City.
    5. A sign posted upon public property may be removed by the City at any time. Notwithstanding the foregoing, the sign, though removed, shall not be destroyed in a period less than 30 days from the date of removal. In no case shall the failure to remove said signs constitute approval by the City of the illegal placement of the sign.
  - b. Persons having charge, control, or benefit of the affected sign shall pay to Sandy City the full cost incurred by its abatement or removal. Payment shall be made within 30 calendar days of receiving written notice of such cost.
  - c. Guidelines for the abatement and removal of permanent signs shall be in accordance with the Uniform Code for Abatement of Dangerous Buildings. Abatement of billboards shall be in accordance with those standards outlined in the Utah State Code.
- (5) *Require Bonds.* The Director may require that a bond be posted by a sign company, contractor, or employee of such (hereafter referred to as "business"), under the following circumstances and guidelines:
  - a. *Violation of Chapter.* If any business commits a violation of any part of this chapter or provision within ~~the Development Code~~ this title concerning the installation, modification, or City required inspection of a sign, that business shall post a cash bond of \$1,000.00 with the City upon written notice of such violation. Sandy City will not issue any subsequent sign permits to said business until such bonds have been posted.
  - b. *Forfeiture of Bond.* A cash bond which has been posted to the City shall be forfeited to the City if an additional violation by the business occurs. A new cash bond of \$2,000.00 shall be required from the business upon forfeiture of the previous bond. Each future violation by such business will result in bond forfeiture and require posting of a new cash bond at twice the previously posted amount.

Sandy City will not issue any subsequent sign permits to said business until the required cash bond has been posted.

- c. *Duration of Bond.* A posted bond shall be held for a minimum one-year period. At the end of such period, if the bonded business has not had any additional violations of the City's sign regulations, the posted bond shall be released upon receiving an Affidavit of Compliance by the City. If a business has future violations after having a bond released, the initial \$1,000.00 amount shall be required and the provisions of Subsection (b)(5)b of this section shall apply.

(c) *Right to Appeal.* Any person who has been ordered to alter or remove any sign, or whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Board of Adjustment. For appeal procedures, please see the Sandy City Board of Adjustment guidelines contained in this title.

(LDC 2008, § 15A-26-02)

### **Sec. 21-26-3. Nonconforming Signs.**

(a) *Regulation, Containment, and Elimination.* In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current Sign Ordinance standards, the City intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered (including face changes), or enlarged unless it is brought into complete compliance with this chapter. The following alterations are exempt from this provision:

- (1) Face changes in nonconforming multi-tenant signs; and
- (2) Copy changes in nonconforming permanent signs which were originally approved by the City with a changeable copy feature.

(b) *Abandonment.* Within 45 calendar days after vacation of an existing business, any on-site nonconforming signs must be removed or brought into compliance by the property owner. If removal does not occur, Sandy City may have the entire nonconforming sign (both face and structure) removed through the processes specified herein. An abandoned sign may not regain any legal nonconforming status later, even if the original or a new business occupies the property.

(c) *Billboards.* Any billboards shall be in conformance with State Code.

(LDC 2008, § 15A-26-03)

**State law reference**—Billboard termination, U.C.A. 1953, § 10-9a-513.

### **Sec. 21-26-4. Prohibited Sign Devices.**

(a) *Prohibited Sign Devices.* Any sign not specifically allowed by this chapter is prohibited. The following devices used to attract pedestrian or vehicular attention are prohibited in Sandy City:

- (1) Signs on bus benches and on transit stop enclosures. Bus benches and transit stop enclosures which do not contain advertising are encouraged in order to provide shelter and a more enjoyable experience for those utilizing mass transit.
- (2) Flashing or animated signs. This shall also include architectural lighting features or elements. Signs or lighting which have subtle changes of light intensity are allowed. This does not include time/temperature or electronic message center signs complying with the standards herein.
- (3) Graffiti.
- (4) Off-premises signs. This includes billboards.
- (5) Roof signs, including flags of any type.
- (6) Sexually oriented signs. Any display, decoration, sign, or show window that provides the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (7) Statuary. Statuary bearing the likeness or suggestion of any product or logo.

- (8) Snipe signs.
- (9) Flagpole accents. This shall not include poles in nonresidential areas which have lighting attached to or directed towards a pole for purposes of illuminating a flag as defined herein and not serving to illuminate solely the pole itself. (See Figure 1.)

[GRAPHIC--Figure 1: Prohibited Flagpole Accents]

(b) *Handbills, Signs; Public Places and Objects.* The language in this section has been taken from Section 28.04 of the Los Angeles Municipal Code. This section was upheld by the United States Supreme Court in 1984 as complying with the First Amendment of the Constitution (Members of the City Council of the City of Los Angeles et al. v. Taxpayers for Vincent, et al.).

- (1) Except as otherwise stipulated, no person shall paint, mark or write on, post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, parkstrip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, public utility pole (e.g., light or power, telephone or telegraph, or light rail wire pole), or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life-saving equipment, street sign, traffic sign, or vehicles.
- (2) Any handbill or sign found posted upon any public property contrary to the provisions of this section may be removed without notice by any designated City employee. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof, and the City is authorized to effect the collection of said cost.
- (3) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating a historical, cultural, or artistic event, location, or personality for which the Public Works Department has granted a written permit.
- (4) Nothing in this section shall apply to the painting of house numbers upon curbs.

(LDC 2008, § 15A-26-04)

**Sec. 21-26-5. General Guidelines for Signs in Sandy.**

- (a) *Standards of Construction.*
  - (1) *Building Codes.* All signs erected in the City shall comply with the most recent Sandy City adopted provisions of the following: National Electrical Code, International Building Code, and the Sandy City Sign Ordinance.
  - (2) *Licensed Contractor Required.* No sign requiring a permit shall be erected, installed, or modified in Sandy City except by a licensed and bonded sign contractor. Electrical wiring or connections for such sign, fixture, or device must be installed or connected by a licensed and bonded electrical contractor.
  - (3) *Engineering Required.* Where required by the Chief Building Official, all sign permit applications shall be accompanied by a drawing stamped by an appropriate engineer, licensed by the State of Utah, attesting to the adequacy of the proposed construction of the sign and its supports and demonstrating conformance with the applicable provisions of the International Building Code. Standard engineering may be submitted to the Chief Building Official for approval and filed for use with multiple applications by authorized companies. Thereafter, permits may be obtained which utilize such engineering without refiling detailed structural plans. The Chief Building Official may require sign specific engineering regardless of standard details on file with the City.
  - (4) *Durability.* All permanent signs must be built of durable and permanent materials.
  - (5) *Power Source.* Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the sign is attached and comply with all provisions of the National Electrical Code.
  - (6) *Foundations.* All ground signs must be mounted on foundations and footings which conform to the International Building Code.
- (b) *Sign Company Tag.* All permanent signs must have a sign builder's identification tag or signature. The

tag or signature must be made of durable weatherproof material and must be affixed to the sign so as to be visible from the sidewalk or nearest convenient location by City inspectors.

(c) *Location and Setback Requirements.* The following shall apply:

(1) *General Location.* No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

(2) *Traffic Safety.*

a. *Visibility Triangle.* No sign more than three feet in height (above the top back of curb) shall be erected near any driveway or intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of curb (or a future curb) and a line connecting them at points 60 feet from the intersection of the lines (see Figure 2). Deviations from these requirements must be reviewed and approved by the City Transportation Engineer.

[GRAPHIC--Figure 2]

b. *Copy Standards.* No sign or other advertising structure shall be erected which in any manner may be confused with an official traffic sign or signal, or which bears words normally used in such signs (e.g., stop, go slow, caution, danger, warning, etc.). No sign or advertising structure shall be erected which, by reason of its size, location, shape, content, coloring, or manner of illumination, might be confused as a traffic control device. No sign shall have lighting which impairs the vision of anyone traveling upon a public street or distracts any driver so as to create a public nuisance. Signs shall not extend over any pedestrian or vehicular access area unless specifically approved by the City Transportation Engineer.

(3) *Public Rights-of-Way.* No sign shall be located on publicly-owned land or inside street rights-of-way except signs owned and erected by permission of an authorized public agency or specifically authorized herein.

(4) *Vertical Setback.* In addition to the height restrictions contained herein, no sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah, its agencies, or appropriate utility company.

(5) *Side Setbacks.* Pylon and monument signs shall be located at least their height in distance from side property lines in order to prevent damage to adjacent land in case a sign is toppled by accident or an act of nature.

(6) *Front Setbacks.* The following shall apply:

a. Pylon and monument signs shall be set back at least three feet from all driveways and the back of sidewalk or public right-of-way, whichever is greater.

b. Banners or other temporary signs allowed herein shall be set back at least seven feet from the public right-of-way.

(7) *Additional Setbacks.* All permanent signs must be located at least two feet from a required parking stall or parking area.

(d) *Landscaping.* All permanent pylon or monument signs must be incorporated into a landscape design or planter box. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. Removal of required landscaping to facilitate sign placement must be in compliance with commercial landscape standards in this title.

(e) *Lighting.*

(1) Signs shall be carefully oriented so that light emitted from a sign or group of signs is not a traffic hazard, obtrusive, or a nuisance to adjacent properties, particularly residential.

(2) Signs with exterior illumination must have luminary devices shielded and screened from public view and directed to avoid light spill from the affected signs.

- (3) Persons installing or manufacturing a sign which has an LED or electronic message center must demonstrate that the brightness of such sign will not exceed one footcandle along the property line as measured six feet above curb grade. Such signs must also be equipped with a dimmer switch in order to change the intensity of light emitted from the sign to meet the one footcandle brightness if needed after installation.

(f) *Maintenance.* All signs shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, cleaning, painting, oiling, changing of light bulbs, or other acts required for the maintenance of said sign. Maintenance shall also include the restoration or repair of any exterior wall penetrations, discolorations, or other damages caused by the installation, removal, or placement of signs on a building.

(g) *Measurement of Regulated Sign Area.* For the purpose of this chapter, a complete phrase, copy and/or image, and the proposed layout of such shall be considered a sign (e.g., One Hour Photo).

- (1) *Single Plane/Panel Signs.* Regulated area shall be according to the following standards:

- a. Sign copy mounted as individual letters and/or graphics against a wall, window, or fascia of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, the area shall be defined as the area enclosed by the smallest 8-sided polygon that will enclose all sign area (see Figure 3).

[GRAPHIC--Figure 3]

- b. Sign copy mounted or painted on a background panel or area distinctly textured or constructed as a background for the sign copy shall be measured as that area contained within the outside dimensions of the background panel or surface (see Figure 4). Any illuminated bands or illuminated structures which contain sign copy, corporate logos, etc., are by definition wall signs in their entirety. However, illuminated bands on canopies covering gasoline pump islands shall be regulated per this chapter.

[GRAPHIC--Figure 4]

- c. Sign copy as an illuminated architectural element of a building shall be calculated as that portion of the illuminated surface or illuminated element which contains sign copy (see Figure 5).

[GRAPHIC--Figure 5]

- d. The regulated area of a monument sign shall include all parts of the sign or structure that contain identification (words or symbols) and information (see Figure 6).

[GRAPHIC--Figure 6]

- e. The regulated area of a pylon sign shall include all parts of the sign or structure that contain identification (words or symbols) and information (see Figure 7).

[GRAPHIC--Figure 7]

- (2) *Multiple Face Signs (Including, But Not Limited to, Pylon or Monument Signs).*

- a. *Double Panel.* If the interior angle between two faces is 45 degrees or less, the sign area to be measured is a single face. If the angle is greater than 45 degrees, the sign area to be measured will be the area sum of the areas of the two faces (see Figure 8).

[GRAPHIC--Figure 8]

- b. *Three or More Faces.* The sign area shall be the sum of the areas of the three or more faces.

- (3) *Non-Planer Signs.* For spherical, free-form, or other non-planer signs, the sign area shall be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure (see Figure 9).

[GRAPHIC--Figure 9]

(LDC 2008, § 15A-26-05)

**Sec. 21-26-6. Standards for Permanent Signs Allowed Without a Permit.**

(a) *Building Identification.* Numbers which are used to denote the address of a building shall not be counted against the allowable square footage for the same building, but must comply with the standards for building identification as found in the ~~Sandy City Property Addressing section of this Development Code Chapter 21-29.~~

(b) *Home Occupations.* A legally licensed business in a residence may have a single, one square foot in area, non-illuminated, flat wall sign mounted to the residence.

(c) *Institutional Uses.* Churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses, etc., are allowed a single monument sign of 32 square feet per street frontage. Wall signs shall be regulated as set forth in this chapter.

(d) *Memorial Signs.* ~~These Memorial signs~~ include signs or tablets with the names of buildings and date of erection cut into any masonry surface or inlaid so as to be part of the building.

(e) *Neighborhood Identification Signs.* In any zone district, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for a neighborhood or planned unit development project identification provided that such signs comply with the monument sign standards herein.

(f) *Notice Bulletin Boards.* Notice bulletin boards for institutional buildings may not exceed 32 square feet in area. Such signs must be oriented solely to the interior of the property and not be used to direct exterior vehicular attention to the institution or its services.

(g) *Plaques.* Plaques, name plates, and commemorative plaques of recognized historical agencies, not exceeding two square feet, may be fastened directly to a building.

(h) *Wayfinding Signs.* As set forth by the Sandy City Construction Standards.

(i) *Symbols or Insignia.* Religious symbols, identification emblems of religious orders, or historical agencies are permitted provided that such signs conform to the relevant wall or monument sign standards herein.

(LDC 2008, § 15A-26-06)

**Sec. 21-26-7. Standards for Permanent Signs that Require a Permit.**

(a) *Signs on Awnings and Canopies.* Signs on awnings and canopies must meet the following standards:

(1) *Materials.* Awning and canopy coverings shall be made of Sunbrella or other similar material. Materials with a glossy finish are not permitted.

(2) *Awnings.* Awnings on nonresidential buildings are required to be approved by the Planning Department and ~~Building Department~~ community development department. (For appropriate awning placement and dimension standards, see the Sandy City Architectural Design Standards.)

(3) *Signs on Awnings.* Signs on awnings shall be limited to street level businesses only (see Figure 10). Signage on an awning shall be limited to 40 percent of the awning. Total copy area on awnings shall not exceed 15 percent of the primary business wall area. Translucent letters or accents sewn into awnings are permitted.

[GRAPHIC--Figure 10]

(4) *Canopies.* No sign shall be constructed or placed on top of the roof of any canopy. Translucent letters or accents sewn into opaque canvas or acrylic coverings are permitted up to 40 percent of a canopy face (see Figure 11). (For appropriate canopy placement and dimension standards see the Sandy City Architectural Design Standards.)

[GRAPHIC--Figure 11]

(5) *Illumination of Awnings or Canopies.* Illumination of awnings or canopies with signage shall be external. Backlit awnings may be used in conjunction with other site lighting for lighting walkways, entrances, and providing a safe environment.

- (6) *Signs on Awnings or Canopies in Combination with Wall Signs.* Combinations of signs on awnings or canopies with wall signs are permitted. If a combination of awning and wall signage will be used, the signage on the awning shall be limited to 25 percent of the awning. Total allowable copy area between the awnings and wall signage shall not exceed 15 percent of the business' primary elevation.

(b) *Directional or Instructional Signs.* Signs which provide direction or instruction and are located entirely on-premises are permitted. Directional signs shall not exceed four square feet in area or four feet in height (see Figure 12). The number allowed shall be determined by the Director during site plan review and shall be the minimum required for safe circulation of traffic onto and within a development.

[GRAPHIC--Figure 12]

- (c) *Pylon Signs (On-Premises) (See Figure 13).* The standards for the use of pylon signs are as follows:

- (1) *Developments, Planned Centers, or Parcels Less than Seven Acres.* No pylon signs are allowed, only monument signs.
- (2) *Developments, Planned Centers, or Parcels More Than Seven Acres.* The Director may approve one pylon sign per street frontage. No pylon sign shall be allowed for any planned center or parcel that has less than 300 feet of street frontage.
- (3) *Properties Along Interstate 15 (I-15).* The following parcels or developments may apply for a pylon sign:
  - a. Parcels adjacent to and fronting I-15 or the I-15 frontage road where it runs adjacent to I-15.
  - b. Properties north of 9000 South on the west side of the freeway and within 100 feet of the I-15 right-of-way.

[GRAPHIC--Figure 13]

- (4) *Area Standards.* A sign area may not exceed the size set forth in this chapter and must be part of an approved sign theme. Reader boards, changeable copy areas, and electronic message centers shall not exceed 50 percent of the total sign copy area of the sign.

- (5) *Height Standards.*

- a. The height of a pylon sign shall be the distance from the highest point of the sign to the top of the curb or sidewalk or crown of the street when there is no curb or sidewalk. Signs may not exceed 25 feet above grade. Properties along I-15 or the frontage road may have a height not greater than 25 feet above the nearest traveled freeway lane or frontage road, whichever is greater.
- b. The Director may grant a special exception for additional height to businesses that are adjacent to a freeway overpass or similar view-obscuring structure (excluding vegetation) based on the following criteria and submittals:
  1. A topographic map with one-foot interval contours is provided to illustrate existing conditions at the site.
  2. Visual simulations or scaled profile drawings are provided which illustrate the required and requested sign heights in relation to the view-obscuring structure.
  3. The additional height is the minimum necessary to provide reasonable visibility above the view-obscuring structure.

- (6) *Location Standards.* Signs must be located within the 30-foot setback area from the property line. Signs within the visibility triangle may be allowed with the permission of the City Transportation Engineer.

- (7) *Support Standards.* All such signs must have the structural supports covered or concealed with pole covers (pylon covers). The covers must utilize materials and be architecturally compatible to the building or development to which it is associated (see Figure 13).

- (d) *Gas Island Canopies.* Signage on canopies over gas islands are regulated as follows:

- (1) Sign copy, corporate logos, etc., may be a maximum of 15 percent of the vertical canopy face per

elevation.

- (2) Individual letters, logos, or symbols may not project above or below the canopy face or project out from the surface of the canopy more than ten inches.

(e) *Marquees*. Marquees may not extend more than six feet from the building face and maintain a minimum eight-foot clearance above grade. The sign should blend with the aesthetics of the building and surrounding natural and manmade environment. The color, style, size, scale, and proportion of the sign should enhance the exterior of the building and not place too much bulk, nor be an excessive external distraction on the building's exterior (see Figure 14).

[GRAPHIC--Figure 14]

(f) *Menu Boards*. Menu board locations for drive-in and drive-up window restaurants are to be reviewed and approved by the Community Development Department at site plan review. They shall be located behind the front landscaped setback area. One sign is allowed with a maximum area of 35 square feet, and an additional sign with a maximum area of nine square feet is allowed per lot. Neither sign shall exceed eight feet in height. The changing of copy within these signs does not require a permit.

- (g) *Monument Signs*. The following standards shall apply:

(1) *Allowance*. Monument signs are allowed for any parcel provided that the parcel has 50 feet of street frontage.

(2) *Planned Commercial Centers, Pad Buildings, and Buildings Not Associated with a Planned Commercial Center*. Planned commercial centers, pad buildings, and buildings not associated with a planned commercial center are allowed a monument sign on each associated street frontage. However, the signs must be separated by at least 100 feet as measured diagonally across the property from center to center of both signs and shall be no closer than 100 feet to any other sign (monument or pylon/pole) located on the same frontage. Signs within the visibility triangle may be allowed with the permission of the City Transportation Engineer.

a. *Planned Commercial Centers*.

1. Monument signs may have a logo/identification theme as part of the sign.
2. The area of the sign is determined by the length of the frontage of any freestanding buildings and contiguous parcels included within the planned commercial center.

b. *Pad Building Within a Planned Commercial Center*. The freestanding building lot must be contiguous to a major arterial street and have at least 100 feet of street frontage to have a monument sign.

c. *Building Not Associated With a Planned Commercial Center*. A building not associated with a planned commercial center is allowed one monument sign provided that the parcel has at least 50 feet of street frontage and can locate the sign per the above standards.

(3) *Area Standards*. The sign area allowed for a monument sign is determined as shown in Section 21-26-12(a), Attachment A. Reader boards (changeable copy areas) and electronic message centers may be allowed; however, such devices shall not exceed 50 percent of the total sign face.

(4) *Height Standards*. The height of a monument sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk.

a. *Sign Face*. The cabinet or face of a monument sign may not exceed five feet in vertical size.

b. *Overall Height*. Maximum height for a monument sign is six feet. Signs placed within bermed areas may have an additional inch of overall height for each vertical inch of berm directly under the sign. In such cases the entire frontage must have existing or equal berming treatment, and the sign shall not exceed an overall height of eight feet (see Figure 15). Site centric architectural features or enhancements to the sign supports are excluded (see Figure 16).

[GRAPHIC--Figure 15]

- (5) *Pedestal Standards.* All monument signs must have at least a one-foot opaque pedestal designed as part of the foundation which conceals any pole support. Height of the pedestal is measured from the highest grade below the sign. The pedestal should run at least 50 percent of the horizontal length of the sign and extend from the sign into the ground below the sign. There shall be no copy or sign element on the pedestal, except addresses. The pedestal shall utilize materials and design elements that relate the sign to the associated buildings. The Director may review and approve/deny any variation to the pedestal base requirements based on-site characteristics, topography, or design integrity.

(h) *Suspended Signs.* Suspended signs used in place of wall signs are allowed if the architecture of the building or planned center lends itself to that design (see Figure 17). The following shall apply:

[GRAPHIC--Figure 16 Figure 17]

- (1) The Director must review any proposal for a suspended sign for compatibility with the building.
- (2) No sign may project beyond the outside limit of the arcade, marquee, canopy or facade to which they are attached.
- (3) Any sign must have at least an eight-foot clearance above the sidewalk.
- (4) There must be a minimum horizontal distance of 30 feet between signs suspended perpendicular to a building face.
- (5) Signs suspended parallel to a building face may not exceed 15 percent of the first floor elevation of the business.

(i) *Projecting Signs.* Projecting signs shall only be allowed within the Historic Sandy Business District, mixed use projects, or other developments which have an approved sign theme. The following shall apply:

- (1) Projecting signs are allowed by themselves or in conjunction with signs on awnings. They will not be allowed in conjunction with other wall signs.
- (2) The sign should blend with the aesthetics of the building and the surrounding natural and manmade environment. The color, style, size, scale, and proportion of the sign should enhance the exterior of the building and not place too much bulk, nor be an excessive external distraction on the building's exterior. Equal treatment and design consideration should be given to any mounting and supporting structure for the sign (see Figure 18).

[GRAPHIC--Figure 18]

- (3) No sign shall be larger than 16 square feet.
- (4) Projecting signs shall not extend more than six feet, nor have less than a six-inch spacing from the attached vertical wall. They shall have a minimum clearance of nine feet from the sidewalk or finished grade and shall be no more than 12 inches thick (see Figure 19). There must be a horizontal separation of 20 feet from other projecting signs.

[GRAPHIC--Figure 19]

- (5) Electronic message centers or changeable copy signs are not allowed.
- (6) Only the street level tenants in a multi-story building may use projecting signs.

(j) *Wall Signs.* The following criteria shall be met:

(1) *Location Standards.* Wall signs must meet the following location standards:

- a. They must be located on a wall under complete control by the tenant applying for the signage or as otherwise permitted by the Director as stated below.
- b. Upon review and approval by the Director, a business may request the placement of a business identification sign upon an area within the same development not otherwise controlled by the named business. The following criteria shall be considered:
  1. The proposed sign is in close proximity to the identified business.

2. The proposed sign square footage is counted against the allowable square footage for the area upon which it is mounted.
- c. They shall not cover architectural features or elements on buildings.
- d. No part of the sign or the sign structure shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted (see Figure 20).

[GRAPHIC--Figure 20]

- e. Businesses which back directly onto residential areas may be allowed non-illuminated signs on the rear of the building.
- (2) *Design Standards*. Wall signs must meet the following location standards:
- a. Signs shall blend with the surrounding natural and manmade environment (e.g., the color, style, size, scale, proportion) to enhance the exterior of the building and not place too much bulk and external distractions on it.
  - b. Wall signs with changeable copy, reader board, or electronic message capability are not allowed.
  - c. Wall signs shall not project more than 18 inches from the wall to which they are attached.
- (3) *Area Standards, Single Tenant Buildings*. The area of signage allowed on a wall shall be based on the dimensions of the exterior wall (see Figure 21) under complete control by the tenant applying for a permit and under the following guidelines:
- a. Signage which utilizes shaped or layered cabinet signs or with three-dimensional faces and/or individual letters may not occupy more than 15 percent or 600 square feet, whichever is less, of any one wall.

[GRAPHIC--Figure 21]

- b. For multiple walls, signage which utilizes shaped or layered cabinet signs with three-dimensional faces and/or individual letters may occupy the combined area of the walls as follows:
    1. For two walls, up to 20 percent.
    2. For three walls, up to 25 percent.
    3. For four walls, up to 30 percent.
  - c. Signage which utilizes flat, non-dimensional cabinet signs with 90 degree corners may not occupy more than five percent or 40 square feet, whichever is less, of any wall.
- (4) *Area Standards, Multi-Tenant Buildings*.
- a. Ground floor tenants which have direct access from grade into their tenant space may utilize the standards specified for single tenant buildings above. Such tenants whose entrance is located under a canopy or like feature must locate their signs under such feature unless the Planning Commission has approved a sign theme stipulating otherwise.
  - b. Tenants who access their space through a common entrances or tenants above ground level are not allowed to have individualized wall signs on the exterior of the building. They must be located on a directory sign located next to or within the common entrance of the building. If located on an exterior wall, such directory signs may not exceed 12 square feet and copy shall not exceed one inch in height.
  - c. In addition to ground floor tenant signs allowed above, buildings with more than two stories are required to have a building identification sign. This may be the name of the major tenant in the building. All wall signs must comply with the Planning Commission approved sign theme for the building.
- (5) *Multiple Signs for a Single Tenant on an Elevation*.
- a. The maximum number of wall signs on a wall controlled by a single user shall be seven and shall

be appropriate to the scale of the building.

- b. Multiple wall signs may utilize individual letters and/or shaped or layered cabinet signs with three-dimensional faces in any combination not to exceed 15 percent of any one wall. (See Figure 22.)

[GRAPHIC--Figure 22]

- (6) *Painted Signs/Murals.* Painted signs or murals applied directly to any building face must have specific approval of the Director. If the building is in Historic Sandy, the sign must have approval of the Planning Commission.
- (7) *Signs on Sloping or Mansard Roofs.*
  - a. Signs shall not be mounted on a sloping or roof portion of any building.
  - b. Signs may be mounted within a roof area if mounted upon a vertical surface such as a gable, dormer or similar structure.
    - 1. Such signs will only be allowed to avoid architectural conflicts on the face of the building. They shall not be approved solely for better signage visibility.
    - 2. Such vertical structure must be finished in a manner that closely matches the architectural design, materials and colors of the building and must be permanently integrated and attached to the roof.
    - 3. Signs mounted upon a vertical structure integrated into the sloping roof of a building must meet the size requirements as set forth in this chapter. Such signs may not protrude beyond the vertical face of the structure or cover any architectural ornamentation.
    - 4. If a roof structure is to be constructed for purposes of mounting a sign, the applicant must apply for, and receive, the proper building and zoning clearances and permits before a sign permit will be issued.

(LDC 2008, § 15A-26-07; Ord. 14-34, 11-13-2014; Ord. No. 15-06, 3-23-2015)

### **Sec. 21-26-8. Temporary Signs.**

(a) *General Provisions for All Temporary Signs.* The following shall apply to all temporary signage as outlined herein:

- (1) Signs shall be removed as specified herein, unless otherwise indicated in this chapter. There are no specific timeframes for noncommercial opinion signs.
- (2) Signs may only be located on private property and must have the property owner's permission. Signs may not be placed on public property, or in a public right-of-way unless otherwise allowed herein, such as banners on public light poles and public necessity signs.
- (3) Signs shall not be erected in a manner as to constitute a roof sign.
- (4) Signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.
- (5) Signs shall not be attached to utility poles, fences, or trees.
- (6) Signs must be secured to a building or the ground.
- (7) Signs may be attached to existing permanent signs only for the grand opening period.
- (8) Signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names.
- (9) No off-premises temporary signs are allowed except those specifically allowed herein.
- (10) Signs shall require application and approval from the Department for issuance of a temporary sign permit prior to installing or erecting a temporary sign, unless exempted in this section.
- (11) All temporary signage must be subordinate to and be positioned in such a way so that any permanent

ground-mounted signage on the same property remains visible.

- (12) All signs and sign supports, including decorative covers, must be maintained in a graffiti-free and clean, like-new condition. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.
- (13) Any sign not expressly allowed by this ordinance is prohibited.

[GRAPHIC]

(14) Signs may be two-faced but may not be split faced if the interior angle is greater than 45 degrees.

(b) *Temporary Signs Allowed Without a Permit in All Zones.*

(1) *Signs Allowed Within the Public Right-of-Way.*

- a. *Banners on Public Light Poles.* The City may erect community event banners on public light poles within the right-of-way under the following guidelines (see Figure 23). Signs shall:
  - 1. Be constructed and maintained with durable, weather-resistant materials in a graffiti-free and clean, like-new condition. Allowed banners must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.

[GRAPHIC--Figure 23]

- 2. Be uniform in size and be no larger than three feet wide and eight feet tall. A maximum of 48 square feet of banner signage shall be allowed per light pole.
- 3. Maintain clearance height of at least 14 feet above the right-of-way.
- 4. Be limited to a maximum of two banner signs, one on each side of the pole.
- 5. Be placed on the light pole by permanent support brackets (top and bottom) meant for the placement of a sign so that such signs shall hang taut.

[GRAPHIC--Public Necessity Sign]

- b. *Public Necessity Signs.* Such signs may be of the type, number, area, height, location, or illumination authorized by the applicable law, statute, or ordinance.
- (2) *Community Signs.* Community Signs require review by the Community Development Department and/or other pertinent City departments for compliance with the following criteria:
    - a. May not be attached to another temporary or business sign, traffic device, or a permanent public necessity sign.
    - b. May not exceed 32 square feet.
    - c. Signs attached to a building may be larger, but must be appropriate in scale and location and not pose a public safety risk as approved by the Director.
    - d. Such signs for any single purpose or event may not be displayed for more than 30 days. However, the Director may approve community signs for long-term purposes subject to review on a 90-day basis.
  - (3) *Holiday Decorations.* Holiday decorations are noncommercial displays ~~of a~~ primarily decorative in nature which are clearly incidental, customary, and commonly associated with any national, local, or religious holidays. Such displays may include any type, number, and area and shall be contained entirely within the boundaries of the lot or premises on which they are erected. They must be placed so as to avoid confusion with authorized traffic lights and signals and shall conform to traffic safety standards. Within nonresidential zoning districts they shall not be displayed for more than 45 days prior to and not more than 14 days after the holiday.
  - (4) *No Trespassing or No Dumping Signs.* One sign not exceeding 16 square feet, or four signs not exceeding four square feet each, may be installed to prevent trespassing or unauthorized dumping on property. The

Director may allow more signs, based upon the size and location of property in order to adequately notify the public.

- (5) *Noncommercial Opinion Signs.* Noncommercial opinion signs are subject to all requirements and provisions of the Utah Code Annotated and other laws as may be applicable. Such signs are regulated as follows:

- a. *Residential Zones.* Individual signs may not exceed 32 square feet. The maximum height of such signs shall be six feet.
- b. *Nonresidential Zones.* Individual signs may not exceed 32 square feet. The maximum height of such signs shall be eight feet.

- (6) *Construction Vehicle and Trailer Signage.* Signs on licensed commercial vehicles, including construction trailers that are kept on-site and used for daily business operations for an approved project under development.

(c) *Temporary Signs Allowed Without a Permit; Residential Districts (Including Residential Developments Within Nonresidential Zones Such as MU, BC, IC, SD(EH) and SD(X)).*

- (1) *Properties Subject to Development or Construction.* Properties which have been approved for a residential development are subject to the following guidelines:

- a. Properties subject to development or construction shall be allowed one or more on-site signs, per street frontage, as shown in the table below.
- b. The size allowed for the signs depend on the number of lots to be developed as shown in the following table:

<i>Number of Units/Lots</i>	<i>2--4</i>	<i>5--24</i>	<i>25--49</i>	<i>50 or more</i>
Maximum size of signs (square feet)	32	64	96	128
Maximum height (ft.)	12	12	12	12
Split option (total number of signs). Multiple signs shall be separated by at least 100 feet.	1 (not to exceed 32 square feet)	2 (not to exceed 64 square feet)	3 (not to exceed 96 square feet)	4 (not to exceed 128 square feet)

- c. Three directional signs may be allowed for a developer to guide traffic to a site. They are limited to 32 square feet in area and eight feet in height and must be placed entirely upon private property. These signs must have written permission of the property owner and be presented to the Director for approval before they are erected. The duration of display shall be the same as on-premises development promotional signs.
  - d. Such signs shall be removed within one year after issuance of the final building permit for the residential development.
- (2) *Residential Properties Subject to Sale, Lease, Rent, or Auction.* Properties subject to sale, lease, rent, or auction shall be allowed one on-site sign, per frontage, of one of the following types without necessity of an application for or issuance of a sign permit:

[GRAPHIC--"T" Post Sign]

- a. One "T"-shaped post sign subject to the following requirements:
  1. Such sign shall be a maximum of nine square feet hanging from a "T" shaped mounting post;
  2. The maximum height of such signs shall be six feet;

3. Such a sign and post shall be set back from the property line not less than three feet and cannot obstruct the right-of-way;
4. Such sign shall be allowed, without necessity of a permit, for the duration of the property's sale, lease, rent, or auction.

[GRAPHIC--Yard Sign]

- b. One yard sign subject to the following requirements:
  1. The maximum area of such signs shall be nine square feet;
  2. The maximum height of such signs shall be six feet;
  3. Such sign shall be set back from the property line not less than three feet and cannot obstruct the right-of-way;
  4. Such sign shall be allowed, without necessity of a permit, for the duration of the property's sale, lease, rent, or auction.

[GRAPHIC--Window Sign]

- c. One window sign, per street frontage, subject to the following requirements:
  1. The maximum area of such signs shall be nine square feet;
  2. Such sign shall be allowed, without the necessity of a permit, for the duration of the property's sale, lease, rent, or auction.
  3. Properties Subject to Sale, Lease, Rent, or Auction. Properties subject to sale, lease, rent, or auction shall be allowed off-site signs as follows:
    - (i) Such signs may be used to direct traffic to a property for sale, lease, rent, or auction.
    - (ii) Such signs shall be used only when a representative is on duty at the residence for sale, lease, rent, or auction or the property owner is present at the property for inspection.
    - (iii) The placement of such signs shall require permission of the property owner of properties on which the signs are to be placed.
    - (iv) The maximum area of such signs shall be six square feet each.
    - (v) The maximum height of such signs shall be three feet.
    - (vi) One direction sign is allowed that applies to the provisions herein to be located on each corner of intersecting streets starting from the closest arterial street leading directly to the property (see Figure 24).

[GRAPHIC--Figure 24]

- (vii) Such signs shall be located outside the sight visibility triangle at any street or driveway intersection, as determined by the Sandy City Transportation Engineer.
- (3) *Vehicle Signs.* Any sign that is attached to or placed on a vehicle or trailer that is parked on private property or driven upon public streets where:
  - a. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets and is actively used for the daily operations of the business to which such signs relate.
  - b. The vehicle or trailer does not violate the provisions related to parking of a commercial vehicle in residential zones.
- (d) *Temporary Signs Allowed Without a Permit; Nonresidential Zones.*
  - (1) *Changing Copy.* The changing of copy on a marquee, reader board, electronic message center, or other replaceable copy area is allowed when such is part of a permitted sign. Sign face changes are not included in this category and as such require a permit, except for those individual tenant faces within a multi-

tenant or shared monument or pylon sign.

- (2) *Gas Island Signs.* A sign (four square feet or less) may be located at each gas pump and must be located directly on top of a gas dispenser. Such signs shall not project beyond the pump structure.
- (3) *Window Signs.* Window signs are allowed for ground floor tenants only, except as otherwise allowed herein. They shall not be located as to block clear view of exits or entrances or to create a safety hazard. Any window sign shall not disrupt the visibility from employee stations to the parking area or of law enforcement personnel into the business. The following shall also apply:
- a. They shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of a group of windows on each building face. A single window is any window, or section of windows, that is separated from another window by 12 inches or more. Any door with windows is always considered a separate window (see Figure 25).

[GRAPHIC--Figure 25]

- b. Window signs and permanent wall signs combined shall not exceed 20 percent of the exterior wall area of the tenant.
  - c. Properties subject to sale, lease, rent or auction in structures that are three stories or larger, may be allowed to have window signs up to 100 square feet. The square footage is allowed per street frontage; however, the signs are not required to be on the side facing the street.
- (4) *Road Construction Periods.* Businesses with frontage immediately adjacent to a road right-of-way construction zone may have one banner, per street frontage, not to exceed 32 square feet nor five feet in height during periods of construction occurring within the road right-of-way. The signs shall be located on-site and may be in landscape areas abutting the right-of-way or on the building. Signs must be removed after completion of construction activities.
- (5) *Temporary Businesses.* Temporary businesses are allowed only two temporary signs under the following conditions:
- a. The two signs may only be banners and/or portable signs.
  - b. Each banner may not exceed 32 square feet and portable signs must comply with the size and area requirements for portable signs allowed without a permit and shall not be allowed in the public right-of-way.
- (6) *Properties Subject to Development or Construction.* Properties which have a site plan approved for development are subject to the following guidelines:
- a. Properties subject to development or construction shall be allowed one or more on-site signs, per street frontage, as shown in the table below.
  - b. The size of the signs depend on the number of acres involved in the project as shown in the following table below:

<i>Acreage of Development</i>	<i>0-- 4.9</i>	<i>5-- 9.9</i>	<i>10 or more</i>
Maximum size of signs (square feet)	64	128	256
Maximum Height (Ft)	15	15	15
Split option (total number of signs). Multiple signs shall be separated by at least 100 feet.	1 (not to exceed 64 square feet)	2 (not to exceed 128 square feet)	3 (not to exceed 256 square feet)

- c. Such sign shall be removed before permanent signs are installed.
- (7) *Properties Subject to Sale, Lease, Rent, or Auction.* Properties subject to sale, lease, rent, or auction shall

be allowed temporary signs as follows:

- a. Window signs according to the provisions of this ~~chapter~~ section; or
- b. One freestanding sign for which the maximum area of such signs shall be 64 square feet and the maximum height of such sign shall be 12 feet.

(8) *Portable Signs.* One portable sign is allowed per business under the following guidelines:

- a. The sign is entirely outside of the public rights-of-way, roadways, on-site drive isles, landscape areas, or designated parking areas. The sign shall be located on the pedestrian areas abutting the business and within the extent of the business face (see Figures 26 a and b).

[GRAPHIC--Figure 26a]

[GRAPHIC--Figure 26b]

- b. A six-foot-wide clear path area on the existing hard surface shall be maintained, and such sign shall not obstruct any pedestrian or wheelchair access, including, but not limited to, access from the sidewalk to any of the following:
  - 1. Transit stop areas.
  - 2. Designated disabled parking spaces.
  - 3. Disabled access ramps.
  - 4. Building exits including fire escapes.
- c. The sign shall not exceed 48 inches in height, nor be more than 24 inches wide (see Figure 27).

[GRAPHIC--Figure 27]

- d. Such signs shall not rest upon or be attached to any other signage, utility pole or device, or any sign identified as a public necessity sign.
- e. Such signs shall be located:
  - 1. On the property containing the business which the sign represents; or
  - 2. In the case of multi-tenant property, within 100 feet of the business which the sign represents.

(9) *Free Promotional Periods.* A business may advertise a special service, product, or sale during the following periods without a permit, under the following provisions:

- a. Only one banner or up to two blade banners, per property, may be used on-site in nonresidential zones. Groups of blade banners shall be separated by another group of blade banners by at least 100 feet. Such signs shall not exceed 32 square feet.
- b. Signs must be securely attached to a structure or to ground posts. Banners mounted to the ground may be not higher than 48 inches from the ground to the top of the sign and must have a stabilizing crossbar between the ground posts at the top of the sign.
- c. Blade banners shall not exceed an overall height of 17 feet. The blade banners must be ground-mounted using a post or supported in a stand.
- d. Signs shall be set back from the property lines a minimum of three feet and cannot obstruct the right-of-way.
- e. Signs shall not be placed where they obstruct the view of any sign identified as a public necessity sign.

<i>Free Period</i>	<i>Permitted Display Time</i>
February	11--21

March/April	Two weeks before Easter Sunday
May	25--30
July	1--5 and 20--25
September	1--7
October	24--31
November	4th week of November
December	December 10 through January 2
*See special promotional periods for additional time to display banner and/or blade banners (signs that require a permit).	

- (10) *Vehicle Signs*. Any sign that is attached to or placed on a vehicle or trailer that is parked on private property or driven upon public streets where:
- The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets and is actively used for the daily operations of the business to which such signs relate and is parked a minimum of 50 feet away from the right-of-way of a public or private street; or
  - The vehicle or trailer is not actively used for the daily operations of the business and is parked on the private property of the business to which the sign relates; and
  - The vehicle is not to be used as parked or stationary outdoor display signage.
- (11) *Banners on Light Poles for Private Developments and Public Facilities*. Banners on light poles may be used on developments within the CBD and RC Zones, a planned shopping center, or planned development which has seven acres or larger and having at least 300 lineal feet of frontage, and under the following guidelines (see Figure 23).

[GRAPHIC--Figure 23]

- Each light pole may have a maximum of two banner signs.
  - Banners shall be uniform in size and be no larger than three feet wide and eight feet tall. A maximum of 48 square feet of banner signage shall be allowed per light pole. Each light pole may have a maximum of two banner signs, one on each side of the pole.
  - Maintain clearance height of at least ten feet if located in a landscape island or 14 feet if vehicular access is allowed beneath the banners.
  - No light pole shall be erected with the intent of hanging a banner unless the primary purpose of the light pole is to provide light in parking areas and driveways.
  - Signs shall be placed on the light pole via permanent support brackets (top and bottom) meant for the placement of a sign where such signs shall hang taut.
  - Signs shall be constructed and maintained with durable, weather-resistant materials in a graffiti-free and clean, like-new condition. Allowed banners must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.
- (e) *Temporary Signs Requiring a Permit; Nonresidential Districts*. Temporary signs displayed during the following promotional periods require a temporary sign permit and may not be prolonged by those above periods allowed without a permit:
- Properties Subject to a Business Grand Opening*. Temporary signs erected for the opening of a business or the relocation or change of ownership of an existing business may be allowed within the first year of operation for a period not to exceed 45 calendar days. A combination of banners, blade banners, wind

signs, inflatables, beacon lights, portable, and mobile signs may be used. The signs must be removed at the end of the 45-day period.

[GRAPHIC]

- (2) *Special Promotions.* A business may apply for up to four special promotion periods during the calendar year, under the provisions listed below. Each period may not exceed seven days in length. These periods may run consecutively.
- a. Only one banner, or up to two blade banners, per property, may be used on-site in nonresidential zones. Groups of blade banners shall be separated by another group of blade banners by at least 100 feet. Such signs shall not exceed 32 square feet.

[GRAPHIC]

- b. Signs must be securely attached to a structure or to ground posts. Banners mounted to the ground may be not higher than 48 inches from the ground to the top of the sign and must have a stabilizing crossbar between the ground posts at the top of the sign.
- c. Blade banners shall not exceed an overall height of 17 feet. The blade banners must be ground-mounted using a post or supported in a stand.
- d. Signs shall be set back from the property lines a minimum of three feet and cannot obstruct the right-of-way.
- e. Signs shall not be placed where they obstruct the view of any sign identified as a public necessity sign.

(LDC 2008, § 15A-26-08; Ord. No. 11-24, 12-5-2011; Ord. No. 16-14, 3-23-2016)

**Sec. 21-26-9. Sign Permit Process.**

- (a) *Sign Design.* Each sign submitted for approval shall incorporate the following elements:
  - (1) Architectural compatibility.
  - (2) Size, scale, proportion (balance).
  - (3) Illumination.
  - (4) Color and style.
  - (5) Location.
  - (6) Landscaping.

If the Director feels adherence to these elements is not shown, the Director may require modifications to the sign, deny the application, or refer an application to the Planning Commission for further review. The Planning Commission may allow exceptions to the above criteria for signs with unique artistic or architectural design.

- (b) *Required Permit Information.*
  - (1) *Information Required for All Applications.*
    - a. Proof of current Sandy City business license.
    - b. Business address and phone number.
    - c. Address of property owner and phone number.
    - d. General or sign contractor license, phone number, and address.
    - e. Value of the sign (including the cost of manufacturing and installation).
  - (2) *Additional Information Required for Monument and Pylon Signs.*
    - a. Plot plan showing relationship of signs to buildings, property lines, setback from public rights-of-way, intersections, easements, driveways, existing site contours one-foot intervals), and nearest monument or pylon signs on the same frontage.

- b. Two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, materials, type of illumination, and how the sign will appear from the street.
- c. Details of sign construction, including an electrical plan and foundation schemes with appropriate engineers' stamps.
- d. Number of acres and length of lineal frontage of property.

(3) *Additional Information Required for Signs on a Building Exterior.*

- a. Two scaled drawings showing square foot dimensions of both the building and the sign, sign composition, and type of illumination.
- b. A profile drawing of how the sign will appear from the street/parking area and on the building.
- c. Details of sign construction, electrical plan, and attachment details with appropriate engineers' stamps.

(4) *Temporary Signs.*

- a. Plot plan showing relationship of signs to buildings, property lines, setback from public rights-of-way, intersections, easements, and driveways.
- b. Length of period for display.
- c. Type of request (e.g., grand opening, special promotions, etc.).

(c) *Required Inspections and Tags.*

- (1) *Permanent Signs.* All permanent signs containing electrical components, footings, engineering, or as otherwise required by the Chief Building Official shall receive final inspections by an authorized building official to certify that the placement and construction of such sign is in conformance with representations made in permit applications, and that work is completed and meets all applicable Building and Safety Codes and conditions of approval.

- (2) *Temporary Signs.* Temporary signs for which a permit is required and has been approved shall have attached thereto a City-issued tag recognizing the temporary nature of its approval. Such tags shall be displayed for the duration of the City-approved period. Inspections shall be made to ensure that the sign is in conformance with representations made in permit applications, and that all applicable codes, standards, and conditions of approval are met.

(d) *Penalties for Installing Signs Without Permits or Inspections.* New or existing signs installed or maintained without a required permit or the required inspections will be required to be removed or assessed a penalty fee as outlined by the most recently adopted Sandy City budget at the time the owner/operator of the sign makes application for its permit. A cash bond will be required in accordance with the guidelines stated herein before any subsequent permit applications will be approved for the contracted sign company.

(LDC 2008, § 15A-26-09)

**Sec. 21-26-10. Sign Themes and Special Zones.**

(a) *Sign Themes.*

- (1) All multi-tenant centers/buildings must submit a proposal for design and placement of all on-premises signs to the Planning Commission during site plan review. All such developments must have an approved sign theme before any sign permits will be issued to a business locating within it. The use of multiple cabinet signs or combination of cabinet and individual lettering signs shall not be allowed (see Figures 28 and 29).

[GRAPHIC--Figure 28. Inappropriate Wall Sign]

[GRAPHIC--Figure 29. Appropriate Wall Sign Combinations]

- (2) Upon planning commission approval, the design and placement of on-premises signs (including any proposed advertising statutory signs) for developments of seven acres or larger and having at least 300 lineal feet of frontage may vary from the regulations set forth herein. The Planning Commission must determine that:
- a. The proposed sign exceptions are not in conflict with the purpose and intent of this chapter;
  - b. The proposed signs are in architectural harmony with the development; and
  - c. The proposed signs appropriately utilize those elements listed in the design criteria of this chapter.

(b) *Signs in Special Zones.* The rules for signs in special zones (e.g., Civic Center Overlay Zone, the AutoMall District, the CBD Zone, etc.), shall be as described in such zones. However, the Planning Commission may, as part of a conditional use, impose more stringent requirements during conditional use or site plan review.

(c) *Signs on Major Sports Venues.*

- (1) All major sports venues must submit a proposal for a sign theme showing design and placement of all on-premises signs. This sign theme may be approved if the Planning Commission can determine that:
- a. The proposed signs are not in conflict with the purpose and intent of this chapter, and consistent with the General Plan;
  - b. The proposed signs and sign locations are consistent with the architecture of the development; and
  - c. The proposed signs appropriately utilize those elements listed in the design criteria of this chapter.

(2) A combination of cabinet and individual lettering signs is allowed.

(3) Signs permitted on major sports venues may include the following:

- a. *Interior Stadium Signs.* Those signs designed to be viewed by spectators and visitors to the sports venue and only incidentally seen from the exterior or areas accessible by non-paying visitors. Interior signs may include:
  1. Sponsorship scrim panel signs: to be located between the seating structure and the canopy of the stadium. May be any color and show a sponsor message or company logo. Limited to 20 signs.
  2. Wall signs: may be of channel letter or cabinet design. Signs will not be allowed on the fascia above the seating levels in the area below the canopy.
  3. Blade signs: to be located upon pedestrian corridors within the venue. Must be at least eight feet above walking surface and no greater than ten inches wide by eight feet high.
  4. Grandstand signs: single-face signs that are only directed toward the interior of the stadium must either be hidden from exterior view or be architecturally compatible with the structure when viewed from the exterior. Limited to four signs and 360 square feet total.
  5. Scoreboard sign: includes changeable copy typically used for scores, game updates and replays located on a structure facing the playing field. It may also include no more than five permanent, non-changeable copy signs not exceeding 1200 square feet.
  6. Field boards: located upon edge of the playing field.
- b. *Exterior Stadium Signs.* Those signs designed to be viewed from the exterior of the building. Exterior signs may include:
  1. Sponsorship scrim panel signs: to be located between the seating structure and the canopy of the stadium or exterior of scoreboard structure. One sponsorship scrim panel sign may be located on the southwest corner of the canopy structure and which may not be higher than the interior scrim signs. It is prohibited to install any sponsorship scrim panel signs on the west side of the stadium. May include a sponsor logo and name only on a neutral-colored background that complements the architecture of the venue or a naming rights sign. Limited to 20 signs.

2. Wall signs: may show naming rights or guide and directional signs. Limited to 20 total signs.
3. Blade signs: to be located above pedestrian areas on exterior of venue. Must be at least eight feet above walking surface and no greater than two feet wide by 20 feet high. Limited to 12 signs.
4. Grandstand signs: limited to four signs and 360 square feet total.
5. On-premises freestanding signs: the Planning Commission may approve up to one sign per street frontage. The signs are limited to 30 feet in height and 100 square feet in sign face area.
6. Parking lot banners: must comply with existing banner regulations.
7. On-site fencing signs: a maximum of two single faced signs permanently attached to the fence surrounding the parking lot south of the stadium, provided the following provisions can be complied with:
  - (i) The proposed sign is not in conflict with the purpose and intent of this chapter, and:
  - (ii) The fence is not located on a property line.
  - (iii) The proposed sign shall not be on any fencing that is located adjacent to, or within 100 feet of, any public street.
  - (iv) The proposed sign shall not exceed four feet in height.
  - (v) The proposed signage copy shall not occupy more than 15 percent of the total floor area of the fence that is covered.
  - (vi) The sign shall be made from a vinyl mesh material.

(d) *Sports Field Fencing Signs*. All applications for sports field fencing signs within a private park, which park is associated with a major sports venue, shall be reviewed by the Planning Commission, which shall determine the following:

- (1) The proposed signs are not in conflict with the purpose and intent of this chapter, and are consistent with the General Plan, and:
- (2) The proposed signs appropriately utilize those elements listed in the design criteria of this chapter.
- (3) The proposed signs shall not be on any fencing that is located adjacent to, or within 50 feet of, any public street.
- (4) The proposed signs shall not exceed six feet in height, or the height of the fence, whichever is lower, and shall be permissible only on the field side of the fence.
- (5) The proposed signage shall not occupy more than 50 percent of the total length of the fence line surrounding the sports field.
- (6) Either one six-foot-tall evergreen or one 1 1/2-inch caliper deciduous tree shall be planted on the site for every 150 lineal feet of fencing which contains a sports field fence sign.
- (7) The sign shall be made from a vinyl mesh material.

(LDC 2008, § 15A-26-10; Ord. No. 09-03, 2-6-2009; Ord. No. 11-22, 11-21-2011; Ord. No. 14-14, 6-12-2014)

### **Sec. 21-26-11. Sign Regulations for Sexually Oriented Businesses.**

Notwithstanding anything contrary contained in this chapter, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses shall be limited as follows:

- (1) No more than one exterior wall sign, not to exceed 18 square feet, shall be allowed.
- (2) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- (3) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
- (4) No display, decoration, sign, or show window that provides the observation of material depicting,

describing, or relating to specified sexual activities or specified anatomical areas is allowed.

- (5) Painted wall advertising is not allowed.
- (6) The sexually oriented business shall not construct or allow to be constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

(LDC 2008, § 15A-26-11)

**Sec. 21-26-12. Attachments and Graphs.**

- (a) *Attachment A.* Graph-Size Allowance for Monuments:

[GRAPHIC--Frontage in Lineal Feet]

The sign area allowed for a pylon sign placed on property abutting the freeway or frontage road: 100.0 square feet plus one square foot per each lineal feet of street frontage over 100.0 feet; maximum size is 200.0 square feet.

- (b) *Attachment B.* Graph-Sign Area Allowance for Pylon Signs:

[GRAPHIC]

(LDC 2008, § 15A-26-12)

**Sec. 21-26-13. Newspaper or Periodical Racks and Stands.**

- (a) *Intent and Purpose.* The City Council finds and declares that:

- (1) *Findings.*

- a. The uncontrolled placement and maintenance of newsracks in public rights-of-way and private property presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way and private property; including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control, and emergency services.
- b. Newsracks located to cause an inconvenience or danger to persons using public rights-of-way and private property and unsightly newsracks located therein constitute public nuisances.
- c. It is a matter of public necessity that Sandy City protect children and unconsenting adults in and on its public streets, sidewalks, transportation facilities, and other public rights-of-way from viewing public displays of offensive sexual material. Such displays are thrust indiscriminately upon unwilling audiences of adults and children and constitute assaults upon individual privacy.
- d. These factors constitute an unreasonable interference, and obstruction of the use of public rights-of-way and private property constitute an unwarranted invasion of individual privacy. They are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.
- e. The City Council recognizes that the use of such rights-of-way are so historically associated with the sale and distribution of newspapers and publications that access to those areas for such purposes should not be absolutely denied. The City Council further finds that these strong and competing interests require a reasonable accommodation which can only be satisfactorily achieved through the means of this section which is designed to accommodate such interests regulating the time, place, and manner of using such newsracks.

- (2) *Purpose.* The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals, and general welfare of persons in Sandy City in their use of public rights-of-way through the regulation of placement, appearance, number, size, and servicing of newsracks on the public rights-of-way and private property so as to:

- a. Provide for pedestrian and driving safety and convenience.
- b. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to or egress from any place of business or from the street to the sidewalk.
- c. Provide reasonable access for the use and maintenance of sidewalks, piles, posts, traffic signs and

signals, hydrants, mailboxes, landscaping, and similar appurtenances, and access to locations used for public transportation purposes.

- d. Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet of residential areas.
- e. Protect the right to distribute information protected by the United States and the Utah State Constitutions through the use of newsracks.

(3) *Preservation of Constitutional Rights.* It is not the intent of this section to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material that is constitutionally protected.

(b) *Definitions.* ~~As used in this section, unless the context otherwise clearly indicates:~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Block* means one side of a street between two consecutive intersecting streets.
- (2) *Distributor* means the person responsible for placing and maintaining a newsrack in a public right-of-way or private property.
- (3) *Newsrack* means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale or free distribution of newspapers or other news periodicals or publications.
- (4) *Obscene* means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person applying contemporary community standards would find, taken as a whole, appeals to prurient interests; or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law, and taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (5) *Parkstrip* means the area between the sidewalk and the curb of any street, and where there is no sidewalk, the area between the edge of the roadway and the property line adjacent thereto. The term "parkstrip" shall also include any area within a road right-of-way that is not open to vehicular travel.
- (6) *Roadway* means that portion of a street improved, designed, or ordinarily used for vehicular travel.
- (7) *Sidewalk* means any surface provided for the exclusive use of pedestrians.
- (8) *Street* means all the area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkstrips, alleys, and sidewalks.

(c) *Newsracks Prohibited.*

- (1) No person shall install, use, or maintain any newsrack which projects onto, into, or rests, wholly or in part, upon the roadway of any public street.
- (2) No person shall install, use, or maintain any newsrack which projects onto, into, or rests, wholly or in part, upon the parkstrip of any public street.
- (3) No person shall install, use, or maintain any newsrack which, in whole or in part, rests upon, in, or over any public sidewalk:
  - a. When such installation, use, or maintenance endangers the safety of persons or property.
  - b. When such site or location is used for public utility or public transportation purposes or other governmental use.
  - c. When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles; the ingress in or egress from any residence or place of business; or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.
  - d. When such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk

cleaning machinery.

- e. When such newsrack does not allow a minimum sidewalk clearance of six feet in width or depth.
- f. In any other manner inconsistent with or in violation of the provisions of this section.

- (4) No newsrack shall be chained, cabled, mounted, or otherwise attached to any post, pole, or other device used for the direction, control, identification of vehicular traffic, or the conveyance of a public utility. Such devices include, but are not limited to, stop signs, street identification signs, semaphore poles, semaphore control boxes, State highway identification signs, and public utility poles.
- (5) No newsrack shall be erected near any driveway or intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of curb (or a future curb) and a line connecting them at points 60 feet from the intersection of the lines. Deviations from these requirements must be reviewed and approved by the City Transportation Engineer.

(d) *Newsracks Permitted.*

- (1) *Permit Required.* It shall be unlawful for any person, firm, or corporation to erect, place, maintain, or operate on any public street, sidewalk, or in any other public way or place in Sandy City any newsrack without first having obtained a permit from the Community Development Department specifying the exact location and construction and appearance details of such newsrack.
- (2) *Application for Permit.* Application for such permit shall be made in writing to the Community Development Department upon such form as shall be provided and shall contain the name and address of the applicant, the proposed specific location of said newsrack, including plot plan, the structural design and color of the newsrack, listing of other joint distributors within the newsrack, a hold harmless agreement, proof of insurance, and shall be signed by the applicant. All applications shall be accompanied by payment of the newsrack fee, as set by the City Council. The fee is per location, not per application.
- (3) *Condition for Permit.* Such permits shall be valid for three years and shall be renewable pursuant to the procedure for original applications and upon payment of the application fee.
- (4) *Hold Harmless Agreement.* Every owner of a newsrack who places or maintains a newsrack on a public sidewalk or other public property in Sandy City shall file a written statement with the Community Development Department in a form satisfactory to the City Attorney, whereby such owner agrees to indemnify and hold harmless the City, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, and/or maintenance of a newsrack.

(e) *Newsrack Identification Required.* Every person or other entity which places or maintains a newsrack on a public sidewalk or other public property of the City shall have his or its name, address, and telephone number affixed thereto in a place where such information may be easily seen. However, such information shall not take up space on the rack in excess of six square inches.

(f) *Location and Placement.* Any newsrack which rests, in whole or in part, upon, or on any portion of a public right-of-way or which projects onto, into, or over any part of a public right-of-way shall be located in accordance with the following provisions:

- (1) No newsrack shall be used or maintained which projects onto, into, or over any part of the roadway or any public street, or which rests, wholly or in part, upon, along, or over any portion of the roadway or parkstrip of any public street.
- (2) No newsrack shall be chained, bolted, or otherwise attached to any fixture located in the public right-of-way, or any post, pole, semaphore, or governmental sign which may be adjacent to the right-of-way. Such prohibition includes all public utility poles, all street light poles, and other facilities placed and maintained by local, State, or Federal governmental authorities.
  - a. No newsrack shall be placed, installed, used, or maintained:
    - 1. Within five feet of any marked crosswalk.

2. Within 15 feet of the curb return of any unmarked crosswalk.
  3. Within five feet of any fire hydrant or other emergency facility.
  4. Within five feet of any driveway.
  5. Within three feet ahead or 25 feet to the rear of any sign marking a designated bus stop.
  6. Within five feet of the outer end of any bus bench enclosure.
  7. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet.
  8. Within three feet of or on any public area improved with lawn, flowers, shrubs, trees, or other landscaping, or within three feet of any display window of any building abutting the sidewalk or parkstrip or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.
  9. Within 100 feet of any other newsrack on the same side of the street, in the same block, containing the same issue or edition of the same publication.
  10. No newsrack shall be erected near any driveway or intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of curb (or a future curb) and a line connecting them at points 60 feet from the intersection of the lines. Deviations from these requirements must be reviewed and approved by the City Transportation Engineer.
  11. On any access ramp for disabled persons.
- (3) For locations upon private property, the newsrack shall be placed adjacent to the building and be located near or at the main entrance to the facility. They shall not be placed in such a manner to act as a billboard or similar off-premises advertising sign.

(g) *Newsrack and Stand Design.* No newsrack shall extend above 56 inches in height. All newsracks shall use dark brown or dark green coloring. Should the placement of more than one newspaper or periodical be desired, they will all be contained in one unit holding up to six newspapers or periodicals. Should more than six newspapers or periodicals be desired, another rack or stand may be used. Individual periodical dispensers/racks may not be placed next to one another. (See Subsection (i) of this section for adjacent placement requirements.)

(h) *Examples of Acceptable Rack and Stand Design (Not a Representation of Color).*

[GRAPHIC]

[GRAPHIC]

(i) *Adjacent Placement Requirements.* Newsracks may be placed next to each other provided there are more than six newspapers or periodicals that cannot be placed in one unit, with not more than six inches separating each newsrack. No than two six unit newsracks shall be located on any public right-of-way within a space of 200 feet in any direction within the same block.

(j) *Advertising Cards.* No newsrack shall be used for advertising or display purposes, except that newsrack cards may be used to advertise the publication sold therein, and the name of the publication may appear on the display window.

(k) *Standards for Maintenance and Installation.* Any newsrack which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

- (1) No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or news periodical sold or distributed therein.
- (2) Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the paid-for publication. The coin-return mechanism shall be maintained in good working order.

- (3) Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this section.
- (4) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:
  - a. It is reasonably free of dirt and grease.
  - b. It is reasonably free of chipped, faded, peeling, and cracked paint in the visible painted areas thereof.
  - c. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon.
  - d. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration.
  - e. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling, or fading.
  - f. The structural parts thereof are not broken or unduly misshapen.
- (l) *Display of Certain Matter Prohibited.* Publications offered for sale or free distribution from newsracks placed or maintained on or projecting over the street or sidewalk shall not be displayed or exhibited in a manner which exposes to public view from the street or sidewalk any of the following:
  - (1) Any publication or material which exposes to public view any pictorial material that is obscene.
  - (2) Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront.
  - (3) Any picture or illustration of a person's genitals, pubic hair, perineum, anus, or anal region where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.
  - (4) Any picture or illustration depicting explicit sexual acts as defined in this section where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.
- (m) *Violations.*
  - (1) Upon determination by the Director that a newsrack has been installed, used or maintained in violation of the provisions of this section, an order to correct the offending condition shall be issued to the distributor of the newsrack.
  - (2) Such order shall be telephoned or made in person to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition, suggest actions necessary to correct the condition, and inform the newsrack distributor of the right to appeal. Failure to properly correct the offending condition within five days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order or to appeal the order within three days after its receipt shall result in the offending newsrack being summarily removed and processed as unclaimed property. If the offending newsrack is not properly identified as to the owner under the provisions described herein, it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the City's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The Director shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this section.
- (n) *Appeals.* Any appeal herefrom shall be filed in accordance with ~~the Appeals Chapter of this Code~~ Chapter 21-35.
- (o) *Abandonment.* In the event that a newsrack remains empty for a period of 30 continuous days, the same shall be deemed abandoned and may be treated in the manner as provided in this section for newsracks in violation of the provisions of this section.
- (p) *Severability.* If any section, subsection, sentence, clause, or phrase of this section is for any reason held

to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

(LDC 2008, § 15A-26-13)

**Sec. 21-26-14. Flags.**

The following regulations apply to all flags and flagpoles:

- (1) *Flags Allowed Without a Permit in All Zones.*
  - a. Up to three noncommercial flags per parcel in all zone districts may be displayed.
  - b. Such flags may be attached to the side of a building, flown on a flagpole, not to exceed six feet in length attached to a building, or flown from a ground-based flagpole of not more than 20 feet in height. Flagpoles shall be located in a place that will not impede traffic or cause a hazard for pedestrians or vehicles.
- (2) *Flags Allowed With a Permit in Residential Zones.*
  - a. No more than three noncommercial flags shall be displayed on a single parcel in a residential district. No commercial flags shall be allowed in any residential districts.
  - b. All flagpoles over the height of 20 feet require an approved building permit from the Sandy City ~~Building Department~~ Community Development Department and must be located in a place that will not impede traffic or cause a hazard for pedestrians or vehicles.
  - c. Flagpoles shall not exceed 60 feet or the maximum height limit in the zone district in which it is located, whichever is less.
- (3) *Flags Allowed with a Permit in Commercial and Industrial Zones.*
  - a. Up to three commercial flags per parcel in Commercial and Industrial Zones may be displayed. A total of six (three commercial and three noncommercial) flags may be displayed on a single parcel in Commercial or Industrial Districts.
  - b. Such flags shall require a permit, regardless of size of flag or flagpole.
  - c. Flagpoles shall not exceed 60 feet or the maximum height limit for structures in the zone district in which it is located, whichever is less, except as allowed herein.
  - d. The Planning Commission may grant a special exception for a taller flagpole based upon the following criteria:
    1. A maximum height of 120 feet may be approved.
    2. The parcel must be at least two acres.
    3. Minimum flagpole setback from any property line shall equal the height of the flagpole.
    4. The Planning Commission may be able to impose additional conditions directed at minimizing or eliminating nuisance factors related to noise.
- (4) *Lighting of Flags.* If a flag is lit, it shall be lit using directional up-lighting from ground level only. No lighting is permitted on the flagpole itself. Exceptions to the ground-level requirement may be made in order to properly light a noncommercial flag according to protocol established by the Congress of the United States and the State of Utah (U.C.A. 1953, § 76-9-601) with permission from the Director, provided such lighting does not constitute a hazard to traffic or pedestrians or an undue burden on neighboring properties.
- (5) *Exceptions.* On recognized State and Federal holidays, the above regulations will not be enforced. Flags may be displayed without limit to number or location provided they do not pose a hazard to traffic flow or pedestrians.

(LDC 2008, § 15A-26-14; Ord. No. 11-24, 12-5-2011)

## **CHAPTER ~~15A-27-21-27~~. GRADING AND EXCAVATING**

### **Sec. 21-27-1. Purpose.**

(a) The purpose of this chapter is to establish minimum requirements for grading, filling, and excavation work, and the procedures by which these requirements may be complied with and enforced.

(b) Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements outlined elsewhere in this ~~Code title~~, the International Building Code (IBC), the International Residential Code (IRC), or any more restrictive provisions of covenants, agreements, or other ordinances or laws, or from obtaining any easements or authorization for grading on property not owned by the developer.

(LDC 2008, § 15A-27-01)

### **Sec. 21-27-2. Application for Grading and Excavating Permit.**

(a) Applications for a grading and excavating permit shall be filed in writing by the property owner or legally authorized agent thereof with the Director.

(b) The application shall include grading, filling, and excavating plans submitted by a professional engineer licensed by the State of Utah. The plans shall be stamped, signed, and dated. In addition, any required fees, as adopted by the City Council, must be paid.

(c) A separate application and permit are required for work to be done on each individual project site. If grading, filling, or excavation occurs prior to obtaining a permit, it shall be subject to penalties and abatement procedures, except as otherwise specified.

(d) In granting any permit, the Director or his representative may attach conditions deemed necessary to prevent creation of a nuisance or hazard to public or private property and to assure completion of the grading, including, but not limited to:

- (1) Improvement of any existing grading to bring it up to the standards of this chapter or the recommendations of the City Engineer.
- (2) Requirements for fencing or protection of grading that would otherwise be hazardous.
- (3) Dust, mud, erosion control, revegetation, noise control, hours of operation, sequence of work, weather condition requirements, and haul routes.
- (4) Time allowed for the work to be completed.
- (5) Construction staking.
- (6) Posting of guarantee for improvements.

(e) For all projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.

(f) A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:

- (1) Land disturbing activity that generally disturbs one or more acres of land;
- (2) Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
- (3) Land disturbing of less than one acre of land, and if, in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
- (4) The creation and use of borrow pits;
- (5) Development of a single-family home;
- (6) Processing of earthen materials such as top soil and gravel screening;
- (7) Construction of parking lots;

(8) Demolitions.

(g) If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:

- (1) Grading permit.
- (2) Subdivision Plan approval (residential).
- (3) Site plan approval (commercial).
- (4) Building permit.
- (5) Road cut permit.

(h) Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.

(i) For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.

- (1) The online SWPPP management system shall meet audit requirements of the State of Utah.
- (2) The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in Subsection (g) of this section.
- (3) Reports and data shall be made available upon request.
- (4) City staff shall have viewing access rights.

(j) As part of the Jordan Valley Municipalities Permit, Sandy City encourages a low impact development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.

- (1) All development that warrants compliance with the UGCP must include an LID analysis per the Sandy City Development Standards and Requirements for Storm Water.

(LDC 2008, § 15A-27-02; Ord. No. 15-22, 7-15-2015)

### **Sec. 21-27-3. Final Review and Approval.**

(a) *Submission to Director.* A complete set of plans, including profiles, cross-sections, and specifications, along with all other required documents, shall be submitted to the Director with each application for a grading permit and when otherwise required by the Director for enforcement of any provisions of this chapter.

(b) *Review by City Engineer.* Before a final grading permit may be issued by the Director, the final grading plans, application, and all other required documents must be reviewed and approved by the City Engineer and any other departments or commissions deemed necessary to ensure that all applicable engineering standards and Building Code requirements have been met.

(c) *Issuance of Permit.* When the final plans and other required documents have been approved as provided and ordinance requirements met, a grading permit may be issued by the Director.

(LDC 2008, § 15A-27-03; Ord. No. 15-22, 7-15-2015)

### **Sec. 21-27-4. Distribution and Use of Approved Plans.**

The applicant shall supply reproductions of approved, stamped, and dated plans for use by the project work crew. One or more sets of approved plans shall be retained on the site at all times during the work. If work is performed without the latest revised set of approved, stamped, and dated plans at the work site, a stop-work order may be issued by the City Engineer or a building official causing work to cease. The stop-work order will remain until such time as approved, stamped, and dated plans are obtained, and the order is released.

(LDC 2008, § 15A-27-04)

**Sec. 21-27-5. Compliance With Permit Requirements and Plans.**

The developer shall be responsible for compliance with the requirements of this chapter and related laws, including, but not limited to, the IBC, IRC, AASHTO specifications, the Development Code, Sandy City Development Standards and Requirements for Storm Water, Jordan Valley Municipalities Permit (Permit UTS000001), Utah General Construction Permit (Permit UTR00000), where required, and the Sandy City Standard Specifications and Details for Municipal Construction (SCSSDMC).

(LDC 2008, § 15A-27-05; Ord. No. 15-22, 7-15-2015)

**Sec. 21-27-6. Modification of Approved Plans.**

(a) Proposed modifications that substantially change the location or scope of grading shall be submitted to and approved in writing by the Director and City Engineer prior to modification.

(b) All necessary soils and geological information and design details shall accompany any proposal to modify the approved grading plans.

(c) The modification shall be compatible with any subdivision plat or land use requirements.

(LDC 2008, § 15A-27-06)

**Sec. 21-27-7. Responsibility of the Developer.**

(a) *Protection of Utilities.* The developer shall be responsible for the prevention of damage to any public utilities or services.

(b) *Protection of Adjacent Property.* The developer shall be responsible for the prevention of damage to adjacent property.

(c) *Inspection Notice.* The developer shall notify the Director and City Engineer at least 48 hours prior to the start of work.

(d) *Temporary Erosion Control.* The developer shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, blowing dust, flooding, or deposition of mud or debris originating from the site. For all projects that are one acre in size or larger, a Utah Pollutant Discharge Elimination System (U.P.D.E.S. Notice of Intent) Permit from the Utah Department of Environmental Quality Water Division and evidence of the Notice of Intent shall be provided to the City Engineer.

(e) *Permit to Work in Public Right-of-Way.* The developer shall obtain a separate permit from the Public Works Department for any work performed within a Sandy City right-of-way (see SCSSDMC). Permits for work in other public rights-of-way shall be obtained from the appropriate authority.

(f) *Traffic Control and Protection of Streets.* The developer shall provide flag men, signs, barricades, etc., to ensure adequate safety when working in or near public streets. Developers shall comply with all applicable City ordinances, state laws, and the current edition of the Manual on Uniform Traffic Control Devices.

(g) *Hazards From Existing Grading.* Whenever the Director and City Engineer determine that any existing excavation, cut, or fill has become a hazard to persons or property, or adversely affects the safety, use, or stability of a public right-of-way or drainage channel, the developer/owner of the property upon which the excavation, cut, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Director or City Engineer, shall, within the period specified therein, repair, reconstruct, or remove such excavations, cut, or fill to eliminate the hazard. The Director or City Engineer shall have authority to cause any situation deemed by the City to be a hazard resulting from such grading to be remedied to the satisfaction of the Director or City Engineer. The party responsible for grading shall promptly pay the City for any costs or expenses incurred by the City for such work. If payment is not received within 30 days of notice, the City may make demand upon the guarantee that was required prior to issuance of any grading permit.

(h) *Tracking of Dirt onto Public Streets.* The developer shall provide for adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets and shall be responsible for cleaning streets in a manner and at intervals as required by the City Engineer.

(i) *Maintenance of Waterway and Irrigation Canals.* The developer shall take all necessary measures to protect and maintain the flow of waterways and irrigation canals. The developer shall obtain any permit required by the jurisdictional authority for the waterway or canal.

(LDC 2008, § 15A-27-07)

**Sec. 21-27-8. Design Standards.**

The following shall be considered to be the minimum required standards for cuts, fills, drainage, dust, mud control, erosion control, revegetation, and maintenance, unless otherwise determined by the City Engineer upon review of the plans:

(1) *Cuts.*

a. *Maximum Slope.*

1. Cuts shall not be steeper in slope than two horizontal to one vertical, unless a soils engineering and an engineering geology report is filed with the Director certifying that the site has been investigated and indicates that the proposed steeper slope will be stable and will not endanger any private or public property or result in the harmful deposition of debris on any public or private property and any public right-of-way or interfere with any existing drainage course.
2. The Director and City Engineer may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical (2:1) for stability and safety. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground.

b. *Drainage Terraces.* Cut slopes exceeding 30 feet in vertical height shall have drainage terraces at vertical intervals not exceeding 25 feet. Where only one terrace is required, it shall be at approximately mid-height, unless some other location is approved by the Director and City Engineer. The design and construction of the drainage terraces shall conform to the requirements of this chapter and the International Building Code, as adopted.

c. *Expansive Soils.* If during the grading operation expansive soil is found within two feet of the finished lot grade of any area intended or designed as the location for a building, the expansive soil shall be removed from such building area to a depth specified by a licensed professional civil engineer and replaced with properly compacted nonexpansive soil. The City Engineer may approve other procedures such as footing designs or floor slab designs certified by a professional engineer to alleviate any problem created by such expansive soil.

d. *100-Year Storm.* No cut shall be allowed in a natural drainage course without a mitigation plan indicating the allowable passage of a 100-year storm that has been approved by the appropriate agency.

(2) *Fills.*

a. *Layers.* Fills shall be constructed in layers and conform with SCSSDMC. Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills.

b. *Compaction.* All fills shall be compacted throughout their full extent and conform with SCSSDMC. The developer shall perform sufficient tests as determined by the City Engineer to ensure compliance with the provisions of the City standards. The City Engineer may require that an investigation be made by a soils laboratory to establish the characteristics of the soil, the amount of settlement to be expected, and the susceptibility of the soil to erosion or slippage.

c. *Preparation of Ground to Receive Fill.* The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, or other deleterious material, and where slopes are five horizontal to one vertical (5:1) or steeper by benching into competent material. The lowermost bench shall be at least ten feet wide, except where recommended by the City Engineer.

Subdrains shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident. Such subdrainage systems shall be of a material and design approved by the City Engineer and acceptable to the Director. The location of the subdrains shall be shown in plan and elevation views on the plan. Such drains shall be designed to accommodate runoff of a 100-year storm. No fill shall be allowed in a natural drainage course without a mitigation plan approved by the appropriate agency.

- d. *Fill Slopes.* No fill shall be made which creates an exposed surface steeper in average slope than two horizontal to one vertical (2:1), exclusive of benches and rounds described herein, unless permitted by the Director and City Engineer after receipt of a report by a licensed professional civil engineer based on appropriate laboratory tests certifying the steeper slope will be stable and will support erosion control plantings, when required by the City. The Director and City Engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical (2:1), or may require such other measures as they deem necessary for stability and safety. Fill slopes shall be rounded into existing terrain to produce a contoured transition from fill face to natural ground and abutting cut or fill surfaces where conditions permit.
- e. *Fill Material.* No organic material shall be permitted in fills. Rock or similar irreducible material with a maximum dimension greater than 12 inches shall not be buried or placed in fills within two feet of a finished grade. When such greater sized material is placed in fills, it shall be done in accordance with specifications prepared by the City Engineer (see SCSSDMC).
- f. *Drainage Terraces.* Fill slopes exceeding 30 feet in vertical height shall have drainage terraces at vertical intervals not exceeding 25 feet. Where only one terrace is required, it shall be at approximately mid-height, unless some other location is approved by the Director and City Engineer. Such drainage terraces shall be at least six feet wide and shall be designed and constructed to provide a swale or ditch having a minimum depth of one foot and a longitudinal grade of not less than four percent or more than 12 percent. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Downdrains or drainage outlets shall be provided at approximately 300-foot intervals along the drainage terrace or an equivalent location. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal. The terrace, including the swale or ditch, shall be protected from erosion by a drainage way that discharges into a safe disposal area. If the drainage discharges onto natural ground, adequate erosion protection shall be provided.
- g. *Slopes to Receive Fill.* Fill placed on the top of an existing or proposed cut or natural slope shall be set back a minimum distance of three feet measured horizontally from the edge of the cut or slope.

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- h. *Expansive Soils.* In areas intended or designed to support buildings, expansive soil shall not be placed within two feet of the finished grade unless recommended by a licensed professional civil engineer based on laboratory tests and the certification that a design of footings or floor slab or other procedure will alleviate problems created by placing the expansive soil within such building areas as reviewed and approved by the Director and City Engineer.
- (3) *Drainage/Disposal Requirements.* All drainage facilities shall be designed to carry surface and subsurface waters to the nearest practical street, storm drain, or natural watercourse as approved by the Director and City Engineer. Adequate provisions shall be made to avoid damage to adjacent and downstream properties. The following additional restrictions also shall apply:
- a. Water shall not pond above cut or fill slopes or on drainage terraces. Adequate drainage facilities shall be provided to prevent such ponding.
  - b. Areas designed for buildings shall be graded to provide for at least a two percent slope away from the building for a minimum of six feet.
  - c. All drainage facilities shall be capable of handling runoff from a ten-year storm. In natural drainage

areas, the drainage facility shall be capable of handling runoff from a 100-year storm. The 100-year design flow channel shall be designed to carry water in the roadways or large natural channels where property damage will be minimized.

- d. All provisions of the most current Sandy City Storm Water Ordinance, Sandy City Land Development Code, Sandy City Standard Specifications and Details, Sandy City Development Standards and Requirements for Storm Water, Jordan Valley Municipalities Permit (Permit UTS000001), and Utah General Construction Permit (Permit UTR00000) shall be complied with.

(4) *Erosion Control.*

- a. *Slope Protection.* Provisions shall be made to minimize damage to the face of cuts and fills. Downslopes shall be protected from surface water runoff from above by dikes, swales, cutoff ditches, or other facilities approved by the Director and City Engineer.
- b. *Dikes, Swales, and Ditches.* When required, dikes, swales, ditches, or other methods approved by the Director and/or the City Engineer shall be designed and constructed to control runoff and erosion from graded areas. Where concentrated drainage discharges onto natural ground, effective measures shall be taken to dissipate the energy and, where practical, release the accumulated waters as sheet flow unless the discharge is directed into a storm sewer or natural watercourse.
- c. *Erosion and Sediment Control Plan.* An Erosion and Sediment Control Plan (SWPPP) shall be prepared and approved when required.

(LDC 2008, § 15A-27-08; Ord. No. 15-22, 7-15-2015)

**Sec. 21-27-9. Soil Erosion/Blowing Dust as a Public Nuisance.**

(a) *Declaration of Nuisance.* Soil erosion caused by wind and dust storms produced thereby and blowing of dust, soil, and sand are hereby declared to be destructive of property and natural resources of the City and are harmful to the health and well-being of the residents of the City. The City Council does hereby declare conditions causing, allowing, or maintaining blowing dust, soil, or sand to be public nuisances.

(b) *Duty of Landowner.* To conserve property and the natural resources of the City and to prevent injurious effects of blowing dust, soil, or sand, it is the duty of the owner of real property and all responsible parties to prevent by appropriate means the blowing of dust, soil, or sand.

(c) *Action by City Engineer.* When the City Engineer is advised of blowing dust, soil, or sand and is supplied with a description of such nuisance, or when, by reason of such blowing, the streets or other public property are damaged, the City Engineer is authorized to immediately inspect or cause to be inspected the source of such blowing dust.

- (1) Should the City Engineer, or City UPDES Inspector, determine that such blowing is injurious to persons, property, streets, public property, or public health and convenience, the City Engineer shall then determine what may be done to prevent or lessen such nuisance.
- (2) Should the City Engineer determine that such blowing dust, soil, or sand can be prevented or lessened, he is hereby authorized to issue an order to the responsible party specifying the nature of the nuisance, the treatment required, the extent thereof, the date by which such treatment is to be commenced, and the date such treatment is to be completed. Notice of such order shall be served on the responsible party in person by the City Engineer or his representative, or by certified mail to the last-known address of the responsible party.

(d) *Method of Enforcement.* If the treatment ordered by the City Engineer is not performed in a timely manner and to the extent specified in the order, and if no appeal is made; or, if it is not performed in the manner to the extent and within the time specified in the order or amendment thereof or within three days of any decision as a result of an appeal of an order issued by the City Engineer, the City Attorney may bring an action for abatement of the blowing condition as authorized by the provisions of this ~~Code~~ title. The bond may be declared forfeited in the amount necessary to complete the treatment required plus 50 percent service charge or may bring a criminal action.

- (e) *Revegetation.*

- (1) *Vegetation Loss.* The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and trees. Such plantings shall provide for rapid, short-term coverage of the areas as well as long-term permanent coverage. A plan by a landscape architect may be required by the Director and/or the City Engineer.
- (2) *Timing of Planting.* Weather permitting, the planting shall be completed not more than 30 days after completion of the grading or a portion thereof on large projects.
- (3) *Vegetation Removal.* If the project is abandoned after vegetation removal has taken place, the area shall be planted as provided herein. If the work is suspended for an extended period, the Director and/or the City Engineer may require the developer to provide temporary planting as needed to control wind and water erosion.
  - a. All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation that has good erosion control characteristics.
  - b. No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30 percent or greater unless otherwise determined by the Planning Commission upon recommendation of the City Engineer for uses such as trails and open space improvements. Any revegetation of such a hillside shall have the approval of the City Engineer.
  - c. All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces (e.g., road, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
  - d. The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the Planning Commission. The property owner shall assume co-responsibility with the developer upon purchase of the lot.
- (f) *Maintenance.*
  - (1) *Irrigation.* Areas required to be planted shall be provided with an approved system of irrigation where needed for planting propagation and continued maintenance. The plans shall be submitted and approved as a part of the grading permit. If hose bibs are installed, they must be at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation.
  - (2) *Irrigation System Modification.* The requirement for a permanent irrigation system may be modified upon the recommendation of a landscape architect based on the type of plants selected, the planting methods, and the soil and climatic conditions at the site as approved by the Director and/or the City Engineer.
  - (3) *Establishment of Planting.* The planting and irrigation system required by this section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the guarantee for improvements, the planting shall be well established.
  - (4) *Other Standards.* In addition to the standards found in the SCSSDMC, the Director and City Engineer may adopt other supplementary engineering standards as may be appropriate for the carrying out of the provisions of this chapter.

(LDC 2008, § 15A-27-09; Ord. No. 15-22, 7-15-2015)

#### **Sec. 21-27-10. Guarantee For Improvements Required.**

A guarantee shall be required to assure performance of the work on the project. A permit shall not be issued for grading and excavating unless the permittee first posts a guarantee in a form acceptable to the City in an amount sufficient to cover the costs of the required work as determined by the City Engineer.

(LDC 2008, § 15A-27-10)

**Sec. 21-27-11. Reports and Construction Requirements and Procedures.**

(a) *Reports.*

- (1) *Soils Engineering Report.* The City Engineer may require a soils engineering investigation and a report by a qualified engineer based on the most recent Grading Plan. Such report shall include laboratory tests and data regarding the nature, distribution, and strength of existing soils; conclusions and recommendations for grading procedures; and design criteria for corrective measures.
- (2) *Engineering Geologic Report.* Based on the proposed grading and land use plans and geologic hazard maps, the Director and/or City Engineer may require an engineering geologic investigation prior to issuing the permit. When required, the engineering geologic report shall include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed grading and land use. Reports may include fault studies, rock fall studies and other studies as needed.
- (3) *Reports Approved by the City Engineer.* All reports shall be subject to the approval of the City Engineer, including supplemental reports and data as may be required by the City Engineer. Recommendations included in the reports and approved by the City Engineer shall be incorporated in the grading plans or specifications.
- (4) *Final Reports.* The City Engineer may require final reports, including, but not limited to, certification of slope stability and soil bearing capacity, summaries of field and laboratory tests, locations of tests, recommendations regarding building restrictions or foundation setbacks, and other information determined to be necessary by the Director and/or the City Engineer. The final soils or engineering geologic report shall be based on the as-built Grading Plan and shall specifically contain approval of the grading as affected by soils or geologic factors. A revised geologic map and cross-sections may be required.

(b) *Construction Requirements and Procedures.*

- (1) *Authorization of Private Civil Engineer to Inspect the Work.* Upon request, the Director and/or City Engineer may authorize a private licensed professional civil engineer to perform the inspection work and certify compliance with the approved plans and render any required reports. The permittee shall make his own contractual arrangements for such engineering services and be responsible for payment of all costs.
- (2) *Changes in Plans.* The permittee shall cause the work to be done in accordance with the approved plans and any instructions or recommendations by the private engineer. If, during the course of construction, the engineer finds that the work is not being done in accordance with the approved plans and specifications, he shall immediately notify the person in charge of the work and the Director and City Engineer in writing of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he shall prepare such proposed changes and submit them to the Director and City Engineer for approval.
- (3) *Notification of Work Completion.* When the grading work has been completed, the Director and the City Engineer shall be notified. Final approval and release of the guarantee for improvements shall not be granted until all the work has been completed and the as-built Grading Plan and any required reports have been submitted and approved by the Director and City Engineer.
- (4) *Guarantee for Improvements.* The City Engineer, with concurrence of the Director, may release the guarantee for improvements, with the exception of that portion held for guarantee and warranty of the work, upon satisfactory completion and inspection of the approved grading or excavation.

(LDC 2008, § 15A-27-11)

**Sec. 21-27-12. Prohibitions and Exemptions.**

- (a) *Prohibitions.* No person shall do any grading, cuts, or fills, or cause or allow the same to be done on real property that he owns or controls without first obtaining a grading permit, unless exempt hereunder.

(b) *Exemptions.* The following grading may be done without obtaining a permit provided it meets the applicable exemption requirements, does not endanger adjacent property, divert or impair the flow of water in a watercourse, or cause a public nuisance. Any grading work that is done without a permit and not conforming to these limitations and the exemption provisions herein shall be deemed a violation subject to penalties and abatement procedures.

- (1) *Minor Projects.* Minor projects which have cuts or fills, both of which are less than five feet in vertical depth at their deepest points measured from the natural ground surface, and both of which are less than 150 cubic yards of material on any one site and do not create significantly unstable slopes.
- (2) *Government Projects.* Grading on projects not requiring a building permit to be done by or under the supervision of the City Engineer or construction control of a governmental agency (where that agency assumes full responsibility for the work). All such grading shall be shown on the approved plans and be inspected and approved by the City Engineer.
- (3) *Valid Building Permit.* Grading in connection with a building, swimming pool, retaining wall, or other structure shall be authorized by a valid building permit. All such grading shall be shown on the approved plans and inspected and approved by the Chief Building Official and City Engineer. This exemption shall not affect the applicability of this chapter, nor the requirements for a grading permit for any excavation having an unsupported vertical bank greater than five feet in height after the completion of such structure, or any fill that is removed from the site or not shown on approved plans and inspected.
- (4) *Agriculture.* Grading done exclusively for the growing of agricultural crops or the raising of livestock.
- (5) *Excavations for Soils or Geological Investigations by a Soils Engineer or Engineering Geologist.* Such work shall be backfilled and shaped to the original contour of the land under the direction of the soils engineer or engineering geologist immediately after the investigation or within 45 days after the start of the work, whichever is sooner. All work shall conform with the latest edition of the SCSSDMC.
- (6) *Cemeteries.* Excavation or deposition related to grave sites.
- (7) *Exemption for Dumps, Mines and Quarries.* Grading within the site of a refuse disposal dump, sanitary landfill, quarry or plant for excavating and the processing and stockpiling of rock, sand, gravel, aggregate or clay, provided that such grading or other activities are established and operated in accordance with all laws and the requirements of all permits. Except in the event of reclamation, all City standards must be adhered to.
- (8) *Maintenance of Existing Firebreaks and Roads.* Maintenance shall mean keeping the firebreak or road in substantially the same condition it has been in previously. Prior to the first maintenance or new construction operation for each existing firebreak or road or portion thereof, a permit shall be obtained from the Director and/or City Engineer as provided herein.

(c) *Permit Denial for Geologic or Flood Hazard.* If the Director and/or City Engineer determines that the land area in which grading is proposed is subject to a geologic or flood hazard that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard, a grading permit may be denied.

(d) *Violation of Other Ordinances.* The Director and/or City Engineer shall not issue a grading permit unless all proposed land uses shown on the application or the grading plans for the site will comply with all provisions of ~~the Development Code~~ this title and all other applicable ordinances.

(LDC 2008, § 15A-27-12)

### **Sec. 21-27-13. Appeals.**

Any person adversely affected by a decision of the Director, and/or the City Engineer, may file an appeal in writing pursuant to the provisions of this ~~Code~~ title.

(LDC 2008, § 15A-27-13)

## **CHAPTER ~~15A-28~~ 21-28. FENCING**

### **Sec. 21-28-1. Purpose.**

This chapter has been provided to create minimum and maximum fencing standards for residential and commercial areas within Sandy City.

(LDC 2008, § 15A-28-01)

**Sec. 21-28-2. Effect of Section on Covenants, Agreements, etc.**

This chapter shall not nullify the more restrictive provisions of covenants, agreements, ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

(LDC 2008, § 15A-28-02)

**Sec. 21-28-3. Fences; Residential Standards.**

(a) *Side Yards and Rear Yards.* In any required side or rear yard on lots, the height of fences shall not exceed six feet, unless otherwise allowed herein.

(b) *Front Yards.* Fences in required front yards shall be allowed provided that solid type fences shall not exceed three feet, and open type fences (e.g., wrought iron) shall not exceed four feet.

(c) *Corner Lots.* In addition to the other provisions contained in this section, fences located on corner lots shall be subject to the following provisions:

- (1) Any fence, wall, and/or hedge on the front yard setback shall not exceed three feet if opaque construction or four feet if open construction.
- (2) In the side yard setback that fronts on a street, height up to six feet shall be allowed beyond 60 feet from the intersection measured from the intersecting extended curb lines. Height within the 60 foot area shall conform to the requirements of a front yard setback.

[GRAPHIC--Illustration of a common 60 foot Sight Visibility Triangle]

- (3) A clear view zone shall be maintained free of fencing, except a see-through fence or a view obscuring fence no higher than three feet in height when a driveway exists on the adjacent lot within ten feet of the shared property line. The clear view zone refers to the portion of the corner lot lying within a triangular area formed by measuring back ten feet from the point where the interior property line shared with the adjacent lot meets the property line along the public right-of-way.

[GRAPHIC]

[GRAPHIC--Fence Figure #1. Interior Lot Fence Height Restrictions]

- (4) Heights on the rear yard setback and interior side yard setback shall not exceed six feet, unless otherwise allowed herein.

[GRAPHIC--Fence Figure #2. Corner Lot Fence Height Restrictions]

(d) *Fences on Slopes.* Fences on slopes may be a maximum of seven feet if the average height of such fence is no greater than six feet six inches, unless otherwise allowed herein (see Figure 3).

[GRAPHIC--Figure #3]

(e) *Fence Posts, Gate Posts, Pillars, and Support Columns.* Fence posts, gate posts, pillars, and support columns ~~Such structures~~ may extend 12 inches above the maximum fence height when separated by at least six linear feet of fencing (see Figure 3). Gate posts may be as close as three feet of each other with no more than one gate per fence frontage. Structures may not exceed 18 inches in diameter or width.

(f) *Measurement of Fence Height.*

- (1) The height of a fence shall be measured from the highest grade.
- (2) The combined height of a fence and retaining wall shall not exceed 11 feet, unless otherwise allowed herein (see Figure 4).

[GRAPHIC--Figure #4]

(g) *Approved Fencing Materials.* Acceptable construction materials for fences shall be lumber, vinyl, chainlink, wrought iron, precast concrete panels, concrete block, or other solid durable materials as the Director may approve.

(LDC 2008, § 15A-28-03)

**Sec. 21-28-4. Lots Within a Sensitive Area Overlay Zone.**

A fence may be built upon a slope greater than 30 percent provided the following conditions are met:

- (1) Fences shall be located only upon areas constituting usable land unless otherwise designed to comply with the Environmental Hazards Element as contained in Section VIII of the General Plan and as approved by the Community Development Department.
- (2) Only dark brown, dark green, or black vinyl coated chainlink fencing shall be allowed in order to blend into the native landscaping.
- (3) The fence shall be built in accordance to this chapter and comply with all restrictions imposed by setbacks, etc., as defined in this ~~Code title~~, as well as the Environmental Hazards Element as contained in Section VIII of the General Plan.
- (4) Fencing on hillside lots shall only be approved in conjunction with an approved Landscape Plan in accordance with the Environmental Hazards Element as contained in Section VIII of the General Plan.

(LDC 2008, § 15A-28-04)

**Sec. 21-28-5. Fencing; Commercial and Industrial Standards.**

(a) *Front Yard Fencing.*

- (1) *General Standards.* If a fence is desired between a building and the front property line, decorative iron fences or a combination of decorative iron and brick pillar fences are required. The fence may be a maximum of six feet in height and located immediately behind the front landscape area required by ~~the Zoning Ordinance~~ this title for the particular project.

- (2) *Corner Lots.* All developments located on corner lots shall be considered to have two frontages. The above fencing restriction shall apply to both frontages with the exception that fences may not encroach into the required sight visibility triangle at the intersection of two streets. Sight visibility triangles are determined by engineering standards as contained in the AASHTO publications. In many cases, a 60-foot sight visibility triangle is sufficient. Sight visibility triangles will increase significantly if the location is on or near the inside of a horizontal curve. Fences in the sight visibility triangle shall be no more than three feet in height above the top of curb. In most cases, said sight visibility triangle shall be measured from the intersection of the extended curb lines back 60 feet in both directions.

(b) *Side and Rear Property Lines.* Fences along side or rear property lines shall not exceed six feet in height measured from the highest elevation on either side of the fence unless otherwise approved by the Director during site plan review up to a maximum of eight feet measured from the highest elevation on either side of the fence.

(c) *Barbed Wire Fences.* Barbed wire and other security wire is allowed on fences on commercial, industrial, business, or civic property for the purpose of maintaining security and preventing property loss and vandalism.

(d) *Temporary Fencing.* Fencing may be allowed on a temporary basis for the purpose of securing property prior to and during development and for special events.

(LDC 2008, § 15A-28-05)

**Sec. 21-28-6. Vacant Lots.**

For the purpose of this chapter, it shall be presumed that a vacant lot shall contain a minimum front, side, and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be six feet.

[GRAPHIC--Proper Retaining Wall Installation]

(LDC 2008, § 15A-28-06)

**Sec. 21-28-7. Barbed Wire.**

Fences containing strands of barbed wire or other similar fencing designed to prevent intrusions are prohibited unless specifically approved by the Director for public safety, health, or welfare. Such fences may include fencing for farm animals and public utility stations.

(LDC 2008, § 15A-28-07)

**Sec. 21-28-8. Retaining Walls.**

Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall shall not exceed five feet. For cuts/fills to be retained that exceed five feet, retaining walls shall be stepped and separated horizontally by a minimum of five feet. The uppermost retaining wall may be topped by a fence, wall, or hedge of the height that would otherwise be permitted at the location if no retaining wall existed. The Planning Commission may grant a special exception to this criteria where it can be shown that this provision would cause an unreasonable hardship to the property (e.g., where the stepping would eliminate the side or rear yard leaving the property owner with a strip of unusable yard space (less than five feet)), or where it may not be practical due to adjoining uses.

(LDC 2008, § 15A-28-08)

**Sec. 21-28-9. Walls Along Arterial Highways.**

Whenever any person, firm, or corporation as a subdivider develops or builds upon any property in Sandy City that is part of a recorded subdivision approved by the Planning Commission after the effective date of ~~this Code~~ the ordinance from which this title is derived or in any previously approved subdivision, and which abuts any arterial street as defined and provided herein, ~~the~~ said person, firm, or corporation shall construct and install, at their own expense, a fence or wall as provided hereafter along the back property line of lots abutting said arterial.

- (1) An arterial highway is any public road having a right-of-way, developed or undeveloped, of 84 feet or more, including, but not limited to, the following roads:

State Street	700 East
1300 East	10600 South
2000 East	9000 South
9400 South	11400 South

- (2) The said fence or wall shall be approved by the Planning Commission after review by the Community Development Department, only upon satisfaction of the following criteria:
  - a. Durable or useful life of at least 20 years duration;
  - b. Wind load of at least 80 miles per hour; and
  - c. Maintenance free for at least five years duration.
- (3) In addition to the above requirements, the following shall be satisfied:
  - a. The fence shall be interrupted approximately every 20 to 30 feet by pilasters, columns, jogs in the fence, or other variation in the construction so as to provide a visual breaking point in construction.
  - b. Acceptable construction materials shall not include chainlink, chainlink with slats, picket, or wood fencing.
  - c. Anti-graffiti coating shall be required as approved by the Parks and Recreation Department.
  - d. Specific structural design shall be reviewed and approved by the City Engineer.
- (4) A barrier wall, six feet in height (measured from the highest elevation on either side of the wall) except where soil retention is required, may be up to eight feet in height (retaining wall and barrier wall

combined). All such walls shall meet design specifications adopted by the Planning Commission.

- (5) An additional landscaped buffer, including sprinkling and water connections, may be required by the Planning Commission between the sidewalk and barrier wall where it is impractical for the barrier wall to abut the sidewalk. The specific width of the buffer and landscaping specifications shall be determined by the Planning Commission, upon recommendation by the Parks Director, at the time of final subdivision review.

(LDC 2008, § 15A-28-09)

**Sec. 21-28-10. Exceptions.**

(a) *Sports Court Fencing.* The provisions of this ~~section~~ chapter shall not apply to certain other fences such as sports court fences, tennis court backstops, or patio enclosures in the front, side, or rear yards if the Director finds that it meets the following conditions:

- (1) The proposed fence does not create a hazard for the subject property or adjacent properties.
- (2) The proposed fence does not create a violation of other ordinances.

(b) *Additional Height Request.*

- (1) The Director is authorized to approve the installation of a fence up to eight feet in height in the side and/or rear yard of any lot or parcel provided the following conditions are met:
  - a. The Director finds the additional height is justified by the particular circumstances of the property, such as safety, lot configuration, building placement on the lot, topography, and/or negative impacts to the property from adjacent uses.
  - b. The proposed fencing is outside of the 60-foot sight visibility triangle and other clear view zones for corner lots.
  - c. At least two weeks prior to construction of the fence, the affected abutting property owners shall be notified of the intent to build an eight-foot fence. Proof of this notification shall be provided to the Planning Division as part of the building permit application with any response from the abutting property owners.
  - d. A building permit is applied for and approved.
- (2) If the Director so desires, this type of request may be forwarded to the Planning Commission for approval as a special exception.

(LDC 2008, § 15A-28-10; Ord. No. 16-30, 8-20-2016)

**Sec. 21-28-11. Fencing Along Canals.**

(a) Any parcel being subdivided or developed that is adjacent to or has within its boundaries a canal right-of-way may be required to provide along such right-of-way a fence as determined by the reviewing land use authority.

(b) As an alternative to fencing the canal and with the review and approval of the Public Utilities Department, the developer may pipe the canal. If the canal is piped, the developer must obtain written permission from the canal company and construct the pipe according to the canal company's requirements and specifications.

(c) All fences bordering canals shall be installed as part of the improvements for the subdivision or other development. No occupancy permit, whether temporary or final, shall be granted until all required fencing is installed in the subdivision or development.

(c) Where practical, the fence material and type should be alternated to create an open appearance and avoid a walled-in alley look.

(LDC 2008, § 15A-28-11)

**CHAPTER ~~15A-29~~ 21-29. ADDRESSING, STREET NAMING, AND DESIGN STANDARDS**

**Sec. 21-29-1. Purpose.**

This chapter is established to provide a standard system for consecutive and logical numbering of streets and properties to avoid the duplication of street names within Sandy City and Salt Lake County and to avoid similar sounding names or confusing designators. This chapter shall establish standard procedures for changing existing street names or adding names to existing numbered streets, keeping addressing numbers clearly identifiable, and provide a complete current listing of all streets and addresses within Sandy City.

(LDC 2008, § 15A-29-01)

**Sec. 21-29-2. Street Naming.**

The following standards shall be applied to the naming of streets in the City:

- (1) *Duplication.* Proposed street names that duplicate existing street names in the City or elsewhere in Salt Lake County shall be avoided.
- (2) *Confusion.* Proposed street names that sound very similar to existing names or street names that have unconventional spellings shall be avoided.
- (3) *Continuity.* Proposed street names are encouraged to have the following characteristics:
  - a. Historic significance.
  - b. Local color and sense of place.
  - c. Overall theme.
  - d. Compatibility with adjacent streets.
- (4) *Name Length.* Proposed street names shall not be longer than the typical 17 blank street sign (including spaces between words).
- (5) *Required Naming.* In order to minimize confusion and to facilitate proper addressing, the following types of proposed streets shall be named:
  - a. Streets that change compass direction.
  - b. Loop or horseshoe streets.
  - c. Streets that have intersection coordinate changes.
  - d. Cul-de-sacs.
  - e. Dead-end streets that will likely be extended as above.
- (6) *Thoroughfare Designations.* Proposed street names and street types should be matched as follows:
  - a. Boulevard, Parkway: arterials and collectors with planted medians.
  - b. Drive, Road: streets longer than 1,000 feet.
  - c. Way: curvilinear streets longer than 1,000 feet.
  - d. Streets, Avenues: straight directional streets.
  - e. Lanes: short secondary connecting streets.
  - f. Circle, Court, Place, Cove: cul-de-sacs and permanent dead-end streets.

(LDC 2008, § 15A-29-02)

**Sec. 21-29-3. Street Numbering.**

All streets and intersections shall have numbered coordinates. On streets that do not conform to the four compass directions, numbered coordinates should be assigned from the axis that most nearly matches the principal direction of the thoroughfare. For simplicity, street numbers shall end with the digit "0" or "5." Private numbering systems shall be avoided.

(LDC 2008, § 15A-29-03)

**Sec. 21-29-4. Property Numbering.**

The following standards shall be applied to the numbering of properties in the City:

- (1) *Juxtaposition*. Building numbers should be comparable (but not duplicated) on parallel streets and should be in consecutive order.
- (2) *Even-Odd*. Building numbers should be assigned to opposite sides of the street as determined under the Salt Lake Meridian Grid System.
- (3) *Compass Direction*. On streets that do not conform to the four compass directions, building numbers should be assigned from the axis that most nearly matches the principal direction of the thoroughfare.
- (4) *Corner Lots*. Dual addresses on corner lots shall be avoided.
- (5) *Buildings Without Public Frontage*. Buildings that are hidden behind other buildings or do not have public frontage shall be numbered from the centerline of the principal access or driveway.
- (6) *Commercial, Industrial, and Multifamily*. The Director shall assign numbers to site plans before final site plan approval, based upon the above standards.
- (7) *Insufficient Numbers*. Where insufficient numbers exist for proper addressing (e.g., buildings without public frontage), a private lane may be assigned a numbered coordinate to facilitate addressing.

(LDC 2008, § 15A-29-04)

**Sec. 21-29-5. Building Identification.**

All buildings shall have approved address numbers, and such numbers shall be identified using the following standards:

- (1) *Background*. Numbers shall be set on a background of a contrasting color.
- (2) *Size*. Numbers shall be Arabic numeral or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of one-half inch.
- (3) *Visibility*. Numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property. When a building is some distance from a street or when view of the building is blocked by trees or shrubs, numbers should be displayed on a sign attached to a fence, gate, street mailbox, or lawn stake, in addition to being placed on the building.
- (4) *Corner Lots*. On corner lots, house numbers should face the street named in the address.

(LDC 2008, § 15A-29-05)

**Sec. 21-29-6. Recordkeeping.**

The following standards should be adhered to in maintaining addressing records:

- (1) *Numbers Assigned*. Numbers shall be assigned by the Director or his designated representative.
- (2) *Inventory*. A complete inventory of existing street names and building numbers shall be compiled and maintained in the Community Development Department.

(LDC 2008, § 15A-29-06)

**Sec. 21-29-7. Procedures.**

All proposed street names shall be coordinated with Salt Lake County to avoid duplication. In addition, the following procedures shall be adhered to with new development and proposed changing of street names:

- (1) *Subdivision*. Street coordinates and house numbers shall be assigned by the Director and shall be placed on the final subdivision plat by the developer before plat recordation.
- (2) *Duplicate Street Names*. The City Council may change duplicated street names without a petition when it is determined that the change is in the public interest. The following criteria should be used in eliminating street name duplications:
  - a. Historical significance.
  - b. The number of buildings addressed on the street.

- c. The length of time that the name has been in use.
  - d. The length of the street and the amount of traffic.
  - e. Compatibility with adjacent street names.
- (3) *Changing Existing Street Names.* To change an existing street name, the process for vacating or altering a street or alley shall be followed.
- (4) *Adding Names to Existing Numbered Streets.* To add a name to an existing numbered street, the process for vacating or altering a street or alley shall be followed.
- (5) *Changing Existing Property Numbering.* The changing of an existing property number must be in the public interest. Requests for changes based upon personal reasons, numerology, or superstition will not be approved. Approval of requests for address changes may be made under the following circumstances:
- a. The address on the plat and the building permit do not match.
  - b. The address is out of sequence or not in reasonable juxtaposition with other addresses on the street.
  - c. The address spacing with other addresses is such that it creates confusion.
  - d. The address has an incorrect odd/even designation.
  - e. The address conflicts with an address on a parallel street.
- (6) *Street Name/Number Changes.* When street name/number changes are approved, the City will change its records to conform to the change. Property owners are responsible for notifying other public and private entities of the approved change.

(LDC 2008, § 15A-29-07)

#### **CHAPTER ~~15A-30-21-30~~. SUBDIVISION REVIEW\***

\*State law reference—Subdivisions, U.C.A. 1953, § 10-9a-601 et seq.

##### **Sec. 21-30-1. Purpose.**

- (a) The purposes of this chapter are:
  - (1) To promote the health, safety, and general welfare of City residents;
  - (2) To ensure the efficient and orderly development of land;
  - (3) To prevent the uncontrolled division and development of real property;
  - (4) To avoid poorly planned developments that:
    - a. Do not comply with the General Plan or City ordinances;
    - b. Cannot be efficiently served by existing utilities or public services;
    - c. May prove to be dangerous or unsafe;
    - d. May cause an undue burden on existing traffic or transportation services;
    - e. May require the future expenditure of public funds to correct problems caused by the development;
    - f. Restricts the ability of efficient development on adjoining properties;
  - (5) To minimize the number of boundary line disputes in the City and eliminate existing property line gaps and property line overlaps;
  - (6) To provide a mechanism requiring each developer to pay for the public improvements associated with a particular subdivision, and provide a mechanism for each subdivision to pay its fair share of increased burdens on existing public services;
  - (7) To provide design standards:
    - a. For public improvements, facilities and utilities;
    - b. For access to public rights-of-way;

- c. For the dedication of land and streets deemed necessary for the proper development of the subdivision;
- d. For easements or rights-of-way that are necessary to service the property.

(b) This chapter is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. To this end, an attempt has been made to outline all subdivision requirements in this chapter and other applicable ordinances and laws. Each parcel of real property is unique. Also, there may be some aspects of subdivision development that cannot easily be articulated, and it's not possible to cover every possible contingency. Therefore, additional reasonable conditions may be imposed as deemed necessary provided that:

- (1) The conditions are not arbitrary or capricious.
- (2) The conditions are necessary to promote the health, safety, or welfare of the citizens of Sandy.
- (3) The conditions do not conflict with any applicable law.

(LDC 2008, § 15A-30-01)

### **Sec. 21-30-2. Necessity of Subdivision Plat Approval.**

(a) *Subdivision Approval Required.* Any division of real property located within the City which conforms to the definition of a subdivision as set forth in this ~~Code title~~ is subject to the terms of this chapter and must obtain the approval of the City before it may be filed or recorded at the Salt Lake County Recorder's Office.

(b) *Parcels Previously Divided.* Any parcel of property which was originally part of a parcel now being subdivided and/or which was divided off from the parcel being subdivided since July 18, 1960, shall be included in the preliminary plat of the proposed subdivision unless it has already been recorded as part of another subdivision.

(c) *Transfer Before Approval Prohibited.* It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property as defined in this chapter before a final subdivision plat is approved and recorded pursuant to the requirements of this chapter and applicable state law.

(d) *Approval to Amend Plat Required.* It shall be unlawful to amend, vacate, alter, or modify any plat which has already been approved and/or recorded without first receiving City approval.

(e) *Lot Remnants Prohibited.* It shall be unlawful to divide real property in such a way that a parcel of property is created or left behind (lot remnant) that cannot be developed according to the requirements of this ~~Code title~~ or other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips (other than those allowed by law), parcels created or left for the sole purpose of denying another property owner access to his property, parcels with insufficient square footage, parcels with insufficient buildable area, parcels that do not meet the sensitive area requirements of this ~~Code title~~, and parcels that do not abut on a dedicated street.

(f) *Lot of Record.* A single-lot subdivision plat is not required prior to development on any parcel of property that was created prior to July 18, 1960, and has remained intact since that date. However, development on the parcel must comply with all regulations of the zone district. Review for necessary improvements from Public Works, Public Utilities, Parks and Recreation, and Community Development Departments shall be required prior to issuance of building permit.

(LDC 2008, § 15A-30-02)

**State law reference**—Plats required, U.C.A. 1953, § 10-9a-602.

### **Sec. 21-30-3. Application and Review Process.**

(a) *Initial Staff Review.* To help expedite review of a development proposal, prior to submitting an application for subdivision review, persons interested in undertaking development may meet informally with members of the Community Development Department to become acquainted with the substantive and procedural requirements of this ~~Code title~~.

(b) *Development Review.* The development proposal shall be reviewed at a Development Review Meeting. At the meeting, the various departments will initially assess the proposal and information submitted and make

suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this ~~Code~~-title, the International Building Code, and any other applicable ordinances or codes of Sandy City, and provide some information concerning the City's review requirements and procedures. They will also determine the departments and agencies that will need to review the proposal.

(c) *Application.* An application for subdivision development must be submitted to the Community Development Department and must contain the information and be in the format required by the Subdivision Review Checklist available from the Community Development Department. The application shall include the following:

- (1) General Development Application Form.
- (2) Full size (24-inch by 36-inch) copies of the plat and one 8 1/2-inch by 11-inch reduction to be determined on a case-by-case basis.
- (3) All documents required in this chapter.
- (4) Payment of all applicable fees.
- (5) All necessary documents, reports, maps, etc., as required for developments located within an Overlay Zone or a Planned Unit Development (PUD) Zone.
- (6) The preliminary plat shall be drawn on standard drafting medium to a standardized scale. The scale must be indicated on each sheet, but shall not be less than one inch equals 60 feet.
- (7) The preliminary plat shall contain the following:
  - a. An arrow indicating north drawn on each sheet.
  - b. The proposed name of the subdivision. The subdivision name shall be authorized by the Salt Lake County Recorder's Office.
  - c. The names and addresses of the property owners, the developer, and the engineer or surveyor of the proposed subdivision.
  - d. The names and addresses of current owners of all parcels immediately adjoining the proposed subdivision and the boundary lines of such parcels as may be required by the Director.
  - e. Existing and proposed contours drawn at two-foot intervals. Existing contours shall extend a minimum of 25 feet beyond the property line.
  - f. The boundary lines of the parcel to be subdivided.
  - g. The dimensions and square footage of each lot.
  - h. The dimensions and locations of existing and proposed improvements, structures, easements, and topographical features within the parcel to be subdivided.
  - i. The location and dimensions of existing and proposed farm or garden irrigation systems (including ditches and canals).
  - j. Where the preliminary plat covers only a part of a larger developable area, the plat shall show the location of the subdivision as it forms part of the larger area. A conceptual plan may be required showing a possible future street system and lot layout.
  - k. A Stormwater Drainage Plan, approved by the Public Utilities Department, that is designed to accommodate the water generated by a ten-year storm with 100-year routing.
  - l. The location and nature of development within and adjacent to the preliminary plat boundaries. A notation shall be made as to whether or not the existing structures within and adjacent to the plat will remain or be demolished.
  - m. Two copies of the preliminary Grading and Drainage Plan.
  - n. Two copies of the Roadway Plan and profile sheets.
- (8) Tabulations showing:

- a. Total number of acres in the proposed development.
  - b. Total number of lots or buildings sites.
- (9) The following documents shall be included with the application:
- a. An application request for a proposed change to any existing zone boundaries or any zone classification which is necessary for approval of the proposed subdivision.
  - b. Any other documents related to the development that the City may reasonably require.
- (10) Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), where required. For projects that warrant compliance with the UGCP, the SWPPP is to be set up and managed via an internet-based management system.
- (11) Post Construction Storm Water Maintenance Plan, where required.
- (d) *Preliminary Subdivision Review.*
- (1) If, prior to submitting the application for subdivision review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
- (2) Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the preliminary subdivision plat shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plat, together with all supporting information, is complete and complies with all the requirements of this ~~Code~~-title and other applicable City and agencies' standards.
- a. If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this ~~Code~~-title, the applicant shall be notified in writing and/or on the plat of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plat and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
  - b. Upon resubmittal, the preliminary subdivision plat will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this ~~Code~~-title and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.
- (e) *Planning Commission Review.*
- (1) When the preliminary subdivision plat has been determined to be complete and in compliance with all requirements, the plat, together with all supporting information, will be forwarded to the Planning Commission for review at a public meeting.
- (2) The Planning Commission shall review the plat, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
- (f) *Validity of Preliminary Plat Review.*
- (1) Preliminary plat review is valid for two years. The Director may grant two one-year extensions of the preliminary plat provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat review. The Director may hold a public hearing or meeting to consider the proposal prior to his decision.
- (2) If a final plat which covers only a portion of the preliminary plat is recorded within the two-year time

limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Director for one year from the date of recording that final plat.

- (3) If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment to the original preliminary plat.
  - (4) The Director may, at his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.
- (g) *Final Subdivision Review.*
- (1) After review by the departments, agencies, and Planning Commission, the applicant shall submit a final subdivision plat, together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies and Planning Commission to the Community Development Department.
  - (2) The following documents and information shall be submitted for final subdivision review:
    - a. Full size (24-inch by 36-inch) copies of the plat, as determined on a case-by-case basis.
    - b. All documents required in this chapter.
    - c. Signed and recorded Post-Construction Storm Water Maintenance Agreement, where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.
    - d. If required to be reviewed by Planning Commission, the applicant shall submit at least 12 full size (24-inch by 36-inch) copies and one reduced copy (8 1/2-inch by 11-inch).
    - e. The final plat shall be drawn on a Mylar sheet approved by the Salt Lake County Plat Division.
    - f. The final plat shall be drawn with all lines, dimensions, and markings made in waterproof black drawing ink.
    - g. The final plat shall be drawn to a standardized scale. The scale shall be indicated on the plat and shall not be less than one inch equals 60 feet.
    - h. The final plat shall contain the following:
      1. An arrow indicating north on each sheet.
      2. The name of the subdivision as approved by the Salt Lake County Recorder's Office.
      3. The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing and which shall be referenced to two monuments.
      4. The names, widths, lengths, bearings, and curve data of all areas intended for public use.
      5. Lot numbers, approved street names with intersection coordinates as determined by staff, and street addresses of which numbering shall be in accordance with the City street numbering system, as designated by staff.
      6. The bearings, dimensions, and square footage of each lot.
      7. The bearings, dimensions, and locations of all easements within the subdivision.
      8. A Certificate of Survey with a metes and bounds description, the signature of a land surveyor licensed in the State of Utah, and the land surveyor's seal.
      9. An Owners Dedication with signatures from all property owners and others who may have a financial interest in the subdivision acknowledged by a notary public, as required by the Salt Lake County Recorder's Office and Sandy City.

10. A notice of all covenants, conditions, and other restrictions which may be relevant and applicable to the property contained within the final plat.
  11. A Planning Commission's approval block for the signature of the Planning Commission ~~Chairman~~ Chairperson.
  12. A Salt Lake Valley Health Department approval block for appropriate signature.
  13. City Engineer and Public Utilities Department signature blocks.
  14. A City Attorney's approval block for the signature of the Sandy City Attorney.
  15. An approval block for the signatures of the Mayor and attestation by the City Recorder.
  16. Other signature approval blocks as may be needed.
  17. All requirements of the Sensitive Area Overlay Zone upon the plat, including, but not limited to, location of known earthquake faults and their respective zones of deformation, hillside slopes greater than 30 percent, etc.
- i. The following documents shall be submitted with the final plat:
1. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements, and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the preliminary plat. The City may adopt a policy governing additional requirements for construction drawings. All construction drawings shall have the designing engineer's State license seal stamped on all submitted sheets. No final plat shall be approved by the Mayor until the construction drawings have been approved by the City Engineer.
  2. Documents evidencing conveyances or consents from property owners within the subdivision when such are required by law.
  3. Signed and notarized Improvement Agreement and Agreement to Conditions.
  4. A preliminary title report that must coincide with owners' signatures on the final plat.
  5. A guarantee for improvements (bond) to cover improvements as required by the City Engineer. Guarantees acceptable to Sandy City include an escrow bond, letter of credit, and cash bond.
  6. Any other documents the City may require.
- j. The property must be developed and the improvements constructed in strict compliance with the approved final plat, approved construction drawings, and the Sandy City Standard Specifications and Details for Municipal Construction. Failure to note any improvement required by this chapter on the final plat or the construction drawings shall not eliminate the developer's responsibility to complete those improvements in the subdivision.
- (h) *Final Plat Approval.*
- (1) The Director shall review the final plat and all supporting documents to determine if they are complete and comply with all the requirements of all departments, agencies and the Planning Commission. When the Director makes the determination that the final subdivision plat is complete and complies with all the requirements, the plat will be stamped and signed by the Planning Commission, the Chief Engineer of the Public Utilities Department, the City Engineer, the City Attorney, the Mayor, and each of those whose signature is required by the Utah Code Annotated or elsewhere in this ~~Code~~ title.
  - (2) The Director shall forward the fully executed final plat to the Mayor for approval.
  - (3) The Mayor shall review the application for final plat approval and consider the recommendations of the Planning Commission and shall approve, modify, or deny the plat. The Mayor shall approve the plat if he finds that the final plat and documents comply with all applicable City ordinances. The Mayor shall affix his signature to the final plat upon approval of the plat, which signature shall be attested to by the City Recorder.

- (4) The developer shall pay all applicable development fees as generated by the City Engineer prior to the City releasing the Mylar to be recorded.
- (5) The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, the following shall be returned to Sandy City prior to the issuance of any building permits:
  - a. One Mylar copy of the recorded subdivision plat (full size 24-inch by 36-inch).
  - b. Four full size copies of the recorded subdivision plat (full size 24-inch by 36-inch).
  - c. One letter size (8 1/2-inch by 11-inch) copy of the recorded subdivision plat.
  - d. An electronic copy of the recorded subdivision plat.

(LDC 2008, § 15A-30-03; Ord. No. 09-13, 5-15-2009; Ord. No. 12-03, 1-27-2012; Ord. No. 15-22, 7-15-2015)

#### **Sec. 21-30-4. Validity of Final Plat Approval.**

The final plat shall expire and be void one year after approval by the Mayor unless the plat has been recorded. The Director may grant two six-month extensions of the final plat provided the final plat still complies with all applicable ordinances.

(LDC 2008, § 15A-30-04; Ord. No. 10-01, 1-26-2010)

#### **Sec. 21-30-5. Changes to Final Plat.**

The Community Development, Public Utilities, and Public Works Directors may, in their discretion, approve minor changes to approved final plats before the plat is recorded. The types of minor changes contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Director determines the changes are substantially different from the original approval. Changes to recorded final plats shall be in accordance with state law and any policies or procedures adopted by the City.

(LDC 2008, § 15A-30-05)

#### **Sec. 21-30-6. Vacating or Amending a Subdivision Plat; Process.**

- (a) *Land Use Authority Designation.*
  - (1) *Director.* The Director is hereby designated to consider and determine those proposed subdivision plat vacations or amendments which are set forth in ~~Section 15A-30-06.5.B.5~~ Subsection (b)(5) of this section and which are requested by petition of a fee owner of land within the subdivision.
  - (2) *Planning Commission.* The Planning Commission is hereby designated to, with or without petition, consider and determine any proposed vacation or amendment of a subdivision plat except those designated in Subsection (a)(1) of this section.
- (b) *Request for Amendment.*
  - (1) *Fee Owner May Petition.* Any fee owner of land, as shown on the last county assessment roll, within the subdivision that has been laid out and platted as provided in this ~~Code title~~ may, in writing, petition the City to have some or all of the plat vacated or amended as provided in this section.
  - (2) *Petition Contents.* Each petition to vacate or amend an entire plat or a portion of a plat shall include:
    - a. The name and address of all owners of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
    - b. The signature of each of these owners who consents to the petition.
  - (3) *Proposal by City.* The City may proposed to vacate or amend a subdivision plat, which shall be considered by the Planning Commission in accordance with the procedures set forth in this section.
  - (4) *Requirements for Hearing.* The Planning Commission shall hold a public hearing:
    - a. If a petition is filed, within 45 days after the day on which the petition is filed, if:

1. Any owner within the plat objects in writing to the petition within ten days of mailed notification; or
  2. A public hearing is required because all of the owners have not consented to the petition.
- b. If the City proposes to vacate or amend a subdivision plat.
- c. After notice is given in compliance with Section 21-36-5, or its successor.
- (5) *Public Meeting Required.* The public hearing requirement does not apply and an owner's petition to vacate or amend a subdivision plat may be considered at a public meeting if:
- a. The petition seeks to:
    1. Join two or more of the petitioner fee owner's contiguous lots;
    2. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
    3. Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
    4. Adjust an internal lot restriction imposed by the local political subdivision on a lot owned by the petitioning fee owner; or
    5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
      - (i) Owned by the petitioner; or
      - (ii) Designated as a common area; and
  - b. Notice has been given to adjacent property owners in accordance with Section 21-36-5, or its successor.
- (c) *Request for Plat Amendment Which Includes Public Street, Right-of-Way or Easement.* Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way or easement is also subject to Section 21-30-7.
- (d) *Changing the Name of a Recorded Subdivision.*
- (1) The name of a recorded subdivision may be changed by amending the plat as set forth herein and recording the amended plat making the change.
  - (2) The new name shall not be a duplicate of another subdivision within Salt Lake County.
- (e) *Grounds for Vacating or Changing a Plat.* The land use authority may vacate, alter, or amend the plat or any portion of the plat if it finds that:
- (1) There is good cause for the vacation, alteration, or amendment; and
  - (2) No public street, right-of-way or easement has been vacated or amended.
- (f) *Preparing the Amended Plat.*
- (1) The surveyor preparing the amended plat shall certify that the surveyor:
    - a. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by state law;
    - b. Has completed a survey of the property described on the plat in accordance with state law and has verified all measurements; and
    - c. Has placed monuments as represented on the plat.
  - (2) If an exchange of title is approved under Subsection (b)(5) of this section, the petitioner shall not be required to file an amended plat map but shall comply with Section 21-30-8, or its successor.
  - (3) If the vacation or amendment of the subdivision is approved after compliance with the requirements set

forth herein, the Planning Commission and the Mayor shall sign the amended plat showing the vacation or amendment.

- (4) The City shall ensure that the amended plat showing the vacation or amendment, and the City Council resolution, where required, is recorded in the office of the Salt Lake County Recorder's Office.

(LDC 2008, § 15A-30-06; Ord. No. 12-03, 1-27-2012)

**State law reference**—Vacating, altering or amending subdivision plat, U.C.A. 1953, § 10-9a-608 et seq.

**Sec. 21-30-7. Vacating a Street, Right-of-Way, or Easement; Within a Subdivision or Not Within a Subdivision.**

- (a) A petition to vacate some or all of a public street, right-of-way, or easement shall include:

- (1) The name and address of each owner or record of land that is:

- a. Adjacent to the public street, right-of-way, or easement; or  
b. Accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and

- (2) The signature of each owner under Subsection (a)(1) of this section who consents to the vacation.

(b) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the City Council shall hold a public hearing in accordance with Section 21-30-6 and determine whether:

- (1) Good cause exists for the vacation; and  
(2) Neither the public interest nor any person will be materially injured by the proposed vacation.

(c) The City Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the City Council finds that:

- (1) Good cause exists for the vacation; and  
(2) Neither the public interest nor any person will be materially injured by the vacation.

(d) If the City Council adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the City Council shall ensure that one or both of the following is recorded in the office of the County Recorder:

- (1) A plat reflecting the vacation; or  
(2) An ordinance described in Subsection (c) of this section.

(e) The action of the City Council vacating some or all of a public street, right-of-way, or easement that has been dedicated to public use:

- (1) Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street, right-of-way, or easement; and  
(2) May not be construed to impair:  
a. Any right-of-way or easement of any lot owner; or  
b. The franchise rights of any public utility.

(LDC 2008, § 15A-30-06.5; Ord. No. 12-03, 1-27-2012)

**State law reference**—Vacating, altering or amending subdivision plat, U.C.A. 1953, § 10-9a-608 et seq.

**Sec. 21-30-8. Property Line Adjustments (Exchange of Title).**

(a) *Standards.* Owners may adjust property lines between adjacent parcels that are described by either a metes and bounds description or a recorded plat, by exchanging title to portions of those parcels after approval if:

- (1) No new dwelling lot or housing unit results from the property line adjustment.  
(2) The adjoining property owners consent to the property line adjustment.  
(3) The property line adjustment does not result in remnant land that did not previously exist.

(4) The adjustment does not result in violation of applicable zoning requirements.

(b) *Application.* The owners shall file an application requesting a property line adjustment together with all required documents.

(c) *Director Review.* The Director shall act as the land use authority and, in accordance with the procedures set forth in Section 21-30-6(b)(5), review all the documents to determine if they are complete, and that they comply with the requirements set forth above. If the Director determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Director will approve the property line adjustment.

(d) *Notice of Approval and Conveyance of Title.* After approval by the Director, the applicant shall:

(1) Prepare a Notice of Approval which:

- a. Is executed by each owner included in the exchange;
- b. Is executed by the Director;
- c. Contains an acknowledgment for each party executing the notice as required by state law for real property;
- d. Recites the description of both the original parcels and the parcels created by the property line adjustment.

(2) Record a deed which conveys title as approved.

(3) Record the Notice of Approval.

(LDC 2008, § 15A-30-07; Ord. No. 12-03, 1-27-2012)

**Sec. 21-30-9. Required Subdivision Improvements and Procedures.**

(a) The following improvements are mandatory in all subdivisions and shall be installed by the developer in accordance with the Sandy City Standard Specifications and Details for Municipal Construction:

- (1) Street paving (including proper road base).
- (2) Curbs, gutters, and sidewalks.
- (3) Drive approaches for each lot.
- (4) Culinary water systems.
- (5) Sanitary sewer systems.
- (6) Surface water runoff drainage systems.
- (7) City survey monuments.
- (8) Permanent markers to identify lot corners (as required by Sandy City Engineering).
- (9) Utilities (overhead and underground as required by this ~~Development Code~~ title).
- (10) Street lighting system.
- (11) ADA ramps.

(b) The City may also require the developer to install or provide any or all of the following improvements according to the particular needs of the subdivision:

- (1) Fire hydrants.
- (2) Subsurface water drainage systems.
- (3) Bridges.
- (4) Fencing and barrier walls.
- (5) Grading.
- (6) Retaining walls.

- (7) Landscaping and/or streetscape.
- (8) Public facilities.
- (9) Open space and/or trails.
- (10) Piping, relocating, or abandoning irrigation ditches.
- (11) Engineered footings.
- (12) Extending and constructing roads, water lines and sewer lines beyond the boundary of the subdivision.
- (13) Flood control system.
- (14) Regulatory signs.
- (15) Any other improvements as may be required by the City based upon approvals.

(c) In determining the particular needs of the subdivision and in determining whether any of the improvements specified in Subsection (b) of this section should be required in a particular subdivision, the City shall consider, among other things:

- (1) The requirements of the International Building Code, International Residential Code, ~~Uniform~~ International Fire Code, City ordinances, and the Urban Wildland Interface Code.
- (2) The topography of the property, the type of soil on the property, the existence of subsurface water drainage systems in the vicinity of the property, and the City's Storm Water Drainage Master Plan.
- (3) The extent to which the proposed subdivision causes or contributes to the need for the improvement.
- (4) The need for the improvement to protect the health, safety, and welfare of residents of the subdivision and the community at large.
- (5) The types of development and uses adjacent to the subdivision.

(d) The developer may be required to install off-site improvements when it is shown that the proposed subdivision causes or contributes to the need for such improvements. In cases where the proposed subdivision causes or contributes to the need for off-site improvements but the developer is not required to install them, the City may impose an impact fee as allowed by law, or may otherwise require financial contribution pursuant to written agreements between the City and the developer. Whether or not the developer actually installs the improvements, the City may require that owners of other undeveloped properties, the development of which will also contribute to the need for the improvements, pay impact fees, or be party to such agreements. The fees or the monies collected pursuant to agreements shall be used towards the costs of installing the improvements.

(e) All required improvements shall be completed and pass City inspections within two years of the date the subdivision is approved or at a date to be determined by the City.

(f) All subdivision improvements shall be completed by qualified contractors in accordance with the Sandy City Standard Specifications and Details for Municipal Construction (latest edition). No work may be commenced on public improvements without first obtaining approval.

(g) Unless otherwise authorized by the Director, no building permit for any structure may be issued until the final plat has been recorded and the following subdivision improvements have been installed:

- (1) Street paving (including all weather surface, which is two inches minimum asphalt depth on approved road base), unless otherwise approved by the City Engineer and Fire Marshal based upon weather constraints.
- (2) Curb, gutter, and sidewalk.
- (3) Permanent markers to identify lot corners.
- (4) Operational fire hydrants (unless otherwise approved by the Fire Marshal).
- (5) Water lines and facilities (tested and approved) and sewer line facilities.
- (6) Storm drainage facilities.

(h) When installing any of the subdivision improvements, the developer and contractors shall be required to keep all paved streets, sidewalks, and gutters within or outside the subdivision, free from any debris, trash, mud, or dirt from the project. Upon notification by the City of a violation of this provision, the developer and/or contractors shall have the affected areas cleaned within 24 hours. If he fails to do so, the City may clean the affected areas with the developer providing reimbursement to the City for all costs incurred. Exception: Small mounds of dirt placed over the curb, gutter, and sidewalk may be placed during the initial construction phase of the home to protect the said improvements from damage. However, this exception does not release the developer or his successors from the requirement to keep the street clean and free of mud and debris.

(i) The requirement to install public improvements (e.g., curb, gutter, sidewalk, etc.) may be waived by the Planning Commission for properties with design restraints. Cause for such waivers shall be noted on the plat.

(j) No final subdivision plat shall be recorded until the developer of the subdivision has clearance of all property taxes owed upon the parcels to be dedicated to the City and tendered the guarantee and entered into an agreement with the City in which the developer agrees to install the improvements as required by this ~~Code title~~ and agrees to indemnify and hold the City harmless from any claims, suits, or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

(LDC 2008, § 15A-30-08; Ord. No. 14-29, 9-28-2014)

#### **Sec. 21-30-10. Improvements Installation Priority.**

(a) Underground utilities, service lines, storm drainage facilities, water system, sewer system including laterals, shall be installed and approved prior to the installation of any other street improvements, unless the Public Utilities Director or the appropriate governing body waives this requirement in writing.

(b) All new sewer lines shall be inspected by the appropriate sewer district.

(c) All new water lines and/or connections shall be inspected by the Public Utilities Department.

(d) All new storm drain facilities shall be inspected by the Public Utilities Department and/or Public Works Department.

(e) All new street lights shall be inspected by the Public Utilities Department.

(LDC 2008, § 15A-30-09)

#### **Sec. 21-30-11. Costs of Improvements.**

The developer shall pay for all costs of designing, purchasing, installing, warranting, and otherwise providing the improvements required by this chapter.

(LDC 2008, § 15A-30-10)

#### **Sec. 21-30-12. Street Dedication.**

Unless previously dedicated, declared a private street, or located within a planned unit development, the developer shall dedicate to the City the full width of all street rights-of-way on the final plat; provided, however, that in cases where a proposed street in the subdivision parallels undeveloped property where no street currently exists and evidence is provided showing that the owner of the abutting property has no intention of developing it within the near future, and as may be recommended by the City Engineer and approved by the Planning Commission and Mayor, the Mayor may waive the full width dedication requirement and allow the dedication of a lesser width if he finds that it promotes the public interest.

(LDC 2008, § 15A-30-11)

#### **Sec. 21-30-13. Penalties.**

(a) Any plat of a subdivision filed or recorded without the approvals required by this ~~part~~chapter is void.

(b) Any owner or agent of the owner of any land who transfers or sells any land before a plan or plat of the subdivision has been approved and recorded as required in this ~~part~~chapter is guilty of a violation of this ~~part~~

chapter for each lot or parcel transferred or sold.

(c) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this ~~part~~chapter.

(LDC 2008, § 15A-30-12)

#### **Sec. 21-30-14. Reasonable Diligence.**

The review for application completeness, substantive application review and determination of whether improvements or warranty work meets standards shall be done in accordance with the standards set forth in the Municipal Land Use, Development, and Management Act, Part 5 Land Use Ordinances (U.C.A. 1953, § 10-9a-509.5)

(LDC 2008, § 15A-30-13)

### **CHAPTER ~~15A-31~~21-31. CONDOMINIUM DEVELOPMENT\***

\*State law reference—Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq.

#### **Sec. 21-31-1. Purpose and Applicability.**

It is the purpose of this chapter and the policy of the City to establish standards and procedures for review of all condominium development within the City. Such provisions shall supplement zoning, site development, subdivision, health, building or other ordinances which may be applicable to the project, and shall apply to the approval of projects involving new construction, as well as projects involving the conversion of existing structures.

(LDC 2008, § 15A-31-01)

#### **Sec. 21-31-2. Application and Review Process.**

(a) *Development Review.*

- (1) To help expedite review of a development proposal, prior to submitting an application for a condominium project, persons interested in undertaking development may meet informally with members of the Community Development Department to become acquainted with the substantive and procedural requirements of this ~~Code~~title.
- (2) Staff may request the applicant to attend a Development Review Meeting. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this ~~Code~~title, the International Building Code and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.
- (3) Staff members may request that additional studies or information (e.g., geotechnical studies, traffic impact analyses, market feasibility analyses, or water needs analyses) be submitted together with the application for a condominium project.

(b) *Application.* The owner or developer who desires to build a new residential condominium project or office/commercial/warehouse condominium project shall first submit to the Planning Division an application which shall include, but not be limited to, the following and shall include as many copies as the Planning Division determines to be sufficient for its staff and the Planning Commission to evaluate the project:

- (1) General Development Application Form.
- (2) Condominium Plat. A condominium plat accurately drawn to scale in conformance with the provisions of state law, prepared by a land surveyor registered in the State of Utah. The scale of said condominium plat shall be no smaller than one inch equals 50 feet.
- (3) Site Plan. A site plan prepared to the same scale as the condominium plat designating the location of buildings, the intended use of the common areas, and the location and extent of storage, recreational facilities, parking, driveways, pedestrian ways, and information showing floor plans and elevations,

together with all information required by this Code for site plan review.

- (4) Subdivision Requirements. All documents and information required by this ~~Code~~title for subdivision review.
  - (5) Names and Addresses. Names and addresses on mailing labels of property owners within 300 feet of the proposed project obtained from the Salt Lake County Recorder's Office.
  - (6) Property Plat. A property plat from the Salt Lake County Recorder's Office showing the area to be developed.
  - (7) Fees. Fees as established by the City Council.
- (c) *Preliminary Review*
- (1) Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the condominium plat shall be forwarded to the reviewing departments and agencies to be reviewed preliminarily to determine if the plat, together with all supporting information, is complete and complies with all the requirements of this ~~Code~~title and other applicable City and agency standards, including site plan review, subdivision review and use requirements.
  - (2) If the departmental and agency reviews determine that all required, necessary and requested information has not been submitted or that some of the specifics of the plat or information do not comply with the requirements of this ~~Code~~title, the applicant shall be notified in writing and/or on the plat of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plat and all required, necessary, and requested supporting information must be resubmitted after the appropriate additions and corrections are made in order to complete the application.
  - (3) Upon resubmittal, the condominium plat will again be forwarded to the reviewing departments and agencies, and to the Planning Commission. The applicant shall be required to resubmit the plat and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this ~~Code~~title and other applicable City and agency standards.
- (d) *Planning Commission Review.*
- (1) When the condominium plat has been determined by the Community Development Department to be complete and in compliance with all requirements, the plat, together with all supporting information, will be forwarded to the Planning Commission for review. If required by other provisions of this ~~Code~~title or state law, the Planning Commission shall review it at a public hearing with appropriate notice preceding the review.
  - (2) The Planning Commission shall review the plat, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation and to review compliance with all requirements of this ~~Code~~title. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

(LDC 2008, § 15A-31-02)

### **Sec. 21-31-3. Validity of Preliminary Plat Review.**

(a) The preliminary plat review is valid for two years. The Planning Commission may grant a one-year extension of the preliminary plat provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat review.

(b) If a final plat which covers only a portion of the preliminary plat is recorded within the two-year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Planning Commission for one year from the date of recording that final plat.

(c) If the developer desires to change the grade or location of streets within the condominium project, or desires to increase the number of units in the project, or substantially alters the original condominium concept or design as determined by the Director, a revised preliminary plat must be submitted to the Planning Commission for

review.

(d) The Director may, in his discretion, approve changes to the preliminary plat to decrease the number of units in the condominium project, to make minor boundary changes, or to make other minor changes without requiring that the revised preliminary plat be reviewed by the Planning Commission.

(LDC 2008, § 15A-31-03)

**Sec. 21-31-4. Final Plat Review and Approval.**

(a) After review by the departments, agencies, and the Planning Commission, the applicant shall submit to the Community Development Department a final condominium plat and a declaration of condominium, together with all supporting documents which comply with all statutes, ordinances, requirements, corrections, additions, etc., required by the departments, agencies, and the Planning Commission.

(1) The Community Development Department, along with the other reviewing departments and agencies, shall review the condominium plat and supporting information to determine compliance with all requirements, corrections, additions, etc. The owners of land included on the plat, including, but not limited to, additional land, convertible land, withdrawable land, convertible space, and contractible land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate and shall obtain the approval of the following agencies and officers, entered in writing on the plat by the designated officers and agencies:

- a. The owner or operator of the underground and utility facilities.
- b. The City's Department of Public Utilities, City Engineer, Planning Commission, other departments as applicable, and City Attorney's Office.
- c. The Mayor for final approval, which signature shall be attested to by the City Recorder.

(b) The developer shall pay all applicable development fees prior to the City releasing the Mylar to be recorded.

(c) The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, the following shall be returned to Sandy City prior to the issuance of any building permits:

- (1) One Mylar copy of the recorded condominium plat (full size 24-inch by 36-inch).
- (2) Four copies of the recorded condominium plat (full size 24-inch by 36-inch).
- (3) One letter size (8 1/2-inch by 11-inch) copy of the recorded condominium plat.
- (4) One copy of the recorded Declaration.

(LDC 2008, § 15A-31-04)

**Sec. 21-31-5. Validity of Final Plat Approval.**

The final plat shall expire and be void one year after approval by the Mayor unless the plat has been recorded. The Planning Commission may grant one-year increment extensions of the final plat provided the final plat still complies with all applicable ordinances.

(LDC 2008, § 15A-31-05)

**Sec. 21-31-6. Changes to Unrecorded Final Plat.**

The Community Development, Public Utilities, and Public Works Directors may, in their discretion, ~~may~~ approve minor changes to approved final plats before the plat is recorded. The types of minor changes contemplated by this section would include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Director determines the changes to be substantially different from the original approval. Changes to recorded final plats shall be in accordance with state law and any policies or procedures adopted by the City.

(LDC 2008, § 15A-31-06)

**Sec. 21-31-7. Convertible Space; Administrative Approval.**

The Director may approve the conversion of space within an existing structure if the space was labeled on the recorded condominium plat as convertible space and it is proposed to be converted into one or more units or common areas and facilities. The developer shall submit an amended or supplemental condominium plat and declaration of condominium and all other documents required by the Utah Condominium Ownership Act. The Director must determine that the proposal is in compliance with all previously established requirements, conditions, limitations and regulations and is in compliance with all provisions of this ~~Code~~ title.

(LDC 2008, § 15A-31-07)

**Sec. 21-31-8. Minimum Standards Required.**

The following are the minimum standards for a condominium project:

- (1) All condominium units within a development shall be separately metered for gas and electricity.
- (2) Each unit shall be provided with readily accessible individual shut-off valves or switches for water, gas, and electrical services.
- (3) Each condominium unit shall be equipped with its own heating system.
- (4) The Public Utilities Department shall determine the appropriate number of meters. Water service billings shall be billed to the Association.
- (5) Each condominium project shall conform in all respects to the current Sandy City Water Policy.
- (6) Sewer service shall be coordinated with respective sewer improvement districts.
- (7) If the condominium project contains private streets, paths, or roadways, provisions shall be made for public utility easements over the entire private street, path, or roadway network. The City may also require public utility easements over other portions of the project to accommodate fire hydrants, water meters, street furniture, storm drainage, sanitary sewers, water and gas mains, electrical lines, irrigation systems, and similar public improvements and utilities. The City may also require access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas of the project.
- (8) Each owner and the Association shall have an easement for entry upon any privately-owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area.
- (9) All other requirements for the uses within the project (e.g., mixed use, PUD, commercial, office etc.).

(LDC 2008, § 15A-31-08)

**Sec. 21-31-9. Condominium Conversion Standards for Existing Occupied Buildings.**

An unregulated condominium conversion of existing occupied buildings may have deleterious effects upon an occupant prior to a conversion since the seller and the buyer may not fully appreciate or understand the implications of condominium living and ownership. The specific purposes of this section are:

- (1) To establish the requirements for approval for a conversion of existing occupied multifamily rental housing to residential condominiums and existing occupied commercial office buildings to commercial use condominiums.
- (2) To establish building safety criteria for condominium conversion projects by requiring conformance to the City's Building Codes and other development standards.
- (3) To ensure that condominium developments have adequate living space, open space, parking and recreation areas.
- (4) To establish the standards and criteria for the geographical layout of a condominium project.

(LDC 2008, § 15A-31-09)

**Sec. 21-31-10. Application and Review Process for Condominium Conversions.**

(a) *Compliance with All Requirements for Condominium Development.* Proposals for the conversion of existing occupied residential or commercial projects shall comply with all requirements for the development of new

residential or commercial condominium projects set forth above.

(b) *Additional Requirements.* In addition to the application, review, and approval requirements for new condominium projects, the following information will be required for a condominium conversion:

- (1) *Property Report and Plan.* A property report containing the information specified in this section shall be submitted as part of the application, together with a plan for all proposed improvements and repairs. Such plan and report shall be prepared and certified by a civil engineer or a general engineering contractor licensed by the State of Utah. The owner or developer shall submit a Report of Property Condition which is intended to ensure that the standards of the declaration appropriately address existing and future conditions relating to maintenance and operation. The property report shall contain the following information:
    - a. The age of the ~~building or~~ buildings.
    - b. Condition of structural elements, including roof, foundation, mechanical system, electrical system, plumbing system, and boiler or furnace.
    - c. Size of water service line from the meter to the individual unit.
    - d. Size of sewer lateral and sewer lines from each unit.
    - e. Capacity of electrical service for each unit (amps).
    - f. Condition of paving material on private streets.
    - g. Condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc.
    - h. Condition of paint and/or exterior surfaces of all buildings and structures.
    - i. All known conditions constituting deficiencies.
    - j. All known conditions which may require repair or replacement within the next succeeding five-year period.
    - k. The report shall also contain a statement of disclosure containing all information pertinent to any failure of the building to meet the requirements of the current Building Code, Fire Code and ~~current Zoning Ordinance~~ this title.
  - (2) *Report of Building Official.*
    - a. At the time of submission of an application for the conversion of any existing occupied buildings, the Chief Building Official, Fire Marshal, or his designee, shall make an inspection of the proposed condominium project to determine compliance with the life safety provisions of the International Building Code and the International Fire Code, which shall be used to implement the provisions of this subsection.
    - b. Prior to Planning Commission preliminary review of a condominium project involving a conversion of existing occupied buildings, the Chief Building Official and Fire Marshal shall submit a Property Inspection Report to the Director specifying any deficiencies of life safety standards of the International Building Code and the International Fire Code which are found to exist in the project. This report shall be submitted to the Planning Commission as an element of the Property Report and Plan.
- (c) *Final Approval.*
- (1) All proposals for the conversion of existing occupied residential or commercial projects into residential or commercial condominium projects shall comply with all requirements set forth above for the final review of a new condominium development project.
  - (2) In addition, the following information and inspections are required prior to final review for a condominium conversion:
    - a. Proof that all utility bills are current at the time of conversion.
    - b. Prior to any final approval for the conversion of an apartment building or a commercial building to

a condominium project, the building must conform to the life safety requirements as found in the International Building Code, the International Mechanical Code, the National Electrical Code, the International Plumbing Code, the International Fire Code and the Life Safety Code, as currently in effect in Sandy City.

- c. Prior to final approval, the developer shall request and the Chief Building Official shall cause final inspections of all buildings and structures and work therein to be made to determine conformance with the International Building Code, the International Fire Code and other applicable codes and ordinances.

(LDC 2008, § 15A-31-10)

## **CHAPTER ~~15A-32-21-32~~. SITE PLAN REVIEW**

### **Sec. 21-32-1. Purpose.**

(a) The site plan review process is established in order to assure that all new development proposed for Sandy City will comply with all zoning and development standards as provided in this ~~Code title~~. The general appearance of buildings and structures and the improvement of land shall contribute to an orderly and harmonious appearance and a safe and efficient development. Site plan approval as described in this chapter shall also be required for issuance of a conditional use permit, where required.

(b) Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements outlined elsewhere in this ~~Development Code title~~, the International Building Code, Uniform Fire Code, or any more restrictive provisions of covenants, agreements, or other ordinances or laws.

(c) It is not the purpose of this chapter that design should be so rigidly controlled so as to stifle creativity or individual expression. Rather, it is the intent of this chapter that any control exercised be the minimum necessary to achieve the objectives as stated above.

(LDC 2008, § 15A-32-01)

### **Sec. 21-32-2. Application and Review Process.**

(a) *Requirement.* Site plan review shall be required for the following:

- (1) All proposed new development, except for one- and two-family residential dwellings.
- (2) All plans for earth-sheltered dwellings.
- (3) Modified site plan review shall be required as hereafter described for all changes in existing structures or sites, except for one- and two-family residential dwellings.
- (4) Issuance of a conditional use permit, where required.

(b) *Development Review.*

(1) *Initial Staff Review.* To help expedite review of a development proposal, prior to submitting an application for site plan review, persons interested in undertaking development may meet informally with members of the Community Development Department to become acquainted with the substantive and procedural requirements of this ~~Code title~~.

(2) *Development Review.*

- a. If requested by staff, persons interested in undertaking development shall attend a meeting where representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, the Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
- b. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the

proposal's compliance with the provisions of the appropriate regulations of this ~~Code-title~~, the International Building Code, and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.

- (3) *Planning Commission Review.* Planning Commission review may be required if indicated by a specific section of ~~the Development Code-this title~~. The Director or the Development Review Meeting staff may require review of a site plan by the Planning Commission.
- (4) *Additional Information Requirements.* Staff members may request that additional studies or information (e.g., geotechnical studies, traffic impact analyses, market feasibility analyses, or water needs analyses) be submitted together with the application for site plan review.

(c) *Application.* An application for development that requires site plan review must be submitted to the Community Development Department and must contain the information and be in the format required by the Site Plan Review Checklist available from the Community Development Department. The application must include the following:

- (1) General Development Application Form.
- (2) Site plan.
- (3) Landscaping and Irrigation Plan.
- (4) Architectural building elevations.
- (5) Grading and Drainage Plan.
- (6) Utility Plan.
- (7) Road Plan and profiles.
- (8) Other studies and analyses requested by staff or the Planning Commission that may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
- (9) Adjacent property information.
- (10) Names and addresses of property owners within 300 feet of the proposed project on mailing labels from the Salt Lake County Recorder's Office (when required by staff).
- (11) Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
- (12) Fees as established by City Council.
- (13) Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), where required. For projects that warrant compliance with the UGCP, the SWPPP is to be set up and managed via an internet-based management system.
- (14) Post Construction Storm Water Maintenance Plan where required.

(d) *Preliminary Site Plan Review.*

- (1) If, prior to submitting an application for site plan review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
- (2) Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the site plan shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with all the requirements of this ~~Code-title~~ and other applicable City and agencies' standards.
  - a. If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this ~~Code-title~~, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary, and

- requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
- b. Upon resubmittal, the site plan will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this ~~Code title~~ and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.
- (e) *Planning Commission Review.*
- (1) When preliminary review of the site plan has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required.
  - (2) The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
  - (3) If preliminary review is required by the Planning Commission and no substantial action has occurred within two years, the application shall expire.
- (f) *Final Site Plan Review.*
- (1) After review by the departments, agencies, and Planning Commission, if required, the applicant shall submit a final site plan, together with all supporting documents that comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission to the Community Development Department.
  - (2) The Community Development Department, along with the other reviewing departments and agencies, shall review the site plan and supporting information to determine compliance with all requirements, corrections, additions, etc.
  - (3) A signed and recorded Post-Construction Storm Water Maintenance Agreement shall be submitted with the final plan set where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.
- (g) *Site Plan Approval.*
- (1) When the Director makes the determination that the final site plan is complete and complies with all the requirements, the plan will be stamped and signed by the Community Development Director, the Planning staff member handling the review, the Chief Engineer of the Public Utilities Department, the City Engineer, the City Transportation Engineer and, if required, the Parks and Recreation Department staff member handling the review.
  - (2) Once signed by all appropriate City departments, the site plan, civil drawings, and landscape/irrigation plans, along with the Agreement to Conditions, shall be signed by the developer. All site plan sets, improvement guarantees, improvement agreements, and the Agreement to Conditions must be signed by the same person or entity.
  - (3) In addition to the above, any required items not previously submitted, including any required dedication documents, fees, improvement guarantees, and improvement agreements, must be submitted at this time before a building or construction permit may be issued.
  - (4) A copy of the approved signed site plan, civil drawings, landscape/irrigation plans, and approved building plans shall be kept on the construction site at all times.

- (5) A grading permit may be issued prior to the issuance of a building permit with the approval of the City Engineer, together with a guarantee in an amount to be determined by the City Engineer.
- (6) Once the final site plan sets have been signed, development fees paid, and the guarantee for improvements is in place, a building permit may be issued to begin construction.

(LDC 2008, § 15A-32-02; Ord. No. 15-22, 7-15-2015)

**Sec. 21-32-3. Amendments to the Final Site Plan.**

After final approval of a site plan, any minor changes must be approved in advance by the Director. Further, the Director is authorized to approve only minor changes regarding the location, siting, or character of buildings and structures that have been made necessary by technical or other circumstances not foreseen at the time the final site plan was originally approved. All other changes in use or rearrangement of lots, blocks, buildings, tracts or groupings, or any changes in the provision of common open space and other change as noted above shall be made by the Director only after a recommendation by the appropriate staff member. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final site plan was approved. Any changes to the final site plan must be recorded as amendments in accordance with the procedure established for adopting the final site plan. The Director is not authorized to approve changes that may cause any of the following:

- (1) Change in the use or character of the development.
- (2) An increase in the overall density or intensity of use.
- (3) A significant increase in the overall coverage of the site by structures.
- (4) A reduction of approved open space or proposed amenities.
- (5) A reduction of required off-street parking.
- (6) A significant alteration to pedestrian, vehicular and bicycle, circulation, and utility networks.
- (7) A reduction in required street pavement widths.

(LDC 2008, § 15A-32-03)

**Sec. 21-32-4. Failure to Begin and Continue Development.**

- (a) Building permits shall not be issued until final site plan approval is granted.
- (b) If no substantial construction has occurred in a development that has been granted final site plan approval pursuant to the provisions of this Code ~~title~~ within one year from the date of granting of such approval, the final site plan shall expire.
- (c) The Director may extend the period during which any final site plan approval may be valid for a period not to exceed 12 months.

(LDC 2008, § 15A-32-04)

**Sec. 21-32-5. Conformance to Transportation Engineering Standards.**

In reviewing the site plan, the Transportation Engineer shall apply engineering standards as contained in the Manual of Uniform Traffic Control Devices, the American Association of State Highway and Transportation Officials publications and City requirements. No site approval shall alter, amend, or modify such engineering standards. To ensure conformance with the above standards, the Director and Planning Commission shall consult with the Transportation Engineer.

(LDC 2008, § 15A-32-05)

**Sec. 21-32-6. Guarantee for Improvement.**

A Guarantee for Improvement in favor of the City is required in an amount sufficient to assure compliance by the applicant with the requirements of the approved site plan.

(LDC 2008, § 15A-32-06)

### **Sec. 21-32-7. Occupancy of the Structure.**

Occupancy of the structure shall be permitted only after all final inspections have been made by the Building and Safety Division and the Fire Department to assure compliance with all Building and Safety, Fire and Life Safety Codes relating to the development. In addition, all requirements of the approved site plan must also be completed prior to occupancy or a Guarantee for Improvement must have been given to the City to assure completion of all required items.

(LDC 2008, § 15A-32-07)

### **Sec. 21-32-8. Requirements for Changes to Existing Structures and Sites (Modified Site Plan Review).**

- (a) *Requirements.* Modified site plan review shall be required for the following:
- (1) Proposed changes to an existing building, e.g., increasing the building's exterior dimensions compared to the original approved building footprint or height.
  - (2) Proposed use change to previously developed property.
  - (3) Proposed site change to previously developed property (e.g., additional paved areas for driveways, parking or storage, regrading and repaving of existing paved areas, etc.).
  - (4) Other proposed changes to a previously developed building or property, as determined by staff.
- (b) *Review Procedure for Changes to Existing Structures and Sites.*
- (1) *Initial Staff Review.* Prior to submitting an application for modified site plan review and to help expedite review of a development proposal, persons desiring to modify a previously developed building or property, as set forth herein, may meet informally with the Community Development Department staff to obtain information regarding the development standards for the zone in which the project is located and to obtain information regarding the process of reviews and approvals.
  - (2) *Development Review.* The development proposal shall be reviewed at a Development Review Meeting. At the meeting, the various departments will initially assess the proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this Code title, the International Building Code, and any other applicable ordinances or codes of Sandy City, and provide some information concerning the City's review requirements and procedures. They will also determine the departments and agencies that will need to review the proposal.
  - (3) *Planning Commission Review.* Planning Commission review may be required if required by a specific section of the Development Code ~~the Development Code~~ this title. The Director or the Development Review Meeting staff may require review of a site plan by the Planning Commission.
  - (4) *Additional Information Requirements.* Staff members may request that additional studies or information (e.g., geotechnical studies, traffic impact analyses, market feasibility analyses, or water needs analyses) be submitted together with the application for site plan review.
  - (5) *Application.* An application for development that requires modified site plan review must be submitted to the Community Development Department and must contain the information and be in the format required by the Modified Site Plan Review Procedures and Standards available from the Community Development Department. The application must include the following, as determined by staff:
    - a. General Development Application Form.
    - b. Site plan.
    - c. Landscaping and Irrigation Plan.
    - d. Architectural building elevations.
    - e. Grading and Drainage Plan.
    - f. Utility Plan.
    - g. Road Plan and profiles.

- h. Other studies and analyses requested by the staff or Planning Commission that may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
  - i. Adjacent property information.
  - j. Names and addresses on mailing labels from the Salt Lake County Recorder's Office of property owners within 300 feet of proposed project (when required by staff).
  - k. Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
  - l. Fees as established by the City Council.
  - m. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), where required. For projects that warrant compliance with the UGCP, the SWPPP is to be set up and managed via an internet-based management system.
  - n. Post-Construction Storm Water Maintenance Plan, where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.
- (6) *Preliminary Review Process.*
- a. Upon submittal of an application and supporting information and review at a Development Review Meeting, the modified site plan shall be forwarded to the reviewing departments and agencies, as determined at the meeting, who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with all the requirements of this ~~Code~~title and other applicable City and agencies' standards.
  - b. If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this ~~Code~~title, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and/or requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary, and requested supporting information must be resubmitted after the appropriate additions and corrections are made in order to complete the application.
  - c. Upon resubmittal, the modified site plan will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine the submittal is complete and complies with the requirements of this ~~Code~~title and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.
- (7) *Planning Commission Review (If Required).*
- a. When the review of the modified site plan has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required.
  - b. The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts are necessary to address and may establish additional requirements to address anticipated impacts
- (8) *Final Reviews and Approval.*
- a. The final modified site plan shall be reviewed by City departments and other agencies to determine its completeness and compliance with all requirements, corrections, additions, etc.
  - b. When the Community Development Department makes the determination that the final modified site plan is complete and complies with all the requirements, the plan will be stamped and signed

by the Director, the Planning staff member handling the review, the Chief Engineer of the Public Utilities Department, the City Engineer, the City Transportation Engineer and, if required, the Parks and Recreation Department.

- c. Once signed by all appropriate City departments, the site plan, civil drawings, and landscape/irrigation plans, along with the Agreement to Conditions, shall be signed by the developer. All site plan sets, Agreements to Conditions, Improvement Guarantees and Improvement Agreements must be signed by or in the name of the same person or entity.
- d. In addition to the above, any required items not previously submitted, including any required dedication documents, fees, improvement guarantees, and improvement agreements, must be submitted at this time before a building or construction permit may be issued.
- e. A copy of the approved, signed site plan, civil drawings, and the landscape/irrigation plans shall be kept on the construction site at all times with the approved building plans.
- f. A grading permit may be issued prior to the issuance of a building permit with the approval of the City Engineer, together with a guarantee in an amount to be determined by the City Engineer.
- g. A signed and recorded Post-Construction Storm Water Maintenance Agreement shall be submitted with the final plan set where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.

- (9) *Building Permit.* Once the final site plan sets have been signed, development fees paid, and the guarantee for improvements is in place, a building permit may be issued to begin construction.

(LDC 2008, § 15A-32-08; Ord. No. 15-22, 7-15-2015)

#### **CHAPTER ~~15A-33~~ 21-33. CONDITIONAL USE PERMIT\***

\*State law reference—Conditional uses, U.C.A. 1953, § 10-9a-507.

##### **Sec. 21-33-1. Purpose.**

The purpose of conditional uses is to allow a land use that, because of its unique characteristics or potential impact on the ~~municipality~~ City, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts or, if the detrimental impacts or effects cannot be mitigated or eliminated, to prohibit such use.

(LDC 2008, § 15A-33-01)

##### **Sec. 21-33-2. Application and Review Process.**

A conditional use permit is required for all uses listed as conditional uses in each zone district or elsewhere in ~~the Development Code~~ this title. No person or entity shall operate or conduct a use designated as a conditional use within the applicable zone district without first obtaining a conditional use permit. Applications for a conditional use permit are required to comply with all requirements of this chapter for review and approval, including the requirements for a building permit, site plan, or subdivision approval procedures and any other applicable requirements of this ~~Code~~ title, including, but not limited to, guarantees. The Director shall determine when an application is complete.

- (1) *Development Review.*

- a. To help expedite review of a conditional use proposal, prior to submitting an application for a conditional use permit, interested persons may meet informally with the Community Development Department to become acquainted with the substantive and procedural requirements of this ~~Code~~ title.
- b. If requested by staff, persons proposing a conditional use shall attend a Development Review Meeting. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions with respect to the proposal's compliance with the provisions of the appropriate regulations of this ~~Code~~ title, the International Building Code and

any other applicable ordinances or codes of Sandy City; suggest possible means of mitigating or eliminating any detrimental impacts or effects; and provide information concerning the City's review requirements and procedures.

- c. Staff members may request that additional studies or information, such as geotechnical studies, traffic impact analyses, market feasibility analyses, noise impact analyses, or water needs analyses, be submitted together with the application for conditional use review.
- (2) *Application.* The property owner or authorized agent thereof shall submit the following, as determined necessary by staff:
    - (1) A general development application, together with all required information for a conditional use permit.
    - (2) A general development application, together with all information required for site plan review (where site plan review is required) or subdivision review (where subdivision review is required).
    - (3) Sufficient information to demonstrate that the general and specific requirements and standards of this ~~Code~~title will be met by the construction and operation of the proposed building, structure, or use.
    - (4) Plats, plans and/or drawings drawn to scale showing the location and dimensions of buildings, streets, and other improvements on or near the subject property that may be affected by the proposed use and showing the nature and extent of those effects.
    - (5) Fees established by City Council.
  - (3) *Preliminary Review.* Upon submittal of a conditional use application and supporting information, it shall be reviewed by staff to determine if it is complete and complies with all requirements of this ~~Code~~title. If the proposed conditional use also requires site plan or subdivision review, it shall proceed through the preliminary review process as set forth for those applications.
  - (4) *Planning Commission Review.*
    - a. When preliminary review of the conditional use and site plan or subdivision (if required) have been determined to be complete and in compliance with all requirements, the applications, together with all supporting information, will be forwarded to the Planning Commission for review at a public meeting. The Director or Planning Commission may schedule it to be reviewed at a public hearing when, and if, they determine it appropriate.
    - b. The Planning Commission shall review the applications including all information to determine if the general standards have been complied with, and/or all impacts and detrimental effects have been addressed and to receive public input, when required, concerning detrimental impacts or effects and their mitigation or elimination. Additional studies/analyses may be required to enable the Planning Commission to determine what detrimental impacts or effects need to be addressed, and the Planning Commission may establish additional conditions to address them.
  - (5) *Final Review.* If the Planning Commission grants a conditional use permit and establishes additional requirements and conditions, the applicant shall submit all necessary documents that comply with all the ordinances, requirements, corrections, additions, conditions, etc., to the Community Development Department to determine compliance.

(LDC 2008, § 15A-33-02)

### **Sec. 21-33-3. General Standards for Conditional Uses.**

No conditional use may be approved unless the proposed use complies with the applicable provisions of this ~~Code~~title, state and federal law; and the following standards that apply to all conditional uses:

- (1) *Equivalent to Permitted Use.* Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those that could reasonably be expected to arise from a use that is permitted in the district:

- a. The health, safety, and welfare of the City and its present and future inhabitants and businesses.
  - b. The prosperity of the City and its present and future inhabitants and businesses.
  - c. The morals, peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses.
  - d. The tax base.
  - e. Economy in governmental expenditures.
  - f. The State's agricultural and other industries.
  - g. The urban and non-urban development.
  - h. Access to sunlight for solar energy devices.
  - i. Property values.
- (2) *Impact Burden.* Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the ~~municipality~~ City, surrounding neighbors, or adjacent land uses.
- (3) *Conform to the Objectives of the General Plan.* The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight, or injure property values.

(LDC 2008, § 15A-33-03)

**Sec. 21-33-4. Conditions.**

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (1) Size, configuration and location of the site and the proposed site plan layout.
- (2) Proposed site ingress and egress to existing and proposed roads and streets.
- (3) The adequacy, provision, relocation, or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.
- (4) Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.
- (5) Site circulation patterns for vehicular, pedestrian and other traffic.
- (6) Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.
- (7) The location and design of all site features, including proposed signage, lighting, and refuse collection.
- (8) The provision of useable open space, public features, and recreational amenities.
- (9) Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts.
- (10) Measures directed at minimizing or eliminating possible nuisance factors, including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
- (11) Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife, and plant life.
- (12) The regulation of operating hours for activities affecting normal schedules and functions.
- (13) Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

- (14) Measures to assure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.
- (15) Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this ~~Code~~ title.

(LDC 2008, § 15A-33-04)

**Sec. 21-33-5. Determination.**

A conditional use permit shall be approved if conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth herein. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth herein, the conditional use permit may be denied.

(LDC 2008, § 15A-33-05)

**Sec. 21-33-6. Modification or Revocation.**

All approvals of conditional use permits are conditional upon additional reviews, after the use has been established, to determine if the actual detrimental impacts and effects have been mitigated or eliminated to meet the general standards set forth herein and to evaluate whether they continue to be effective in doing so. If the use does not meet the general standards, additional conditions may be imposed to achieve compliance. The Planning Commission, on its own motion or upon a staff recommendation or after receipt of an applicant's request, may hold a hearing upon the question of modification or revocation of a conditional use permit granted under or pursuant to the provisions of this section. The Planning Commission may modify the conditions under which the conditional use was granted or revoke the conditional use permit if the Commission finds:

- (1) The actual detrimental effects or impacts are greater than anticipated.
- (2) The permit was obtained by misrepresentation or fraud.
- (3) The use for which the permit was granted has now ceased for at least six consecutive calendar months.
- (4) One or more of the conditions of the permit have not been met.
- (5) The holder or user of the conditional use permit has failed to comply with any City, state or federal law governing the conduct of the use.
- (6) The holder or user of the conditional use permit has failed to construct or maintain the site as shown on the approved plan.
- (7) One or more of the general standards have not been met.

(LDC 2008, § 15A-33-06)

**Sec. 21-33-7. Building Permit.**

After the Community Development Department determines that the documents, information, site plan (where required) or subdivision plat (where required) comply with all the requirements established by the departments, agencies, Planning Commission, and this chapter, the Director may approve an application for a building or other permit or business license for those uses that do not require construction.

(LDC 2008, § 15A-33-07)

**Sec. 21-33-8. Expiration.**

A conditional use permit shall expire and become null and void if the permit has not been implemented by the recipient within one year of the date of approval. The permit shall be considered implemented if the recipient either engages or participates in the conditional use or completes substantial construction on the project for which the permit was granted. The Community Development Department may grant a maximum of two extensions of up to six months each if it finds that the use, with the conditions previously imposed by the Planning Commission, will still be in compliance with the general standards. If the Department finds that the use no longer complies with those

standards, the recipient may request that the Planning Commission review the request for an extension. The Planning Commission may grant a maximum of two extensions of up to six months each if it finds that the use, with the conditions previously imposed, or with the imposition of additional conditions, will still be in compliance with the general standards.

(LDC 2008, § 15A-33-08)

**Sec. 21-33-9. Conditional Use Appeals.**

All appeals from decisions of the Planning Commission regarding conditional use permits shall be reviewed by the Board of Adjustment.

(LDC 2008, § 15A-33-09; Ord. No. 16-15, 3-28-2016)

**CHAPTER ~~15A-34~~ 21-34. ANNEXATION\***

\***State law reference**—Annexation, U.C.A. 1953, § 10-2-401 et seq.

**Sec. 21-34-1. ~~Annexation~~; Criteria for Review and Acceptance.**

(a) The proposed annexation area shall ~~be~~ substantially comply with the requirements of state law currently in effect or as it may be amended.

(b) The proposed annexation area shall substantially comply with the policies established by the General Plan to the extent that it may address the same, unless determined otherwise by the City Council. Any failure to comply therewith will not invalidate any action taken by the City Council or create a cause of action.

(LDC 2008, § 15A-34-01)

**Sec. 21-34-2. Procedures for Annexation.**

(a) The procedure for annexation into Sandy City shall substantially comply with those set forth in state law currently in effect or as it may be amended.

(b) The Community Development Department may establish forms and procedures for applications/petitions for annexation to Sandy City in addition to those set forth by state law.

(c) The fee for annexation shall be set by resolution of the City Council.

(LDC 2008, § 15A-34-02)

**Sec. 21-34-3. Appeals; ~~Annexation~~.**

An appeal of the City Council's decision to annex shall be filed only in accordance with the provisions of the Utah Code Annotated as are currently in effect or as may be amended.

(LDC 2008, § 15A-34-03)

**CHAPTER ~~15A-35~~ 21-35. APPEALS AND VARIANCES\***

\***State law reference**—Appeals and variances, U.C.A. 1953, § 19-9a-701 et seq.

**Sec. 21-35-1. Appeals.**

(a) *Administrative Appeal Required.* As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge the land use authority's decision, in accordance with these ordinances.

(b) *Authority.* The appeal authorities set forth in this ~~Code title~~ act in a quasi-judicial manner and as the final arbiter of issues involving the interpretation or application of land use ordinances.

(c) *Who May Appeal.* The applicant, the City, a board or officer of the City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided in this ~~Code title~~, appeal that decision to the designated appeal authority by alleging that there is an error in any order, requirements, decision, or determination made by the land use authority in the administration or interpretation of this ~~Code title~~. In the event that the land use authority requires that a matter return to it for further review, an appeal can only be made on a decision made after that further review.

(d) *Time for Appeal.* Except as provided in U.C.A. 1953, § 10-9a-704, an appeal of a decision of a land use authority to an appeal authority must be filed in writing with the Community Development Department within ten calendar days of the date the land use authority issues a written decision or approval of the minutes of a meeting at which the decision was made, if applicable, whichever occurs first.

(e) *Information to be Presented.*

(1) An appellant must first present any and all information to the land use authority which it intends to raise before the appeal authority. The appellant may not bring new information for consideration before the appeal authority that had not been previously presented to the land use authority during its consideration of the matter.

(2) An appellant must present to the designated appeal authority every theory of relief that it can raise in District Court.

(3) No new information that was not previously presented to the land use authority may be presented on appeal.

(f) *Review of the Record of the Land Use Authority.*

(1) The appeal authority's review of decisions of a land use authority shall be confined to the administrative record developed by the land use authority unless the appeal authority determines that the record is incomplete or deficient.

(2) If the appeal authority determines that the record is incomplete or deficient, it may review the matter de novo.

(g) *Burden of Proof.* The appellant has the burden of proving that the land use authority erred.

(h) *Standard of Review.*

(1) *Legal Issues; Correctness Standard.* The appeal authority shall determine the correctness of a decision of the land use authority or administrative official in its interpretation and application of a land use ordinance. Because no specialized knowledge is necessary to make such a determination, no deference is given to the land use authority or administrative official; provided, however, the appeal authority shall not overrule that decision as a matter of law without the advice of its legal counsel.

(2) *Factual Issues and Other Issues; Arbitrary and Capricious Standard.* Land use authorities and administrative officials have specialized knowledge in the field of planning and land use and are charged with and are experienced in implementing the goals and policies of the community as adopted by and under the supervision of elected representatives of the public. Accordingly, they should be allowed a comparatively wide latitude of discretion; and their actions endowed with a presumption of correctness and validity which an appeal authority should not interfere with unless it is shown that there is no reasonable basis to justify the action taken, and that, therefore, the determinations made were so unreasonable as to be arbitrary and capricious. It is not the appeal authority's prerogative to substitute its judgment for that of the land use authority where the record discloses a reasonable basis for the land use authority's determination.

(i) *Scope of Authority.* Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

(j) *Effective Date of Appeal Authority Decision.* A decision of an appeal authority takes effect:

(1) *Board of Adjustment.* At the meeting in which the decision is made.

(2) *Other Appeal Authorities.* On the date when the appeal authority issues a written decision or approval of the minutes of the meeting at which the decision was made, if applicable, whichever comes first.

(LDC 2008, § 15A-35-01; Ord. No. 16-05, 2-5-2016)

## **Sec. 21-35-2. Variances.**

Variances shall be governed by U.C.A. 1953, § 10-9a-702.

~~(a) Who May Request a Variance. Any person, authorized agent in writing, or entity desiring a waiver or~~

~~modification of the requirements of the land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the appeal authority for a variance from the terms of the land use ordinance.~~

~~B. Standards for Variances.~~

~~1. A variance may only be granted if:~~

- ~~a. Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.~~
- ~~b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone district.~~
- ~~c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone district.~~
- ~~d. The variance will not substantially affect the General Plan and will not be contrary to the public interest.~~
- ~~e. The spirit of the land use ordinance is observed and substantial justice done.~~

~~2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection B 1 above, the appeal authority may not find an unreasonable hardship unless the alleged hardship:~~

- ~~a. Is located on or associated with the property for which the variance is sought; and~~
- ~~b. Comes from circumstances peculiar to the property, and not from conditions that are general to the neighborhood.~~
- ~~c. Is not self-imposed or economic. A hardship inflicted on a property by action of a previous owner is considered to be self-imposed and shall not be reason for granting a variance to the current owner.~~

~~3. In determining whether or not there are special circumstances attached to property under Subsection B 1, the appeal authority may find that special circumstances exist only if the special circumstances:~~

- ~~a. Relate to the hardship complained of; and~~
- ~~b. Deprive the property of privileges granted to other properties in the same zone district.~~

~~C. Burden of Proof. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.~~

~~D. Effect. Variances run with the land.~~

~~E. Use Variances Not Allowed. The appeal authority may not grant use variances.~~

~~F. Imposing Additional Requirements. In granting a variances, the appeal authority may impose additional requirements on the applicant that will:~~

- ~~1. Mitigate any harmful affects of the variance; or~~
- ~~2. Serve the purpose of the standard or requirement that is waived or modified.~~

(LDC 2008, § 15A-35-02)

**Sec. 21-35-3. District Court of Review of Decision.**

(a) Any person adversely affected by a final decision made in the exercise of or in violation of the provisions of this ~~title~~chapter may file a petition for review of the decision with the District Court within 30 days after the land use decision is final.

(b) No person may challenge in District Court the City's land use decision made under this ~~title~~chapter or under a regulation made under authority of this ~~Code~~title, until that person has exhausted their administrative remedies as provided herein and in the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.), if applicable.

(c) The filing of a petition in the District Court and its review shall be governed by the provisions of the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.).

(LDC 2008, § 15A-35-03)

**State law reference**—District court review, U.C.A. 1953, § 10-9a-801 et seq.

**CHAPTER ~~15A-36~~ 21-36. NOTICE REQUIREMENTS\***

**\*State law reference**—Notice requirements, U.C.A. 1953, § 10-9a-201 et seq.

**Sec. 21-36-1. Applicant Notice; Waiver of Requirements.**

(a) For each land use application the City shall:

- (1) Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
- (2) Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
- (3) Notify the applicant of any final action on a pending application.

(b) If the City fails to comply with the requirements of Subsection (a)(1) or (2) of this section, or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

(LDC 2008, § 15A-36-01)

**State law reference**—Similar provisions, U.C.A. 1953, § 10-9a-202.

**Sec. 21-36-2. Third-Party Notice.**

(a) For those sections of these ordinances that require notice to adjacent property owners, the City shall:

- (1) Mail notice three days before the public hearing or public meeting to the record owner of each parcel within 300 feet of the property that is subject of the hearing; or
- (2) Post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passersby.

(b) The mailed notice to third party property owners under Subsection (a)(1) of this section shall include both property owners within the City boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property.

(LDC 2008, § 15A-36-02)

**State law reference**—Third party notice, U.C.A. 1953, § 10-9a-203.

**Sec. 21-36-3. General Plan.**

~~Sec. U.C.A. 1953, § 10-9a-702.~~  

~~(a) Notice of Intent to Prepare a Proposed General Plan or Comprehensive General Plan Amendment~~

- ~~1. The Planning Commission shall provide notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment and make a recommendation to the City Council when the Planning Commission initiates the process of preparing its recommendation.~~
- ~~2. The City shall provide 10 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment to:~~
  - ~~a. Each Affected Entity as defined in §10-9a-103 Utah Code Ann., as amended;~~
  - ~~b. The Automated Geographic Reference Center created in §63F-1-506 Utah Code Ann., as amended;~~
  - ~~c. The association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, Utah Code Ann. of which the City is a member; and~~
  - ~~d. The state planning coordinator appointed under §63F-38d-202 Utah Code Ann., as amended;~~

3. ~~Each notice under Subsection (2) shall:~~
- a. ~~Indicate that the City intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;~~
  - b. ~~Describe or provide a map of the geographic area that will be affected by the general plan or amendment;~~
  - c. ~~Be sent by mail, e-mail, or other effective means;~~
  - d. ~~Invite the affected entities to provide information for the City to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:~~
    - (1) ~~Impacts that the use of land proposed in the proposed general plan or amendment may have; and~~
    - (2) ~~Uses of land within the City that the affected entity is considering that may conflict with the proposed general plan or amendment;~~
  - e. ~~Include the address of the City's Internet website and the name and telephone number of a person where more information can be obtained concerning the City's proposed general plan or amendment.~~

**B. ~~General Plan Consideration — Notice Required.~~**

1. ~~After a proposed general plan or general plan amendment for all or part of Sandy City has been prepared, the Planning Commission shall schedule and hold a public hearing to consider the proposed plan or plan amendment after notice is given as set forth below.~~
2. ~~After the Planning Commission has forwarded the proposed general plan or amendment to the City Council, the Council shall hold a public meeting on the proposal after notice is given as set forth below.~~
3. ~~The City shall provide:~~
  - a. ~~Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and~~
  - b. ~~Notice of each public meeting on the subject.~~

**C. ~~Notice for Public Hearings.~~** ~~Each notice of a public hearing to consider the original adoption or any modification of all or any portion of a general plan shall be at least 10 calendar days before the public hearing and shall be:~~

1. ~~Published in a newspaper of general circulation in the area;~~
2. ~~Mailed to each affected entity; and~~
3. ~~Posted in at least three public locations within the City or on the City's official website.~~

**D. ~~Notice for Public Meetings.~~** ~~Each notice of a public meeting to consider the original adoption or any modification of all or any portion of a general plan shall be at least 24 hours before the public meeting and shall be:~~

1. ~~Submitted to a newspaper of general circulation in the area;~~
2. ~~Posted in at least three public locations within the City or on the City's official website.~~

(LDC 2008, § 15A-36-03)

**Sec. 21-36-4. Zone District Map and Land Development Code.**

See  C.A. 1953, § 10-9a-205.

**(a) ~~Zone District Map and Land Development Code Consideration.~~**

1. ~~The Planning Commission shall hold a public hearing to consider and make recommendations to the City Council on a proposed Land Development Code, Zone District Map or amendment thereto after notice is given as set forth below.~~
2. ~~After the Planning Commission has forwarded the proposed Zone District Map or Land Development~~

~~Code or amendment and its recommendation to the City Council, the Council shall consider each proposed Land Development Code, Zone District Map or amendment thereto at a public meeting after notice is given as set forth below.~~

~~B. Notice Required. The City shall provide notice of the date, time and place of the first public hearing to consider the adoption or any modification of the Land Development Code or Zone District Map and shall give notice of each public meeting on the subject.~~

~~C. Public Hearing Notice. Each notice of a public hearing to consider the adoption or amendment of a land use ordinance or zone district map shall be:~~

- ~~1. Mailed to each affected entity at least 10 calendar days before the public hearing;~~
- ~~2. Posted in at least three public locations within the City or on the City's official website; and~~
- ~~3. Published or mailed:
 
  - ~~a. Published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; or~~
  - ~~b. Mailed at least three days before the public hearing to:
 
    - ~~(1) Each property owner whose land is directly affected by the Code or Zone District Map change; and~~
    - ~~(2) Each adjacent property owner within 300 feet of the land directly affected.~~~~~~

~~D. Public Meeting Notice. The City shall provide notice for each public meeting on the subject at least 24 hours before the meeting and shall post the notice:~~

- ~~1. In at least three public locations within the City; or~~
- ~~2. On the City's official website.~~

~~(LDC 2008, § 15A-36-04)~~

### **Sec. 21-36-5. Subdivision Regulations.**

(a) *Subdivision Regulations Consideration.*

- (1) The Planning Commission shall hold a public hearing to consider and recommend to the City Council proposed ordinances regulating the subdivision of land or amendments thereto after notice is given as set forth below.
- (2) After the Planning Commission has forwarded the proposed ordinances regulating the subdivision of land or amendments thereto and its recommendation to the City Council, the Council shall consider each proposed ordinance regulating the subdivision of land or amendment thereto at a public meeting after notice is given as set forth below.

(b) *Notice Required.* The City shall give notice of the date, time and place of the first public hearing to consider the adoption or modification of subdivision ordinances and shall give each notice of each public meeting on the subject.

(c) *Public Hearing Notice.* Each notice of a public hearing to consider ordinances that regulate the subdivision of land within the City or amendments shall be:

- (1) Mailed to each affected entity at least ten calendar days before the public hearing;
- (2) ~~Be~~Posted:
  - a. Published in a newspaper of general circulation in the area at least ten calendar days before the public hearing; or
  - b. Mailed at least three days before the public hearing to:
    1. Each property owner whose land is directly affected by the subdivision ordinance change; and
    2. Each adjacent property owner within 300 feet of the land that is directly affected by the

subdivision ordinance change.

(d) *Public Meeting Notice.* Each notice of a public meeting to consider ordinances that regulate the subdivision of land within the City or amendments shall be at least 24 hours before the meeting and shall be posted:

- (1) In at least three public locations within the City; or
- (2) On the City's official website.

(LDC 2008, § 15A-36-05)

### **Sec. 21-36-6. Subdivision Plats and Amendments.**

See U.C.A. 1953, § 10-9a-207.

~~(a) Subdivision Plat Consideration.~~

- ~~1. The Planning Commission shall hold a public hearing to consider a preliminary subdivision plat or an amendment to a preliminary subdivision plat after notice is given as set forth below.~~
- ~~2. If an entire subdivision is vacated, the City Council shall consider the matter at a public meeting and pass a resolution containing a legal description of the entire vacated subdivision to be recorded in the County Recorder's Office.~~

~~B. Public Hearing Notice. The City shall give notice of the date, time and place of a public hearing as follows:~~

- ~~1. Mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel within the subdivision plat and the record owner of each parcel within 300 feet of the property proposed for subdivision or an amendment to a subdivision; or~~
- ~~2. Posted not less than three calendar days before the public hearing on the property proposed for subdivision or amendment, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby; and~~
- ~~3. If a proposed amendment involves the vacation, alteration, amendment, or closure of a street, the City shall:
 
  - ~~a. Publish the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation; and~~
  - ~~b. Mail notice to each affected entity.~~~~
- ~~4. If a preliminary plat is being considered that describes a multiple unit residential development or a commercial or industrial development, notice shall be mailed not less than three calendar days before the public hearing to each affected entity.~~

~~C. By Petition. If a petition has been filed to amend a subdivision pursuant to 10-9a-608 Utah Code Ann., the public hearing shall be within 45 days after the petition has been filed if:~~

- ~~1. An owner within the plat notifies the City of their objection to a proposed vacation, alteration, or amendment of a subdivision plat, in writing, within 10 days of mailed notification; or~~
- ~~2. All the owners in the subdivision have not signed the revised plat.~~

~~D. Public Meeting Notice. Each notice of a public meeting to consider the vacation of an entire subdivision shall be at least 24 hours before the meeting and shall be posted:~~

- ~~1. In at least three public locations within the City; and~~
- ~~2. On the City's official website.~~

(LDC 2008, § 15A-36-06)

### **Sec. 21-36-7. Condominium Plats and Amendments.**

If required by other provisions of this ~~Code title~~ or state law, the Planning Commission shall consider a condominium plat at a public hearing and comply with the noticing requirements therein. If a public hearing is not

required, the Planning Commission shall consider the condominium plat at a public meeting.

(LDC 2008, § 15A-36-07)

**Sec. 21-36-8. Street Vacations, Alteration, Amendments or Closure (not within a subdivision plat).**

See U.C.A. 1953, § 10-9a-708.

~~(a) Consideration of Public Street Vacations, Alterations, Amendments, or Closures:~~

- ~~1. Consideration of vacation, alteration, amendment or closure of public streets that are within a subdivision plat shall comply with the hearing and notice provisions set forth for subdivision plat amendments above.~~
- ~~2. For the consideration of the vacation, alteration, amendment, or closure of public streets that are not within a subdivision plat, the Planning Commission shall hold a public hearing to consider the vacation, alteration, amendment, or closure.~~

~~B. Public Hearing Notice. The Planning Commission shall give notice of the date, place, and time of a public hearing before it is to consider a vacation, alteration, amendment or closure of a public street as follows:~~

- ~~1. Mailing notice not less than three calendar days before the hearing addressed to the record owner of each parcel adjacent to the portion of the public street proposed to be vacated, altered, amended or closed and the record owner of each parcel within 300 feet of the portion of the public street which is proposed to be vacated, altered, amended or closed and to each affected entity; and~~
- ~~2. Publish notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the municipality in which the land subject to the proposal is located.~~

(LDC 2008, § 15A-36-08)

**Sec. 21-36-9. General Notice Requirements.**

For those sections of these ordinances which require public hearings or public meetings for which the notice requirements are not specified, notice shall be as follows:

- (1) *Application Concerning Specific Parcel of Property; Notice of Public Hearing.* For an application that concerns a specific parcel of property, the City shall provide notice of the date, time and place of a public hearing that is:
  - a. Posted not less than three calendar days before the public hearing in at least three public locations within the City or on the City's official website;
  - b. Mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel directly affected by the application and of each parcel within 300 feet of that property; or
  - c. Posted not less than three calendar days before the public hearing, on the property to which the application pertains, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (2) *Application Not Concerning Specific Parcel of Property; Notice of Public Hearing.* For an application that does not concern a specific parcel of property, the City shall provide notice of the date, time and place of a public hearing that is posted not less than three calendar days before the public hearing in at least three public locations within the City or on the City's official website.
- (3) *Notice for Public Meetings.* The City shall provide notice of a public meeting at least 24 hours before the meeting that shall be posted in at least three public locations within the City or on the City's official website.

(LDC 2008, § 15A-36-09)

**Sec. 21-36-10. Notice Challenge.**

~~If notice given under authority of this chapter is not challenged pursuant to the provisions of this Code title within 30 days after the meeting or action for which notice is given, then notice is considered adequate and proper. See U.C.A. 1953, § 10-9a-209.~~

(LDC 2008, § 15A-36-10)

## **CHAPTER 15A-37-21-37. DEFINITIONS**

### **Sec. 21-37-1. General Definitions and Terms.**

(a) This chapter provides definitions of all land uses and general terms used throughout this ~~Development Code~~ ~~title~~ for which a definition is considered necessary. All land uses allowed by right or by conditional use permit are defined herein. Some land uses shown on the table and in the definitions are categorical, and many potentially allowable specific land uses are assumed to be included in the categorical definitions. In the event of a question as to which category an undefined land use may fall, the Director shall make a final determination.

(b) For the purposes of this ~~Code~~ ~~title~~, certain words and terms are hereby defined as follows: words used in the present tense include the future; words in the masculine gender include the feminine and neuter; words in the singular includes the plural; the plural includes individuals, partnerships, corporations, clubs, or associations. The following words and terms, when applied in this ~~Code~~ ~~title~~, shall carry full force when used interchangeably: lot, plot, parcel, premises or site; used, arranged, occupied, or maintained; sold or dispensed; construct, reconstruct erect, alter (structurally or otherwise), but not the term maintenance. The ~~word-term~~ "used" shall be deemed also to include designed, intended, or arranged to be used.

(LDC 2008, § 15A-37-01)

### **Sec. 21-37-2. "A" Definitions.**

(1) *AASHTO* means American Association of State Highway and Transportation Officials.

(2) *Abandoned well* means a well, the use of which has been permanently discontinued or is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes.

(3) *Accessory apartment* means a housing unit which is self-contained but incorporated within an existing structure that is designed as a single-family dwelling and will not substantially alter the structure or the appearance of the structure.

(4) *Accessory structure, accessory building*, means a detached, incidental subordinate building customarily incidental to and located upon the same lot occupied by the main use or building. Detached garages, sheds, workshops, and barns are examples of accessory structures.

(5) *Accessory use* means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with such primary use.

(6) *Acreage*.

a. *Gross* means overall total exclusive of deductions.

b. *Net* means the total remaining after all deductions are made.

(7) *ADA* means American Disability Act (42 USC 12101 et seq.).

(8) *Adult day care*. See *Human services programs or facilities*.

(9) *Affected entity* means a county, municipality, local school district, special service district under the Special Service District Act (U.C.A. 1953, § 17D-1-101 et seq.), school district, interlocal cooperation entity established under the Interlocal Cooperation Act (U.C.A. 1953, § 11-13-101 et seq.), specified public utility under the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.), a property owners association, or the Utah Department of Transportation, if:

a. The entity's services of facilities are likely to require expansion or significant modification because of an intended use of land;

b. The entity has filed with the City a copy of the entity's General or Long-Range Plan; or

c. The entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed under this ~~chapter~~ ~~title~~.

(10) *Agriculture* means the tilling of the soil, raising of crops, horticulture, gardening, and beekeeping, but not including the keeping or raising of animals or fowl and not including any agricultural industries or businesses, packing plants, fur farms, animal hospitals, plant nurseries, or similar uses or sale of farm or garden products not produced on the premises. (See *Farm animals*.)

(11) *Alcoholic Beverage Establishments* means:

- a. *Club, dining*. A club that has dining, and which operates under a dining club license issued by the Utah Department of Alcoholic Beverage Control.
- b. *Club, equity*. A club that is owned by its members and run by a board of directions elected by the members, such as a country club, and which operates under an equity club license issued by the Utah Department of Alcoholic Beverage Control.
- c. *Club, fraternal*. A mutual benefit or patriotic association that is organized under a lodge system, and which operates a fraternal club license issued by the Utah Department of Alcoholic Beverage Control.
- d. *Club, social*. A general purpose club, which includes a nightclub, in which a variety of food is available and which operates under a social club liquor license issued by the Utah Department of Beverage Control.
- e. *Hotel license*. Available on a limited basis from the Utah Department of Alcoholic Beverage Control consisting of a general license and three or more sublicenses. One sublicense must be a restaurant license, and one must be an on-premises banquet license. Hotels with more than one club must apply for separate sublicenses and may not combine multiple clubs into one sublicense. Sublicenses include all the various restaurant licenses, taverns, club licenses and on-premises beer retailer. Licenses are subject to size and location restrictions as described by the Utah Department of Beverage Control.
- f. *Manufacturing license*. Manufacturing licenses include brewery, distillery, and winery licenses. A brewery license is required to manufacture, brew, store, transport, or export beer and heavy beer. A distillery license is required to manufacture, store, transport, import or export liquor. A winery license is required to manufacture, store, transport, import and export wines.
- g. *Off-premises beer retailer license*. An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises.
- h. *On-premises banquet and catering license*. An on-premises banquet and catering license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.
- i. *On-premises beer tavern license*. An on-premises beer tavern license shall entitle the licensee to sell beer for consumption on the licensed premises in open containers and on draft not exceeding two liters, where the revenue from the sale of beer exceeds the revenue of the sale of food. Minors are not permitted on the premises of a tavern.
- j. *On-premises recreational beer retailer license*. An on-premises beer retailer license is required for the sale of beer at retail for on-premises consumption for establishments that are tied to a "recreational amenity," as defined by the Utah Department of Beverage Control.
- k. *Package agency*. A retail liquor location operated under a contractual agreement with the Department of Alcoholic Beverage Control, by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell packaged liquor for consumption off the premises of the agency.
- l. *Reception center license*. A reception center license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet or event functions on the premises of a reception center which must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate to prepare full meals. Its primary purpose must be leasing its facility to a third party for the third party's event.
- m. *Resort license*. Resort licenses are required for the storage, sale, service, and consumption of alcoholic beverages on the premises of a resort building that has at least 150 dwelling or lodging accommodations,

and the building must be at least 400,000 square feet. The resort building must be affiliated with a ski area that abuts the resort building premises.

- n. *Restaurant, beer only license.* A beer-only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size not to exceed two liters capacity, in conjunction with an order of food.
- o. *Restaurant, full service license.* Restaurant liquor licenses are required for the storage, sale, service, and consumption of beer and liquor beverages on the premises of a restaurant that is engaged primarily in serving meals to the general public. Also known as a full service restaurant.
- p. *Restaurant, limited service license.* Limited service restaurant liquor licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public.
- q. *Single event permits.* A single event license allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year and is limited to the number of events permitted by the Utah Department of Alcohol Beverage Control.
- r. *State liquor store.* A facility for the sale of package liquor that is located on the premises owned or leased by the State and is operated by a State employee. ~~This~~ The term "State liquor store" does not include a package agency, a licensee, or a permittee.
- s. *Temporary beer event permits.* Temporary beer event permits are required to sell beer for on-premises consumption at a temporary event. Multiple temporary beer event permits may be obtained per calendar year and is limited to the number of events permitted by the Utah Department of Alcohol Beverage Control.

(12) *Alcohol or tobacco specialty store.*

- a. The term "alcohol or tobacco specialty store" means a commercial establishment in which:
  1. The sale of alcohol or tobacco products accounts for more than 35 percent of the total annual gross receipts for the establishment, except as allowed within this title, such as alcoholic beverage State liquor store and alcoholic beverage package agency;
  2. Food and beverage products, excluding gasoline sales, is less than 45 percent of the total annual gross receipts for the establishment; and
  3. The establishment is not licensed as a pharmacy under the Pharmacy Practice Act (U.C.A. 1953, § 58-17b-101 et seq.).
- b. For the purposes of this definition, the term "tobacco product" means:
  1. Any cigar, cigarette, or electronic cigarette as defined in U.C.A. 1953, § 76-10-101;
  2. Any substitute for a tobacco product, including flavoring, or additives to tobacco; and
  3. Tobacco paraphernalia as defined in U.C.A. 1953, § 76-10-104.1.

(13) *Alley* means a public or private way permanently reserved as a secondary means of access to abutting property not intended for general traffic circulation.

(14) *All-terrain vehicle (ATV)* means any motorized, off-road vehicle 50 inches or less in overall width, having a dry weight of 800 pounds or less, designed to travel on three or more low pressure tires.

(15) *Alteration* means any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure such as walls, partitions, columns, beams, girders, or exits.

(16) *Alternative healing and energy healing business* means energy therapy, energy healing, spiritual therapy, or spiritual healing (including, but not limited to, Rapid Eye Technology, Reiki, Reflexology, Shiatsu, Thai, Qigong, etc.), and is a business devoted primarily to spiritual healing and other related practices, and is not regulated by the State of Utah and is not a sexually oriented business. For purposes of this title, an alternative healing and energy healing business may be performed in a licensed hospital or medical clinic.

(17) *Alzheimer's facility* means a nursing care facility or assisted living facility whose primary purpose is to provide living accommodations and services to residents who have been diagnosed with Alzheimer's disease or other type of dementia.

(18) *Ambulatory surgical facility*. See *Health care facilities*.

(19) *Ancillary commercial* means a commercial use conducted on the same lot as the primary commercial use of the structure or property to which it is related; a commercial use which is clearly incidental to and customarily found in connection with such primary commercial use.

(20) *Ancillary use* means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with such primary use.

(21) *Animal hospital, veterinary office*, means an establishment at which small, medium, or large farm animals or household pets are treated or boarded within a completely enclosed building, and the boarding of animals is limited to short-term care incidental to the animal hospital/veterinary office use.

(22) *Animal, household pets*, means household pets, including dogs, cats, rabbits, ducks and chickens, on a non-nuisance basis for family use only (noncommercial) with cages, pens and coops, etc.

(23) *Animal kennel, commercial*, means an establishment where the boarding, breeding, raising, treating, or training of small, medium, or large farm animals or household pets for commercial gain.

(24) *Apartment*. See *Dwelling, multiple-family*.

(25) *Aquarium* means an establishment where aquatic collections of living organisms are kept and exhibited.

(26) *Arcade* means an establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games, and similar recreational diversions within an enclosed building. (Additional reference: Sandy City Entertainment Arcade Ordinance.)

(27) *Area of special flood hazard* means the land in the floodplain within Sandy City subject to a one percent or greater chance of flooding in any given year.

(28) *Art gallery* means an establishment engaged in the exhibition and sale of artworks. ~~It~~ The term "art gallery" does not include the sale of art supplies or other raw materials used in the creation of artwork.

(29) *Artist's studio* means the location where artwork is created. Examples include, but are not limited to, painting, clay sculpting and firing, engraving, etc.

(30) *Assisted living facility*.

a. The term "assisted living facility" means a residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personnel and health care services, available 24 hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

1. Specified services of intermittent nursing care.
2. Administration of medication.
3. Support services promoting residents' independence and self-sufficiency.

b. An assisted living facility does not include:

1. A residential facility for persons with a disability (defined elsewhere in this chapter).
2. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

- c. Assisted living facilities are broken down into two classes:
1. *Limited capacity assisted living facility* means a facility accommodating not more than four residents, excluding staff. All residents must be ambulatory, which means a person who is capable of achieving mobility sufficient to exit a structure without the assistance of another person. Adult day care shall not be provided as part of the facility. (See definition under *Human services*.)
  2. *Large capacity assisted living facility* means a facility accommodating more than four residents, excluding staff. Adult day care may be approved separately as provided elsewhere.

(31) *Athletic club*. See *Recreation, indoor or outdoor*.

(32) *Auto, light trucks, RV dealerships (new), sales and service agencies*, means the use of any building, land area, or other premises or portion thereof, for the display or sale of new automobiles, light trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

(33) *Auto, light trucks, RV dealerships (used), sales and service agencies*, means the use of land for the display or sale of used automobiles, light trucks or vans, trailers, or recreational vehicles.

(34) *Auto, light trucks, RV, rental and leasing agencies*, means a building or a tenant space in a multi-tenant building that provides automobile rental services. The facility may have on-site or off-site storage of vehicles to be rented. No servicing of vehicles shall occur on-site. The term "auto, light trucks, RV, rental and leasing agencies" does not include vehicle sales, the rental of equipment, car washes, vehicle maintenance facility, inoperable vehicle storage, or impound lot.

(35) *Automotive self-service station* means an establishment for the retail sale of automobile fuels and lubricants at which the customer provides the service to his own vehicle, and no vehicle repair or maintenance service is offered. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

(36) *Automotive service and repair, major*, means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine parts, provided it is conducted within a completely enclosed building.

(37) *Automotive service and repair, minor*, means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, tune-ups, safety inspections and emission testing, detailing shops, windshield repair, overhaul and transmission work, provided it is conducted within a completely enclosed building.

(38) *Automotive service, non-mechanical*, means an establishment engaged in safety inspections and emission testing, detailing shops, and windshield repair, provided it is within a completely enclosed building.

(39) *Automotive service station* means an establishment whose primary purpose is the selling of gasoline or other vehicle fuels and oil and lubricant services. Accessory activities may include minor automotive repair and maintenance, car wash service, and food sales.

(40) *Auto, truck, recreational vehicle, and equipment sales or rental* means sales or rental of both new and used motor vehicles and equipment from indoor or outdoor areas, but not to include nonserviceable or junk vehicles or equipment.

(41) *Auto, truck, recreational vehicle, and equipment storage* means temporary outside storage of both new and used motor vehicles and equipment awaiting distribution. Such storage may include an impound lot, but is not to include nonserviceable, junk, or dilapidated vehicles or equipment.

(42) *Average percent of slope* means the rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot.

(43) *Awning* means a roof-like covering of canvas, or the like, often adjustable, over a window door, etc., to provide protection against the sun, rain, snow, and wind. Said awning is attached to the vertical wall and has an architecturally compatible color and design with the structure.

(LDC 2008, § 15A-37-02; Ord. No. 10-03, 2-19-2010; Ord. No. 10-12, 4-20-2010; Ord. No. 10-30, 8-8-2010; Ord. No. 12-30,

8-20-2012; Ord. No. 13-13, 6-5-2013; Ord. No. 16-13, 3-23-2016; Ord. No. 17-09, 3-9-2017)

**Sec. 21-37-3. "B" Definitions.**

(1) *Back-loaded garage* means a subservient (secondary or de-emphasized) detached parking structure designed for access from an approved alley way or private street.

(2) *Balcony* means a covered or uncovered platform usually projecting from a wall or an entrance to a building, sometimes being surrounded by a railing, balustrade, or parapet.

(3) *Bar*. See *Alcoholic beverage establishments*.

(4) *Base flood* means a flood having a one percent change of being equaled or exceeded in any given year.

(5) *Basement* means that portion of a building that is partly or completely below grade.

(6) *Basement house* means a one-story dwelling where more than 25 percent of the floor area is below the finished surface grade at the front yard level.

(7) *Beacon light*. See *Search light*.

(8) *Bed and breakfast facility* means a limited commercial activity conducted within a structure, which includes dining and bathroom facilities with sleeping rooms, on a residential scale for short-term guest rental. Said use will typically provide overnight accommodations, limited food services, parking facilities, and open space in a natural setting, and will comply with standards and procedures as set forth in this title.

(9) *Best management practices (BMPs)* means a practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.

(10) *Billboard* means a sign which directs the attention to a business, product, service, or entertainment conducted, sold, or offered off-premises.

(11) *Birthing center*. See *Health care facilities*.

(12) *Block* means land or group of lots surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

(13) *Boarder* means a person living in a rented room in a boardinghouse. The boardinghouse operator, or a member of his immediate family who resides on the premises with the operator, shall not be deemed a boarder.

(14) *Boardinghouse* means a single-family dwelling where more than two, but fewer than six, rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

(15) *Botanical gardens* means a public or private facility for the demonstration and observations of the cultivation of flowers, fruits, vegetables, or ornamental plants.

(16) *Buildable area* means the portion of a lot or site, exclusive of required setbacks, or landscaping, within which a structure may be built.

[GRAPHIC]

(17) *Building* means any structure, whether permanent or temporary, including, but not limited to, dwelling units which are designed, intended, or used for occupancy by any person, animals, possessions, or for storage of property of any kind.

(18) *Building Code* means either the International Building Code or the International Residential Code (as applicable to the type of construction) which covers the fire, life, and structural safety aspects of all buildings and related structures (as adopted and amended by the State of Utah).

(19) *Building height* means the vertical distance from the average finished grade surface of the building to the highest point of the coping of a flat roof, to the top of a mansard roof, or the top of the ridge for a gable, hip, or gambrel roofs.

(20) *Building line* means the line circumscribing the buildable area of a lot.

(21) *Building, main*, means a building in which the principal use of the site is conducted.

(22) *Building, temporary*, means a building used for the storage of construction materials and equipment incidental and necessary to on-site construction of houses, utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction. A permit is required from the Building Inspector.

(23) *Build-to lines* means setback distances which bring structures adjacent to streets and sidewalks in order to encourage pedestrian activity and safety.

(24) *Business License Administrator* means the individual who performs regulatory administration of ~~the City Business License Ordinance Title 15~~ and any applicable federal, state, County and local laws.

(25) *Business License Section* means the Business License Office of the Community Development Department.

(26) *Business or financial services* means an establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service, but not including medical, dental, chiropractor or other arts. Uses intended by this definition would include, but not be limited to, business offices, depository institutions, other establishments performing financial services (including outside drive-up facilities), radio or television station. This definition shall not include businesses that are defined as a non-depository institution, nor businesses in which goods or merchandise are sold or stored.

(LDC 2008, § 15A-37-03)

#### **Sec. 21-37-4. "C" Definitions.**

(1) *Canopy* means a roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building or by supports extending to the ground directly under the canopy.

(2) *Carport* means a roof structure open on at least two sides and subject to all the zoning regulations prescribed for a private garage.

(3) *Car wash* means a stand-alone facility, either self-service or full service, that is used to clean the exterior, and/or the interior, of motor vehicles.

(4) *Cemetery, columbarium, or mausoleum* means land or buildings used for the burial or interment of the dead, but not including facilities for embalming or cremation. Other uses that may be offered are clearly accessory to, and supply services to the principal use, including a facility for the manufacture of cement vaults and sale and engraving of grave markers, a retail floral shop, and live plant nursery.

(5) *Check cashing* means cashing of checks for consideration or extending a deferred deposit loan, and shall include any other similar types of businesses by the State pursuant to the Check Cashing Registration Act.

(6) *Chief Building Official* means the individual, under the direction of the Community Development Director, who supervises and directs the activities of the Building and Safety Division, acts as the City authority on interpretation and enforcement of all Building and Development Codes applying policy directives of the Mayor and City Council.

(7) *Child placing*. See *Human services programs or facilities*.

(8) *City* means Sandy City, Utah.

(9) *City trees*. See *Trees, city*.

(10) *Clinic* means a building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, or counseling services for outpatients only.

(11) *Closure* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means the cessation of operation of a facility or any portion thereof, and the act of securing such facility or portion thereof to ensure protection of groundwater in accordance with the appropriate State, Federal, and local regulations applicable to the specific facility and within the provisions of this title.

(12) *Club*. See *Alcoholic beverage establishments*.

(13) *Clustered subdivision* means a residential use that divides land into not more than the number of lots permissible in a conventional subdivision of the same property in the same zone, but where the size of the individual lots may be reduced in order to gain common open space.

(14) *Code* means The Revised Ordinances of Sandy City (ROSC).

(15) *Code Compliance Officer, Code Enforcement Officer, or Code Inspector* means any authorized agent or employees of the City whose duty it is to assure Code compliance.

(16) *Collection Area* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means the area surrounding a groundwater source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other groundwater collection devices.

(17) *Columbarium*. See *Cemetery, columbarium, mausoleum*.

(18) *Commercial, heavy*, means an establishment or business which generally uses open sales yards, outside equipment storage and/or company vehicles and trucks, or outside activities that generate noise or other impacts considered incompatible with less intense uses. Typical businesses included in the term "commercial, heavy," are lumber yards, construction specialty services, heavy equipment suppliers, or construction related contractors and subcontractors.

(19) *Commercial mixed use* means development within a building, which incorporates retail commercial or individual offices on the ground level and office and/or residential use on upper levels.

(20) *Commercial parking* means an open area, other than a street, used for the parking of vehicles, with or without a garage, used for the temporary parking of automobiles with or without a fee.

(21) *Commercial repair services* means establishments which engage principally in the repair of large or heavy duty household goods such as washers and refrigerators; the re-upholstery of automobiles, boats, and similar vehicles; small engine repair; or other similar services which exceed the smaller scale classification intended under commercial retail sales and services, but which can still be performed within an enclosed building. For large-scale repair facilities or allowance for outdoor storage or activity, see *Commercial, heavy* or *Industry definitions*.

(22) *Commercial retail sales and services* means establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor on-site promotions); businesses that specialize in the sale of general merchandise or convenience goods. Services include laundromats with coin-operated self-service machines, repair services for small household appliances or equipment. Work conducted on the premises includes handicraft production such as pottery, jewelry, picture frames, or leather goods. Goods assembled or produced on the premises must be for sale on the premises. This is a broad definition which is intended to include all retail sales and services (including personal services) generally associated with commercial districts which are not specifically covered by other definitions in this chapter.

(23) *Commercial specialty* means an establishment which engages in the sale of specialty items and not the general sale of retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure not exceeding 500 square feet; and specialize in the sale of specialty merchandise or convenience goods. Products sold, other than beverages, may not be prepared or produced on site. The term "commercial specialty" does not include those land uses which are defined as a restaurant by Sandy City or other government agency having jurisdiction within the City. The sales or preparation of alcoholic beverages is not permitted under the term "commercial specialty."

(24) *Commercial vehicle* means a vehicle designed and/or used for business, transportation of commodities, merchandise, produce, freight, animals, passengers or other transports including tow trucks or trailers used for the movement of equipment regardless of length. The term "commercial vehicle" also includes construction vehicles such as a bulldozer, backhoe, and similar vehicles.

(25) *Commission* means the Sandy City Planning Commission.

(26) *Community-based program*. See *Correctional facility*.

(27) *Community Center* means a neighborhood facility dedicated to children and young people and staffed by professionals and volunteers. These facilities typically offer after school, off-track, and weekend programs to

provide a safe place for social, educational, or recreational activities. Any church or school would be permitted to operate this type of facility as an ancillary use in any zone in which the church or school is allowed.

(28) *Community correctional facility*. See *Correctional facility*.

(29) *Community Development Director* means the individual who supervises and directs the Community Development Department which includes responsibility for the physical and economic development of the City.

(30) *Conditional use* means a land use that, because of its unique characteristics or potential impact on the ~~municipality~~ 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.

(31) *Condominium* means a single unit in a multi-unit project or structure which is separately owned which may be combined with an undivided interest in the common areas and facilities of the property.

(32) *Congregate care facility* means a housing development of five or more dwelling units which is planned, designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly persons or persons with a disability. The direct services that are provided or made available shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently. Direct services include meals, housekeeping services, transportation services, and planned recreational and social activities which shall be provided to the residents directly by the management of the congregate housing. Support services are social services, day care services and in-home services which the management of the congregate housing shall assist the residents in obtaining at the request of the residents. A congregate care facility may only be developed as a component of a transitional care development, and not as a stand-alone development.

(33) *Continuous transit* means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

(34) *Convalescent home*. See *Nursing home*.

(35) *Correctional facility* means any facility operated by the State Department of Corrections or Division of Youth Corrections or under a contract with either to house offenders, either in a secure or non-secure setting, including, but not limited to, a prison, jail, juvenile detention facility or juvenile secure facility and the following:

- a. *Community-based program*. A non-secure residential or nonresidential program designated to supervise and rehabilitate youth offenders in the least protective restrictive setting, consistent with public safety, and designated or operated by or under contract with the Division of Youth Corrections.
- b. *Community correctional center*. A non-secure correctional facility operated by the Department of Corrections or under a contract with the Department of Corrections.
- c. *Detention center*. See *Secure detention* ~~below~~ (Subsection j of this definition).
- d. *Jail*. A facility established and operated by the County, either directly or under contract with a private provider, for confinement of persons in lawful custody.
- e. *Juvenile detention facility*. A facility established and operated by the State of Utah, either directly or under contract with a private provider, for temporary detention of delinquent juveniles.
- f. *Juvenile receiving center*. A non-secure, nonresidential program established by the division that is responsible for juveniles taken into custody by law enforcement for status offenses or delinquent acts, but who do not meet the criteria for admission to secure detention or shelter.
- g. *Juvenile secure facility*. A facility established and operated by the State of Utah, either directly or under contract with a private provider, for incarceration of delinquent juveniles.
- h. *Observation and Assessment Program*. A service program operated or purchased by the Division of Youth Corrections that is responsible for temporary custody of youth offenders for observation.

- i. *Secure correctional facility.* Any prison, penitentiary, or other institution operated by the Department of Corrections or under contract for the confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.
- j. *Secure detention.* Predisposition placement in a facility operated by or under contract with the Division of Youth Corrections for conduct by a child who is alleged to have committed a delinquent act.
- k. *Secure facility.* Any facility operated by or under contract with the Division of Youth Corrections that provides 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation.
- l. *Shelter.* The temporary care of children in physically unrestricted facilities pending court disposition or transfer to another jurisdiction.

(36) *Council* means the City Council of Sandy City.

(37) *Court* means an open, unoccupied space, other than by a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

(38) *Coverage* means the percent of the total site area covered by structures or impervious paving other than those excepted in this ~~Code title~~.

(39) *Crematory, embalming facility* means buildings used for the cremation and/or embalming of the dead, but not including facilities for burial, internment, body viewing, or funeral services.

(40) *Crime Prevention Through Environmental Design (CPTED)* means guiding design principles for creating safer built environments, incorporating natural surveillance, access control, territorial reinforcement, sense of ownership, management and maintenance.

(41) *Cul-de-sac* means a street closed at one end by an enlarged, circular turn-around area where the arc exceeds at least 190 degrees.

(42) *Cut*, in the context of grading, hillside or slope modification, means either excavated material or the void resulting from the excavation of earth material and is measured from natural grade to finished grade.

(LDC 2008, § 15A-37-04; Ord. No. 11-05, 3-25-2011; Ord. No. 13-13, 6-5-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 15-05, 3-23-2015)

#### **Sec. 21-37-5. "D" Definitions.**

(1) *Dance hall* means an establishment intended primarily for dancing and entertainment within an enclosed dance floor space, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

(2) *Dance school* means an establishment for the instruction of the art of dance, including, but not limited to, ballet, ballroom, jazz, tap, and modern. The standards applicable to the operation of such a facility are dependent upon the physical location of the school. If within a home, they must comply with the provisions of ~~the Home Occupation Ordinance Chapter 15-8~~ requirements. If within a commercial location, they must comply with the requirements of the underlying zone.

(3) *Day care, adult*, means continuous care and supervision for three or more adults 18 years of age and older for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services on a protective setting.

(4) *Day care, child*, means an establishment for the care and/or instruction, whether or not for compensation, of 12 or fewer children at any one time. Child nurseries and overnight child care are included in this definition.

(5) *Day care, elderly*, means arranging for or providing the necessities of life, for compensation, as a protective service to individuals who are at least 60 years old, and are disabled or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves.

(6) *Day care, group*, means an establishment for the care and/or instruction, whether or not for compensation, of more than 12 children at any one time. Child nurseries and preschool facilities are included in this definition.

(7) *Day treatment*. See *Human services programs or facilities*.

(8) *Deck*. See *Balcony*.

(9) *Department* means the public agency, division, or department designated by Sandy City to enforce the provisions of this title. For Sandy City, the departments are Public Utilities, Public Works, Community Development and the Salt Lake Valley Health Department.

(10) *Depository institutions* means a bank, savings and loan association, savings bank, industrial bank, credit union, or other institution that:

- a. Holds or receives deposits, savings, or share accounts;
- b. Issues certificates of deposit; or
- c. Provides to its customers other depository accounts that are subject to withdrawal by checks, drafts, or other instruments or by electronic means to effect third party payments.

(11) *Detention Center*. See *Correctional facility*.

(12) *Developer* means any subdivider or any person or organization that develops, intends to develop, or sells property for the purpose of future development. The term "developer" includes the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

(13) *Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(14) *Development Review Meeting* means a meeting held by the Community Development Department for review of development projects. Representatives from the following City departments, as necessary, may attend:

- a. Community Development Department.
- b. Public Works Department.
- c. Public Utilities Department.
- d. City Attorney's Office.

~~Building & Safety Division~~

- e. Fire Department.
- f. Police Department.
- g. Parks and Recreation Department.

(15) *Development site* includes the total perimeters of:

- a. A subdivision.
- b. A residential planned unit development.
- c. A tract, lot, or parcel of land intended to be used as a commercial, public, quasi-public, utility, or other building site.

(16) *Disabled/disability*.

- a. The term "disabled/disability" means 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 an impairment.
- b. The term "disabled/disability" includes those as defined in Utah Code Ann.; a severe, chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  2. Is likely to continue indefinitely;
  3. Results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and
  4. Requires a combination or sequence of special interdisciplinary or generic care, treatment, or other service that may continue throughout life and must be individually planned and coordinated.
- c. The term "disabled/disability" also includes those who need assistance with activities of daily living as defined in Utah Code Ann., which activities include dressing, eating, grooming, bathing, toileting, ambulation, transferring, and self-administration of medication.
- d. The term "disabled/disability" does not include current illegal use of, or addiction to, any Federally-controlled substances, as defined in the Controlled Substances Act, 21 USC 802.

(17) *Discharge* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means and includes, but is not limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances to the soils, air, groundwaters, or surface waters of the City. The term "discharge" does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances provided that such use is not prohibited by Federal, State, or local regulations. The term "discharge" shall not include releases specifically authorized by Federal or State permits.

(18) *Distance between residential structures* means the shortest distance between the vertical walls of two residential structures as herein defined.

(19) *Domestic staff* means persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.

(20) *Domestic violence treatment program*. See *Human services programs or facilities*.

(21) *Drinking Water Source Protection Zone* means an area within which certain practices are mandated to protect groundwater flowing to public drinking water wells.

(22) *Drinking water supply spring* means a drinking water spring to supply water which has been permitted or intended for consumptive use.

(23) *Drinking water supply well* means a drinking water well to supply water which has been permitted or intended for consumptive use.

(24) *Drive-up window (non-food)* means an opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or services to patrons who remain in their vehicles.

(25) *Driveway* means a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

(26) *Dwelling* means any structure designed or used for residential purposes that has been constructed to comply with all Building Codes of Sandy City or the Building Codes established by the National Manufactured Housing Construction and Safety Standards Act (42 USC 5401 et seq. (1976)), or the HUD Code. A dwelling does not include hotels, motels, bed and breakfast facilities, etc., nor structures used for or under short-term residential leases.

(27) *Dwelling, duplex*, means a building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units in one ownership.

(28) *Dwelling, earth-sheltered*, means a dwelling built underground and beneath a continuous exterior surface grade for the purpose of energy conservation, having a roof of earthen material, and having its floor at the approximate level of some other exterior grade on one or more sides. Dwellings may be detached, semi-detached or attached.

(29) *Dwelling, multiple-family*, means a building arranged or designed to include three or more dwelling units, each to be occupied by one family living independently in which they may or may not share common entrances and/or other spaces. Individual units may be owned as condominiums or offered for rent.

(30) *Dwelling, multiple-unit*, means a building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual units may be owned as condominiums or offered for rent.

(31) *Dwelling, planned group*, means two or more detached buildings used as residences located on a lot that is in single ownership and having yards, courts, or facilities in common.

(32) *Dwelling, single-family*, means a building arranged or designed to include only one dwelling unit occupied by one family (see ~~definition of Family~~), including extended living areas or an accessory apartment which may be approved as provided elsewhere in this ~~Code~~ title.

(33) *Dwelling unit* means one or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also *Dwelling, single-family*.

(34) *DWSP* means Drinking Water Source Protection.

(LDC 2008, § 15A-37-05; Ord. No. 13-13, 6-5-2013)

#### **Sec. 21-37-6. "E" Definitions.**

(1) *Earth station* means any apparatus or device commonly known as an earth terminal antennae, earth terminal, satellite communication antennae, satellite antennae, microwave dish antennae, satellite television antennae, or dish antennae which is designed for the purpose of transmitting and/or receiving radio, television, satellite, microwave, or other electromagnetic energy signals, but does not include conventional television, radio, and amateur radio antennae.

(2) *Easement* means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owners of the property. The easement may be for use under, on or above said lot or lots.

(3) *Educational facility with housing* means any public, parochial, private, charitable, or nonprofit school, junior college, or university, including instructional and recreational uses, with living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

(4) *Elderly person* means, for the purposes of this title, to qualify for residence within a residential facility for elderly persons, a person who is 55 years old or older.

(5) *Eleemosynary* means related to and supported by charity.

(6) *Embalming facility*. See *Crematory, embalming facility*.

(7) *End stage renal disease facility*. See *Health care facilities*.

(8) *EPA* means The U.S. Environmental Protection Agency.

(9) *Equestrian facilities* means commercial horse, donkey, and mule facilities, including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, park stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above issues.

(10) *Equipment sales and services* means an establishment primarily engaged in the sale or rental of tools, trucks, construction equipment, and similar industrial equipment. Included in the term "equipment sales and service" is the incidental storage, maintenance, and servicing of such equipment.

(11) *Excavation* means the removal of earth from its natural position or the cavity resulting from the removal of earth.

(12) *Expansive soil* means soil characterized by clay like material that shrinks and swells as it dries or becomes wet and is generally found in areas that historically were a floodplain or lake, but can occur in hillside areas also.

(13) *Exposition/convention center* means a stand-alone facility, not part of a larger development, designed to accommodate 5,000 or more persons and used for conventions, consumer shows, trade shows, conferences, seminars, product displays, recreation activities and entertainment functions, along with accessory functions including temporary outdoor displays, indoor dances, holiday celebrations, and food and beverage preparation and service for on-premises consumption.

(14) *Exposition hall/center*. See *Exposition/convention center*.

(15) *Extended living areas* means additional and accessory living facilities within a dwelling structure with kitchen, bathroom, and sleeping areas designed for temporary use by extended family members for medical or economic reasons on a non-rental basis and in compliance with standards as set forth in this title. The term "extended living areas" also includes family "canning" kitchens and living quarters for domestic staff or other personnel typically employed in household maintenance (e.g., maids, butlers, gardeners).

(LDC 2008, § 15A-37-06; Ord. No. 13-13, 6-5-2013)

### **Sec. 21-37-7. "F" Definitions.**

(1) *Face of building* means the wall of a building fronting on a street, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, or decorations, but including the parapet wall.

(2) *Family*.

a. The term "family" means a person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of people who are all related by blood, marriage, adoption, or court sanctioned guardianship, together with any incidental domestic or support staff who may or may not reside on the premises;
2. Four unrelated people; or
3. Two unrelated adults and any minor children related to them.

b. The term "family" does not include:

1. Any society, club, fraternity, sorority, association, lodge, federation, coterie, or like organization.
2. Any group of individuals whose association is temporary or seasonal in nature.
3. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

(3) *Farm animals* means animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or for family food production, education, or recreation. Farm animals are identified by these categories: large animals (e.g., horses and cattle); medium animals (e.g., sheep and goats); small animals (e.g., rabbits, chinchilla, chickens (hen or rooster), turkeys, pheasants, geese, ducks and pigeons; or Vietnamese pot bellied pigs). Pigs are not permitted to be kept within the City except for Vietnamese pot bellied pigs, as pets.

(4) *Farmer's market* means a consortium of three or more individual produce growers, and/or manufacturers of whole grain products who meet on a regular basis at a central location within a structure or open area to sell farm produce.

(5) *Fence* means any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across a fence line.

(6) *Fill* means earth materials used as a manmade deposit to raise an existing grade, or shall mean the depth or the volume of such material. The reference for a fill shall be measured from natural to finished grade.

(7) *Final grading* means the last stage of grading a soil or gravel material prior to landscaping, the installation of concrete or bituminous paving, or other required final surfacing material.

(8) *Final plat* means a plat and supporting documents, prepared in accordance with the provisions of this title and prepared for recording in the Salt Lake County Recorder's Office.

(9) *Financial office* means a bank, savings and loan, credit union, mortgage office, lending establishments, or automated teller machine (ATM).

(10) *Fine jewelry store* means a jewelry store that primarily manufactures jewelry comprised of gold, silver, platinum, titanium, tungsten, or other precious metals and which may contain gemstones.

(11) *Fiscal impact analysis* is often used interchangeably with the term "cost revenue analysis." Fiscal impact analysis describes the current or anticipated effect upon the public costs and revenues of a local government imposed by a residential or commercial development.

(12) *Flag lot* means a lot that has access to a public right-of-way by means of a narrow strip of land.

(13) *Flagpole* means a freestanding structure or a structure attached to a building designed and used for the sole purpose of displaying a flag.

(14) *Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; and/or
- b. The unusual and rapid accumulation or run off of surface waters from any source.

(15) *Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Sandy City.

(16) *Flood Insurance Study* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(17) *Floodplain* means land that is within the 100-year floodplain designated by the Federal Emergency Management Agency; or has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or catastrophic flood event because the land has characteristics that are similar to those of a 100-year floodplain designated by the Federal Emergency Management Agency.

(18) *Floodplain, 100-year (intermediate regional flood)* means a designated area where a flood whose peak flow magnitude has about a one percent chance of being equaled or exceeded in any year. The flood within a floodplain is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. The flood would have an average frequency of occurrence of about once in 100 years.

(19) *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(20) *Floor area* means the total gross floor area of the building or structure, but not including any area within the building utilized for the required off-street parking spaces.

(21) *Fraternity or sorority house* means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.

(22) *Frontage* means the width of a lot or parcel abutting a public or private right-of-way measured at the front setback line.

(23) *Front loaded garage* means a subservient (secondary or de-emphasized (i.e., located behind the front line of the building)) parking structure designed for access from the street, either attached to the dwelling, or detached to the side or rear of the dwelling.

(24) *Funeral home*. See *Mortuary*.

11-25-2013)

**Sec. 21-37-8. "G" Definitions.**

(1) *Garage, private*, means a detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

(2) *Garage sales* means the sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. The term "garage sale" includes the terms "yard sale" and "estate sale."

(3) *General acute hospital*. See *Health care facilities*.

(4) *Geologic hazard* means land that may include surface fault rupture, shallow groundwater, liquefaction, a landslide, debris flow, unstable soil, rock fall, or any other geologic conditions that presents a risk to life; of substantial loss of real property; or of substantial damage to real property.

(5) *Grade* means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

(6) *Grade, highest adjacent*, means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

(7) *Grading* means either an excavation or fill, or the act of excavating or filling.

(8) *Gravel parking area*. A six-inch gravel base complying with City specifications may be used for the storage of recreational vehicles only.

(9) *Gross acreage* means the total area of the development site, including all rights-of-way.

(10) *Gross leasable area (GLA)* means the total floor area of a retail business designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the centerline of joint partitions and from outside wall faces.

(11) *Groundwater* means any water which may be drawn from the ground.

(12) *Groundwater discharge area* means an area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer. Discharge areas are determined by the United States Geological Survey (USGS).

(13) *Groundwater divide* means a ridge in the water table or potentiometric surface, from which groundwater moves away in both directions.

(14) *Groundwater TOT* means time of travel for groundwater.

(15) *Group child activities* means an establishment for the care and/or instruction, whether or not for compensation, of 12 or fewer children at any one time. Child nurseries, day cares, preschools, and dance schools are typical examples of a group child activity.

(16) *Guesthouse* means a detached living quarters located within an accessory building that is subordinate to, and located on the same premises with, a primary dwelling, occupied solely by members of the family and temporary guests. Such facilities shall not be rented independently from the main dwelling unit.

(LDC 2008, § 15A-37-08; Ord. No. 13-13, 6-5-2013)

**Sec. 21-37-9. "H" Definitions.**

(1) *Half-pipe ramp* means a smooth-surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as snowboarding, skateboarding, freestyle BMX, or inline skating. The structure is usually wood, although sometimes the surface is made of another material. Appearance wise, it resembles a cross-section of a swimming pool, and in its most basic form, it consists of two concave ramps (or quarter pipes), topped by copings and decks, facing each other across a transition.

(2) *Handicapped person*. See *Disability*.

- (3) *Handle* means to use, generate, process, produce, package, treat, store, or transport a regulated substance in any fashion.
- (4) *Hazardous waste* means a hazardous waste as defined by the U.S. EPA.
- (5) *Hazard tree*. See *Tree, hazard*.
- (6) *Health care facilities include*:
- a. *Ambulatory surgical facility* means a freestanding State-licensed facility which provides surgical services to patients not requiring hospitalization.
  - b. *Assisted living facility*. See *Assisted living facility*.
  - c. *Birth center* means a freestanding State-licensed facility with five or fewer birth rooms, receiving maternal clients and providing care during pregnancy, delivery, and immediately after delivery.
  - d. *End stage renal disease facility* means a State-licensed facility which furnishes staff-assisted kidney dialysis services, self-dialysis services, or home-dialysis services on an outpatient basis.
  - e. *General acute hospital* means a State-licensed facility which provides diagnostic, therapeutic, and rehabilitative services to both inpatients and outpatients by or under the supervision of physicians.
  - f. *Home health agency* means a State-licensed agency, organization, or facility or a subdivision of an agency, organization, or facility which employs two or more direct care staff persons who provide licensed nursing services, therapeutic services of physical therapy, speech therapy, occupational therapy, medical social services or home health aide services on a visiting basis. The term "home health agency" does not mean an individual who provides services under the authority of a private license.
  - g. *Hospice* means a program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.
  - h. *Nursing care facility* means a State-licensed health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services:
    1. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services;
    2. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or
    3. A supervised living environment that provides support, training or assistance with individual activities of daily living. The term "activities of daily living" means essential activities including:
      - (i) Dressing;
      - (ii) Eating;
      - (iii) Grooming;
      - (iv) Bathing;
      - (v) Toileting;
      - (vi) Ambulation;
      - (vii) Transferring; and
      - (viii) Self-administration of medication.
  - i. *Residential health care facility or residential care facility* means an operation licensed by the State of Utah as a residential health care facility under authority of U.C.A. 1953, § 26-21-8; or any successor section thereto.

- j. *Small health care facility* means a four to 16 bed State-licensed facility that provides licensed health care programs and services to residents who generally do not need continuous nursing care or supervision.
- k. *Specialty hospital* means a State-licensed facility which provides specialized diagnostic, therapeutic, or rehabilitative services in the recognized specialty or specialties for which the hospital is licensed.
- (7) *Health club*. See *Recreation, indoor or outdoor*.
- (8) *Hillside area* means any property with a slope of 30 percent or greater.
- (9) *Home Health Agency*. See *Health care facilities*.

(10) *Homeless shelter* means a charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. ~~May~~ Homeless shelters also include a kitchen and cafeteria.

(11) *Home occupation* means ~~a home occupation is~~ a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. A home occupation shall not be construed to mean an employee working in their own home in the service of an employer whose principal place of business is licensed at another location within Sandy or elsewhere. A home occupation shall not be construed to mean an individual making deliveries of products which were ordered in advance.

(12) *Hospice*. See *Health care facilities*.

(13) *Hospital* means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a 24-hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital. The term "hospital" includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

(14) *Hotel* means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, telephone and desk service. Related ancillary uses may include, but not be limited to, conference and meeting rooms, restaurants, lounge, and recreational facilities.

(15) *Housekeeping unit* means a family or group of individuals who:

- a. Share a strong bond or commitment to a single purpose (e.g., members of a religious order). The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit; and
- b. Are not legally dependent on others not living with them;
- c. Share a single household budget;
- d. Prepare food and eat together on a regular basis;
- e. Share in the work of maintaining the premises;
- f. Legally share in the ownership or possession of the premises (e.g., tenants in common on a deed or cosigners of a single lease);
- g. Does not include a common living arrangement whose basis for the establishment of the housekeeping unit is temporary or financial in nature.

(16) *HUD Code* means the National Manufactured Housing Construction and Safety Standards Act, 42 USC 5401 et seq.

(17) *Human services programs or facilities* include:

- a. *Adult day care*. Continuous care and supervision for three or more adults 18 years of age and older for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a

- comprehensive program that provides a variety of health, social, recreational, and related support services on a protective setting.
- b. *Child placing.* An operation licensed by the State of Utah for receiving, accepting, or providing custody or care for any child under 18 years of age, temporarily or permanently, for the purpose of:
    1. Finding a person to adopt the child;
    2. Placing the child temporarily or permanently in a home for adoption; or
    3. Foster home placement.
  - c. *Comprehensive mental health treatment* means ~~4.~~—an operation licensed by the State of Utah as "Comprehensive Mental Health Treatment" under authority of U.C.A. 1953, §§ 62A-1-111, 62A-2-103, and 62A-2-105; or any successor section thereto.
  - d. *Day treatment.* An operation licensed by the State of Utah as day treatment for specialized treatment for less than 24 hours a day for four or more persons who are unrelated to the owner or provider and who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service.
  - e. *Domestic Violence Treatment Program.* An operation licensed by the State of Utah as a nonresidential program designed to provide psychological treatment and educational services to perpetrators and victims of domestic violence.
  - f. *Outpatient treatment.* An operation licensed by the State of Utah as outpatient treatment for individual, family or group therapy or counseling designed to improve and enhance social or psychological functioning for those whose physical and emotional status allows them to continue functioning in their usual living environment.
  - g. *Residential support.* An operation licensed by the State of Utah as residential support to arrange for or provide the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support.
  - h. *Residential treatment.* An operation licensed by the State of Utah as residential treatment as a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.
  - i. *Resource family home.* An operation licensed by the State of Utah as a resource family home to provide services to a child in the custody of the State and includes a foster care home and a legal risk home.
  - j. *Secure treatment.* An operation licensed by the State of Utah as secure treatment as a 24-hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.
  - k. *Social detoxification.* An operation licensed by the State of Utah as social detoxification for short-term residential services for persons who are intoxicated, that are provided outside of a health care facility licensed under the Health Care Facility Licensure and Inspection Act (U.C.A. 1953, § 26-21-1 et seq.), and that include:
    1. Room and board for persons who are unrelated to the owner or manager of the facility;
    2. Specialized rehabilitation to acquire sobriety; and
    3. Aftercare services.

- l. *Support staff.* Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.
- m. *Youth Program.* An operation licensed by the State of Utah as youth program as a nonresidential program designed to provide behavioral, substance abuse, or mental health services to minors that:
  1. Services either adjudicated or nonadjudicated youth;
  2. Charges a fee for its services;
  3. May or may not provide host homes or other arrangements for overnight accommodation of the youth;
  4. May or may not provide all or part of its services in the outdoors;
  5. May or may not limit or censor access to parents or guardians;
  6. Prohibits or restricts a minor's ability to leave the program at any time of his own free will; and
  7. Will not apply to recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

(LDC 2008, § 15A-37-09; Ord. No. 13-13, 6-5-2013)

#### **Sec. 21-37-10. "I" Definitions.**

(1) *Impervious material* means material that is impenetrable by water.

(2) *Improvements* means streetscapes, curbs, gutters, sidewalks, utilities, grading, pavings, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, public facilities, amenities and other such requirements of this title.

(3) *Industry, heavy*, means a use engaged in the basic processing and manufacturing of materials or products, predominantly from extracted or raw materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; or a use engaged in the storage of or manufacturing processes using flammable or explosive materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas identified within the International Building Code under the High-Hazard Group H Occupancy and is not an accessory occupancy as defined in the International Building Code to the main occupancy of the building. Examples of this use may include refineries, mining or milling operations, above ground flammable or chemical storage, bulk gas distribution or storage, outside steel fabrication, or other similar uses.

(4) *Industry, light*, means a use engaged in the basic processing, manufacturing, compounding, assembling, and packaging of predominantly previously prepared materials, products or parts; or testing of goods or equipment or research activities. All activities must be conducted entirely within an enclosed structure, with no outside storage. This type of use may include incidental storage of allowable flammables or chemical materials (within the quantity limits of hazardous materials allowed in control areas identified within the International Building Code under the High-Hazard Group H Occupancy), sales or distribution of such products, serviced by a modest volume (less than 12 trips in 24 hours) of trucks or vans and imposing a negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants. Examples of this use may include the manufacturing of professional instruments, photographic equipment, watches/clocks, jewelry, musical instruments, sporting goods, office supplies and equipment, or other similar uses.

(5) *Industry, medium*, means the manufacturing, compounding, processing, assembling, packaging, or testing, of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties. These types of uses are serviced by a modest volume of trucks (less than 12 trips in 24 hours), or other vehicles, and whose environmental impact is within the industrial performance standards. This would also include a use engaged in the storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; but fall within the quantity limits of hazardous materials allowed in control areas identified within the International Building Code under the High-Hazard Group H Occupancy. Examples of this use may

include paint shops, firework/ammunition manufacturing or storage, wood/cabinet shops, steel fabrication shops, or other similar uses.

(6) *Institutional buildings* includes, but is not limited to, churches, schools, hospitals, public and quasi-public buildings.

(7) *Institutional care development/facility* means a facility constructed, licensed and operated to provide long-term or permanent living accommodations, 24-hour staff availability, and at least two of the following services:

- a. A selection of resident care services, under the direction and supervision of a registered nurse or other health or human services licensed professional, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services;
- b. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's needs; or
- c. A supervised living environment that provides support, training, or assistance with individual activities of daily living.

The facility must be licensed by either the Utah Department of Health or the Utah Department of Human Services and be operated in accordance with all regulations established for licensure. The term "institutional care development/facility" includes assisted living facilities, hospices, small health care facilities, transitional care developments, nursing homes, convalescent homes, rest homes, congregate care facilities, Alzheimer's facilities, and nursing care facilities. The term "institutional care development/facility" does not include facilities licensed or operating as general acute or specialty hospitals, adult day care, day treatment, domestic violence treatment program, residential support, residential treatment, secure treatment, youth program, community correctional center, correctional facility, secure correctional facility, rehabilitation/treatment facility, transitional housing facility, protective housing facility or similar facilities.

(LDC 2008, § 15A-37-10; Ord. No. 15-05, 3-23-2015)

**Sec. 21-37-11. "J" Definitions.**

(1) *Jail*. See *Correctional facility*.

(2) *Jurisdictional wetlands* means those areas (within Sandy City) that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally includes swamps, marshes, bogs, and similar areas.

(3) *Juvenile detention facility*. See *Correctional facility*.

(4) *Juvenile receiving center*. See *Correctional facility*.

(5) *Juvenile secure facility*. See *Correctional facility*.

(LDC 2008, § 15A-37-11)

**Sec. 21-37-12. "K" Definitions (Reserved).**

**Sec. 21-37-13. "L" Definitions.**

(1) *Landscape Plan* means a plan showing the proposed location, type and size of all trees, shrubs and ground covers to be planted on the site as well as a complete Water Efficient Irrigation System Plan.

(2) *Landscaping* means the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements as grass, trees, shrubs, and flowers. Treatment may also include the use of rocks, fountains, benches, and contouring of the earth.

(3) *Landscaping, dry*, means the finishing and adornment of yard areas solely by use of rocks, fountains, lanterns, benches, decorative paving, etc., and not including growing or planted materials.

(4) *Lane, private*, means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, that serves one or two lots, and is less than less than 150 feet in length.

(5) *Library* means a public, nonprofit facility in which literary, musical, artistic, or reference materials, such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by loaning to patrons of the facility, but are not normally offered for sale.

(6) *License Review Board* means persons appointed by the Mayor, or his designee, to serve as a review board for Category II home occupation licenses and as a board of appeals for denied, suspended or revoked home occupation licenses. It shall be convened by the Community Development Director when necessary for review or appeal as set forth in this title. Board members are comprised of two members from each of the following departments: the Fire Department, Police Department, and Community Development Department, and three Sandy residents. There must be at least five attending board members and three concurring votes to approve or deny any measure set before the License Review Board.

(7) *Liquor* means alcohol, or any alcoholic, spiritus, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spiritus, vinous, or fermented and all other drinks or drinkable liquids, which contain more than one-half of one percent of alcohol by volume which is suitable to use for beverage purposes; except that the term "liquor" shall not include any beverages defined as beer, malt, liquor, or malted beverage that has an alcohol content of less than four percent alcohol volume.

(8) *Live/work units* means mixed use development within a building, which incorporates retail commercial or individual offices on the ground level, residential use on upper levels, with direct access between uses and levels.

(9) *Lot* means a legal parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, frontage, lot width, and lot area as are required by ordinance.

[GRAPHIC]

(10) *Lot, corner*, means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

(11) *Lot, interior*, means a lot other than a corner lot.

(12) *Lot, irregular*, means a building lot whose rear property line is not generally parallel to the front property line, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

(13) *Lounge*. See *Alcoholic beverage establishments*.

(14) *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.

(LDC 2008, § 15A-37-13; Ord. No. 13-13, 6-5-2013; Ord. No. 14-29, 9-28-2014)

#### **Sec. 21-37-14. "M" Definitions.**

(1) *Maintenance facility* means any building, premises, or land upon which a private business, service, industry or unit of government (other than police or fire agencies):

- a. Services or maintains motor vehicles; or
- b. Stores vehicles or equipment used for servicing off-site facilities or infrastructure.

(2) *Major sports venue* means a stadium or similar building, with at least 20,000 fixed seats, in which a professional sporting competition, concert, or other similar event is held.

(3) *Manufactured home* means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, which:

- a. In the traveling mode, is eight 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 or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior or the home certifying the home was manufactured to HUD standards. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

(4) *Manufactured/mobile home park* means a residential development in which owners of mobile homes may rent, lease, or own a lot on which to place their home. Such developments may provide all of the amenities and improvements typical of planned unit developments.

(5) *Market study* means a study or related aggregate data review to establish the number of potential users of a commercial facility or the size of a market area.

(6) *Marquee* means a permanent roofed structure over the entrance to a building often bearing an advertising sign. This structure is designed to meet all provisions of the current International Building Code and other specifications as outlined in this title. Where specifications in this title and the International Building Code as adopted by Sandy City differ, the more restrictive shall apply.

(7) *Mausoleum*. See *Cemetery, columbarium, mausoleum*.

(8) *Medical and health care office* means a building used exclusively by physicians, dentists, and other health care personnel for the treatment and examination of patients on an outpatient basis.

(9) *Mixed use, commercial and residential development*, means a development consisting of a mixture of residential and commercial uses with an approved ratio, developed according to a master site plan. The development of the uses is of sufficient size and physical improvement to protect surrounding areas and the general community, and to ensure a harmonious integration into the neighborhood.

(10) *Mixed use development* means a development project that includes residential and one or more of the following land uses: retail, service, commercial, or office; and which, vertically or horizontally, integrates critical massing of physical and functional components into a coherent plan that promotes walkability through uninterrupted pedestrian connections, and reduces traffic and parking impacts.

(11) *Mixed use, horizontal*, means commercial and residential uses, etc., which are in close proximity to each other and designed in a village manner, but not necessarily within the same building structures.

(12) *Mixed use, residential and office use*, means a development consisting of a mixture of residential and office uses with an approved ratio, developed according to a master site plan. The development of the uses is of sufficient size and physical improvement to protect surrounding areas and the general community, and to ensure a harmonious integration into the neighborhood.

(13) *Mixed use, vertical*, means commercial, office, or residential uses, etc., designed in a village manner which are within close proximity to each other within the same building structure.

(14) *Mobile food business* means a business that prepares and serves food or beverages from a self-contained unit that is a motorized vehicle or a trailer. The term "mobile food business" shall not include mobile ice cream vendors that only sell pre-packaged ice cream treats.

(15) *Mobile food court* means where two or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one mobile food business located on the same parcel of land shall be considered a mobile food court.

(16) *Mobile home* means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a State Mobile Home Code which existed prior to the HUD Code.

(17) *Model home* means a dwelling temporarily used as a sales office for a residential development under construction; said home being used for on-site sales and not for general real estate business.

(18) *Modular unit* means a structure built from sections which are manufactured in accordance with the construction standards adopted in the Utah Uniform Building Standards Act and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

(19) *Monument, survey*, means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the City Engineer's specifications and referenced to Salt Lake County survey monuments.

(t) *Mortuary/funeral home* means an establishment engaged in undertaking services as preparing the dead for burial, and arranging and managing funerals. The facility may include such uses as are associated with, clearly accessory to and supply services to the principal use: a chapel for the conduct of funeral services and spaces for informal gatherings and/or display of funeral equipment, and may also include a retail floral shop, live plant nursery, a facility for the manufacture of cement burial vaults and the sale and engraving of grave markers.

(20) *Motel* means a building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of typically providing direct independent access to, and adjoining parking for, each rental unit.

(LDC 2008, § 15A-37-14; Ord. No. 09-03, 2-6-2009; Ord. No. 13-13, 6-5-2013; Ord. No. 15-34, 11-16-2015)

### Sec. 21-37-15. "N" Definitions.

(1) *Natural access control* means physical design which guides the mobility of people and which decreases crime opportunity and increases perception of risk to potential offenders.

(2) *Natural state* means the condition of land which has not been graded, disturbed, or built upon.

(3) *Natural surveillance* means physical design which keeps potential intruders under the perception of continual watch, using "eyes on the street" and visual permeability in architecture, lighting, and landscaping.

(4) *Natural vegetation* includes, but shall not be limited to, orchards, trees, shrubs, lawn, grass and perennial growth.

(5) *Natural waterways* means those areas, varying in width along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined and identified by the City.

(6) *Net residential acreage* means all land within a development site devoted exclusively to a residential use.

(7) *New construction* means structures for which the start of construction commenced on or after the effective date of the original ordinance from which this title is derived, and includes any subsequent improvements to such structures.

(8) *Nonconforming building* means a building or structure or portion thereof lawfully existing at the time this ~~Code title~~ became effective, which was designed, erected, or structurally altered that does not conform to the regulations of the district in which it is located, or a building or structure that does not conform to all the height and area regulations.

(9) *Nonconforming lot* means a lot whose width, area, or other dimension does not conform to the regulations when this ~~Code title~~ became effective. However, proposed structures for such lots shall meet the required setbacks under this ~~Code title~~ unless otherwise stipulated by the Board of Adjustment.

(10) *Nonconforming use* means a use which lawfully occupied a building or land at the time this ~~Code title~~ became effective and which does not now conform with the use regulations.

(11) *Non-depository institution* means a financial business, other than a depository institution such as a bank, credit union, mortgage lender or savings and loan association that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act. Specifically included are the following:

- a. *Check cashing business* means a person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan. The term "check cashing business" does not include depository institutions, as defined by the State of Utah. The term "check cashing business" also does not include a retail seller engaged primarily in the business of selling goods or services to retail

buyers that cash checks or issue money orders for a minimum flat fee not exceeding one percent of the check or \$1.00 amount established by the fee schedule as a service fee that is incidental to its main purpose or business.

- b. *Deferred deposit lender* means a business that conducts transactions where a person presents to a check cashier a check written on that person's account or provides written or electronic authorization to a check cashier to effect a debit from that person's account using an electronic payment and the check cashier provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specific date.
- c. *Payday loan business* means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
- d. *Title loan business* means an establishment providing short-term loans to individuals in exchange for the title of a motor vehicle, motor home, or motorboat as collateral.
- e. *Other*. Also included are any other business that offers deferred deposit loans, title loans, check cashing services and loans for payment of a percentage fee exceeding one percent of the check or \$1.00 amount established by the fee schedule as a service fee that is incidental to its main purpose or business.

(12) *Nursing care facility*. See *Health care facilities*.

(13) *Nursing home* means an intermediate care/nursing facility or a skilled nursing facility, licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment, require assistance and/or supervision on a 24-hour per day basis. A nursing home, convalescent home or rest home does not include:

- a. A residential facility for persons with a disability;
- b. A residential facility for elderly persons;
- c. An adult day care facility; or
- d. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

(LDC 2008, § 15A-37-15)

**Sec. 21-37-16. "O" Definitions.**

- (1) *Observation and assessment program*. See *Correctional facility*.
- (2) *Office*. See *Business or financial services*.

(3) *Official Street Map* means a map drawn by City authorities that shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; 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 has been adopted as an element of the General Plan.

(4) *Off-site improvements* means any improvement that may be required which are not located within the area of the property to be subdivided or developed.

(5) *Open space* means land areas that are not occupied by buildings, structures, parking areas, streets or alleys. Open space may be devoted to landscaping, preservation of natural features, forests, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, and recreational leisure areas and facilities.

(6) *Operating permit* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means a permit to operate a facility handling regulated substances under this title.

(7) *Ordinary repair* means the painting or replacement of existing building materials on or within a structure, provided that such replacement consists of materials which do not alter the integral structure and design of the building. Ordinary repairs do not include changing the building's exterior space/dimension.

(8) *Outdoor rooms* means physical design of buildings, parking lots, open space areas, etc., which breaks up expansive areas and creates the feeling of ownership and safety.

(9) *Outpatient treatment*. See *Human services programs or facilities*.

(10) *Overlay Zone* means an area where certain additional requirements are superimposed upon a base zoning district and where the requirements of the base or underlying district may or may not be altered.

(11) *Oversized vehicle* means a motor vehicle, trailer, or boat which by itself or together with other structures or vehicles attached to it exceeds 24 feet in length, or eight feet in width, or eight feet in height, or is greater than one ton, exclusive of appurtenances such as antennas, air conditioners, luggage racks, and mirrors.

(LDC 2008, § 15A-37-16; Ord. No. 13-13, 6-5-2013)

### **Sec. 21-37-17. "P" Definitions.**

(1) *Park and ride facilities* means parking lots or structures located along public transit routes designed to encourage transfer from private vehicles to mass transit or to encourage car pooling for purposes of commuting, or for access to recreation areas. Said facilities shall be appropriately developed and landscaped to City standards, with special attention paid to buffers adjacent to residential properties. Facilities approved as part of existing shopping centers shall have authorization from property owners and shall not adversely impact existing parking ratios.

(2) *Parking area, restricted*, means the area within the front yard of a lot within which the parking of recreational and commercial vehicles is regulated.

(3) *Parking lot* means an open area, other than a street, used for the parking of vehicles.

(4) *Parking space, automobile*, means space within a building or private or public parking area, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

(5) *Parking structure/terrace* means parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two or more levels.

(6) *Park, private*, means a park, playground, swimming pool, golf course or athletic field, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of a private entity not associated with any unit of a government.

(7) *Parking, underground*, means below-grade parking facilities which typically include ventilation systems where motor vehicles are parked, or allowed to remain, and where the owner or person parking the vehicle may be charged a fee.

(8) *Park, public*, means a park, playground, swimming pool, golf course or athletic field, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of the State, a State agency, the County, or Sandy City.

(9) *Parkstrip* means the landscape area within a public right-of-way located between the back of the street curb and the sidewalk, or, in the absence of a sidewalk, located between the back of the street curb and the property line. The term "parkstrip" shall also include tree-well sites located within the public right-of-way.

(10) *Pawnbroker* means a person whose business engages in the following activities:

- a. Loans money on one or more deposits of personal property;
- b. Deals in the purchase, exchange, or possession of personal property on condition of selling the same property back again to the pledgor or depositor;
- c. Loans or advances money on personal property by taking chattel mortgage security on the property and takes or receives the personal property into his possession, and who sells the unredeemed pledges;
- d. Deals in the purchase, exchange or sale of used or secondhand merchandise or personal property; or
- e. Engages in a licensed business enterprise as a pawnshop.

(11) *Pawnshop* means the physical location or premises where a pawnbroker conducts business.

(12) *Pedestrian street* means a street designed for the use of pedestrians, restricting vehicular use to service and emergency vehicles, particularly in areas where retail commercial is on both sides of the street.

(13) *Permanent make-up* means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. The term "permanent make-up" includes, but is not limited to, permanent eyeliner, eye shadow, lip color, or areola color. This type of land use is typically an ancillary use to a beauty salon. This does not include the term "tattoo."

(14) *Person* means an individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as singular.

(15) *Petroleum product* includes fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

(16) *Planned commercial center* means an area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate commercial areas and other uses incidental to the predominant uses. Planned commercial centers are designed as an integrated complex of leasable or individually owned spaces in a single building, group of buildings, or parcels.

(17) *Planned shopping center* means a group of architecturally unified commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that it serves. The unit provides on-site parking in definite relationship to the uses and total size of the stores.

(18) *Planned unit development (PUD)* means a residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site design, building design, and location, in accordance with general guidelines as specified in this title. Units within a PUD may be sold or offered for rent.

(19) *Plant nursery* means a facility used for the growing and the wholesale or retail sale of trees, shrubs, flowers, ground covers, etc. Said use may also include sales of related products, including fertilizers, mulch, landscape decoration, etc.

(20) *Playground* means a facility designed for use by children, which may include, but not limited to, a slide, swing set, climbing bars, one or more basketball standards, hard surface for play, and tether ball. A playground does not include a golf course, full size athletic fields, tennis courts, volleyball court, swimming pool and other similar in size outdoor activities.

(21) *Plot plan* means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required.

(22) *Porch*. See *Balcony*.

(23) *Potential contaminant source (PCS)* means any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on groundwater or surface water sources; it shall include, but is not limited to, hazardous waste, limiting nutrients, and sanitary sewage.

(24) *Potential geologic hazard area* means an area that 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 has not been studied by the 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.

(25) *Practitioner* means a medical doctor (surgeon, general practice, orthopedic, mid-wife, nurse practitioner, etc.) or those who perform dental care (dentist, orthodontist, endodontist, etc.). A practitioner does not include nursing staff, receptionists, dental assistants, rehabilitation specialists and other similar support staff.

(26) *Preliminary plat* means a plat prepared in accordance with this title, showing the design of a proposed subdivision and the existing conditions in and around the subdivision.

(27) *Preschool* means an establishment for the instruction of children prior to entrance into kindergarten. The standards applicable to the operation of such a facility are dependent upon the zone in which it is located. If within

a home, the preschool must comply with the provisions of the home occupation requirements. If within a commercial location, the preschool must comply with the requirements of the underlying zone.

(28) *Primary recharge area* means the areas depicted on the Drinking Water Source Protection Map on file in the Sandy City Public Utilities Department.

(29) *Prison* means a facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by private provider pursuant to the provisions of the Private Correctional Facilities Act, Utah Code Annotated, as amended.

(30) *Private tree*. See *Tree, private*.

(31) *Professional office* means professional or governmental office such as real estate, insurance, accounting, auditing, bookkeeping services, advertising agencies, architectural, engineering, planning, surveying services, attorneys, counseling services, court reporting services, detective agencies, educational, scientific, research organizations, employment, stenographic, secretarial, word processing services, government offices including agency and administrative office facilities, management, public relations, consulting services, photography, commercial art studios, or similar services. The term "professional office" does not include medical and health care offices.

(32) *Protection Zone* means the delineation zones of the Drinking Water Source Protection Zone Map.

(33) *Protective housing facility* means a facility operated, licensed or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to:

- a. Abused or neglected children awaiting placement in foster care;
- b. Pregnant or parenting teens;
- c. Victims of sexual abuse; or
- d. Victims of domestic abuse.

(34) *Public improvement* means any roadway improvements that are proposed to be maintained by Sandy City, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, and may also include the following:

- a. Survey monuments.
- b. Survey rivets.
- c. Any water system facilities that are proposed to be maintained by Sandy City, such as water main lines, service laterals, meter boxes, fire hydrants, pressure reducing valve stations, and other appurtenances.
- d. Irrigation and flood control systems.
- e. Street lights.
- f. Landscaping and sprinkling systems.
- g. Streetscape (trees, benches, etc.).
- h. Fencing and walls.
- i. Retaining walls.
- j. Any other required improvements determined by the City Engineer or Community Development Director.

(35) *Public plaza* means a publicly-owned area that is in proximity to and associated with a publicly accessible structure or event facility. It is not identified and operated by the City as a public park and does not have a playground. Plazas are areas that function as pedestrian site arrival points and are available to the public as a place to display art, passive recreation, relaxation, walking, seating, socializing, reading, and eating.

(36) *Public/private park* means an open space, playground, swimming pool, golf course, or athletic field available for recreational, educational, cultural, aesthetic use, or natural areas, including, but not limited to,

conservation areas, wilderness areas, watershed areas, wildlife refuges, and wetlands which are under the control, operation, or management of a government agency or private entity.

(37) *Public service means* uses which may be housed in separate buildings or which may occupy a space within a building that are operated by a unit of government to serve public needs, such as a library, museum, police (with or without jail), fire service, ambulance, judicial court or government office, but not including public utility stations or maintenance facilities.

(38) *Public utility station* means a structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to drill capture, pump, and to otherwise engage in all aspects of treating and distributing water or effluent. The term "public utility station" shall not include storage or treatment of solid waste, or hazardous waste.

(39) *Public water system (PWS)* means a water system that serves the public.

(LDC 2008, § 15A-37-17; Ord. No. 10-31, 8-8-2010; Ord. No. 13-13, 6-5-2013; Ord. No. 16-35, 10-20-2016)

### **Sec. 21-37-18. "Q" Definitions.**

(1) *Quad homes* means residential use structures which comprise four dwelling units, but are designed to architecturally appear as large single-family homes. Design elements include, but are not limited to, back loaded garages, porches, entrances and sidewalks oriented to the street.

(2) *Quasi-public* means essentially a public use, although under private ownership or control.

(LDC 2008, § 15A-37-18)

### **Sec. 21-37-19. "R" Definitions.**

(1) *Rear-loaded garage* means a subservient parking structure designed for access from a private street, alley, or driveway that is either attached or detached, to the rear of the dwelling.

(2) *Reasonable accommodation* means a change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in the term "reasonable accommodation":

- a. *Equal opportunity* means achieving equal results as between a person with a disability and a non-disabled person.
- b. *Necessary* means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
- c. *Reasonable* means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

(3) *Reciprocal access* means, where commercial uses share a property line, off-street parking lots servicing the properties are made accessible to each other.

(4) *Recreational vehicle* means a vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle. In addition, boats, jet skis, snowmobiles, four-wheelers, etc., shall also be considered as recreational vehicles.

(5) *Recreational vehicle park (travel trailer park)* means any tract of land where the lots or spaces are rented to recreational vehicle owners or users for a period of time not to exceed 30 consecutive days, and where related services are provided.

(6) *Recreation center* means an establishment providing a variety of recreation activities, including activities that are enclosed within a structure along with outdoor recreational activities on the same premises. Activities may include those identified with indoor recreation, passive or active exercises and related activities performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control, as well as such outdoor activities as miniature golf, amusement rides, slides and swimming pools.

(7) *Recreation, fitness center*, means an establishment providing completely enclosed fitness-related activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to

the enclosed use. This definition may include such uses as swimming pool, aerobics, weight training, diet counseling, indoor running track, etc.

(8) *Recreation, indoor*, means an establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller or ice skating, billiards, swimming pools and related amusements.

(9) *Recreation, outdoor*, means an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, and open air pavilions, and used primarily for recreation activities not involving motor vehicles, animals, or overnight use. This definition shall include semi-private swimming pools.

(10) *Recycling materials collection/drop-off facility* means a facility that collects recyclable materials for transport to a separate location for processing and recovery. Recyclable materials include glass, plastic, paper, cloth and other materials collected for recovery and re-use. This definition does not include two or fewer newspaper recycling bins and other similar recyclable material bins that are not staffed by on-site employees, but are self-service.

(11) *Regrading and re-paving* means changing of the established grades of an existing parking lot or paved area which significantly alters the existing grade that was constructed according to an approved site plan.

(12) *Regulated substances (Drinking Water Source Protections Ordinance)* means substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health or and environment (including surface water and groundwater, plants, and animals).

(13) *Rehabilitation/treatment facility* means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A rehabilitation/treatment facility does not include a residential facility for persons with a disability.

(14) *Religious or cultural activity* means a building or buildings owned or maintained by organized religious organizations and nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship. Uses also included are the public nonprofit display of art, historic or cultural artifacts or other inanimate exhibits, a building used as a lending library or reading room, seminaries (associated with schools), monasteries and convents. This definition shall not include temporary tents or structures.

(15) *Renovation* means interior or exterior remodeling or enlargement of a structure, other than ordinary repair.

(16) *Research and development facility* means a building or group of buildings in which are located facilities for scientific research, investigation, testing, experimentation, assembly, or repair; but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. This also includes facilities for scientific laboratory research in technology intensive fields. Examples would include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities or similar uses.

(17) *Research park* means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(18) *Residence* means a dwelling unit or other place where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit.

(19) *Residential activity* means any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential

activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in this title.

(20) *Residential density* means the average number of dwelling units on one acre of land in a given area.

(21) *Residential density, gross*, means the density obtained by dividing all land in a defined area used for residences, streets, open space, local schools, local parks, and local shopping facilities, into the total number of dwelling units in said area.

(22) *Residential density, net*, means the density determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes.

(23) *Residential facility for elderly persons* means a dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in a trust for a resident; and is voluntarily occupied on a 24 hour per day basis by eight or fewer elderly persons in a family-type arrangement. A residential facility for elderly persons does not include any facility:

- a. Operated as a business, provided that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
- b. Where persons are placed:
  1. For alcoholism or drug abuse treatment;
  2. As part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
  3. Which is a health care facility as defined by the Utah Code, as amended; or
  4. Which is a residential facility for persons with a disability.

(24) *Residential facility for persons with a disability* means a dwelling unit or other place in which more than one person with a disability resides and, if required by state law, is licensed or certified by:

- a. The Utah Department of Human Services under U.C.A. 1953, title 62A, ch. 2 (U.C.A. § 62A-2-101 et seq.); or
- b. The Department of Health under the Health Care Facility Licensing and Inspection Act (U.C.A. 1953, § 26-21-1 et seq.).

(25) *Residential lease, short-term*.

- a. The term "residential lease, short-term" means:
  1. The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-family or multifamily occupancy or of any other residential property for an effective term of 30 days or less.
  2. The commercial use, by any person, of residential property for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for 30 consecutive calendar days or less.
- b. For the purposes of this ~~section~~ definition, the term "remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.
- c. Short-term residential leases are prohibited in all residential districts, residential PUD districts and residential SD districts.

(26) *Residential support*. See *Human services programs or facilities*.

(27) *Residential treatment*. See *Human services programs or facilities*.

(28) *Resource family home*. See *Human services programs or facilities*.

(29) *Restaurant* means an eating establishment in which food is prepared for either on- or off-premises consumption, with service being provided in a traditional sit-down restaurant with indoor or outdoor seating style or served from a counter. The term "restaurant" also includes specialty food stores such as ice cream parlors or delicatessens, but does not include drive-in or drive-up window service.

(30) *Restaurant, drive-in/drive-up window*, means an eating establishment in which food is prepared and served; may include facilities for indoor seating, take-out, drive-up window service, or outside service provided by employees to customers in vehicles.

(31) *Rest home*. See *Nursing home*.

(32) *Retail sales and services* means a commercial enterprise that provides goods and/or services directly to the consumer where such goods are available for immediate purchase and removal from the premises by the purchaser. The term "retail sales and services" includes retail establishments engaged in selling goods of merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Retail establishments could also involve a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (big box retail).

(33) *Retaining wall* means a structure or combination of natural elements constructed to hold back or support the adjacent slope, earthen berm or otherwise create a differential in heights between two or more land masses.

(34) *Right-of-way* means the portion of roadway dedicated to the purpose of conveying vehicle and pedestrian traffic, and other public use. The right-of-way includes, but is not limited to, all areas of pavement and sidewalk between opposing property lines.

(LDC 2008, § 15A-37-19; Ord. No. 13-13, 6-5-2013)

#### **Sec. 21-37-20. "S" Definitions.**

(1) *SARA Title III* means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300—302, pertaining to emergency response and right-to-know.

(2) *Satellite dish (ground/roof mount)* means an accessory structure which at its widest dimension is in excess of 36 inches; an earth-based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

(3) *School, charter*, means a public school established by a contract with a school district governing board, the State Board Of Education, or the State Board for Charter Schools pursuant to state law.

(4) *School, commercial*, means a school established to provide for the teaching of vocational, industrial, clerical, managerial, artistic skills, or similar skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

(5) *School, commercial (low-impact)*, means those commercial schools which are artistic in nature and which have a relatively low impact on surrounding uses because they are conducted indoors; have a limited number of students; and do not require a large number of parking spaces because of the age of the students. Such schools generally include smaller scale dance schools, music lessons, martial arts schools, gymnastics schools and similar uses.

(6) *School, private or quasi-public*, means a school operated by a private or quasi-public organization, or individual, which has a curriculum similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. A private school may also include laboratory and shop instruction with the use of demonstration vehicles, products or models incidental to said instruction; but shall not include the repair, maintenance and manufacture of vehicles, goods or merchandise, and shall not provide direct services, other than instruction to the general public. (Does not include commercial schools.)

(7) *Schools, public*, means an educational facility operated by a school district or other public agency of the State of Utah.

(8) *Sculpture park* means a facility for the display for viewing and/or sale of sculptures. Facility may include outdoor display. Such facility typically includes a large expanse of landscaped green-space containing an array of gardens, fountains, and sculptural artworks.

(9) *Search light* means a temporary advertising ~~advice~~ device which is a stationary or revolving light which flashes or projects illumination, single-color or multi-colored, in any manner which is intended to attract or divert attention.

(10) *Secondary containment* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

(11) *Secondhand merchandise dealer*.

a. The term "secondhand merchandise dealer" means an owner or operator of a business that:

1. Deals in the purchase, exchange, or sale of used or secondhand merchandise or personal property; and
2. Does not function as a pawnbroker.

b. The term "secondhand merchandise dealer" does not include:

1. The owner or operator of an antique shop;
2. Any class of businesses exempt by administrative rule under U.C.A. 1953, § 13-32a-112.5, or its successor;
3. Any person or entity who operates auction houses, flea markets, or vehicle, vessel, and outboard motor dealers as defined in U.C.A. 1953, § 41-1a-102, or its successor;
4. The sale of secondhand goods at events commonly known as garage sales, yard sales, or estate sales;
5. The sale or receipt of secondhand books, magazines, or post cards;
6. The sale or receipt of used merchandise donated to recognized nonprofit, religious, or charitable organizations or any school-sponsored association, and for which no compensation is paid;
7. The sale or receipt of secondhand clothing and shoes;
8. Any person offering his own personal property for sale, purchase, consignment, or trade via the Internet;
9. Any person or entity offering the personal property of others for sale, purchase, consignment, or trade via the Internet, when that person or entity does not have, and is not required to have, a local business or occupational license or other authorization for this activity;
10. Any owner or operator of a retail business that receives used merchandise as a trade-in for similar new merchandise;
11. An owner or operator of a business that contracts with other persons or entities to offer those persons' secondhand goods for sale, purchase, consignment, or trade via the Internet;
12. Any dealer as defined in U.C.A. 1953, § 76-10-901, or its successor, which concerns scrap metal and secondary metals; or
13. The purchase of items in bulk that are:
  - (i) Sold at wholesale in bulk packaging;
  - (ii) Sold by a person licensed to conduct business in Utah; and
  - (iii) Regularly sold in bulk quantities as a recognized form of sale.

(12) *Secure correctional facility*. See *Correctional facility*.

(13) *Secure detention*. See *Correctional facility*.

(14) *Secure facility*. See *Correctional facility*.

(15) *Secure treatment*. See *Human services programs or facilities*.

(16) *Sensitive area* means an area of land which contains environmental or potential geological hazards, and which, if altered, may cause damage to the environment.

(17) *Septic holding tank* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means a watertight receptacle, used to contain septic waste. The contents of which are extilated and disposed of at a waste disposal facility.

(18) *Septic tank system* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means a generally watertight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater, to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

(19) *Setback*. The setback for all structures is the shortest distance between the property line and the building or any portion thereof excluding the following:

- a. Window awnings and unenclosed front entry and steps not protruding more than five feet into the setback area.
- b. Uncovered patios.
- c. Decks and balconies not greater than two feet in height from grade, and not less than four feet from the rear property line and eight feet from the side property line.
- d. Decks and balconies not greater than eight feet above grade and not less than ten feet from the rear lot line.
- e. Chimney and roof overhangs protruding no greater than two feet into the setback area.

(20) *Sexually oriented business* means adult businesses, nude entertainment businesses, semi-nude dancing bars, outcall services, and nude and semi-nude dancing agencies as defined in Chapter 16-2.

(21) *Shelter*. See *Correctional facility*.

(22) *Sheltered workshop* means a nonresidential facility providing supervised educational or vocational training facility for persons with a disability.

(23) *Sight visibility triangle* means the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines (or a right-of-way line and the high back of curb or edge of a driveway).

(24) *Sign* means every message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. ~~The This~~ definition of a sign shall include all flags of any type. ~~The This~~ definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

(25) *Sign, abandoned*, means a sign which no longer correctly directs or influences any person, advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises where such sign is displayed.

(26) *Sign, advertising*, means a sign which attracts or directs attention to a use, product, commodity, or service either related or not related to the premises on which the sign is located.

(27) *Sign, advertising bench*, means a bench for public use and convenience which is painted or otherwise covered with advertisement.

(28) *Sign, advertising statuary*, means a stature or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a product or business.

(29) *Sign, A-frame*, means any sign, structure, or configuration composed of one or two sign faces mounted or attached on the top, back-to-back in such a manner as to form a basically triangular vertical cross-section.

(30) *Sign, animated*, means a sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights.

(31) *Sign area* means the portion of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double face sign covering the same object shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees.

(32) *Sign, awning*, means an awning having copy or logo, or which is back-lit, externally illuminated, or non-illuminated.

(33) *Sign, banner*, means a flag or banner constructed of cloth, canvas or light fabric that is hung from a light pole.

(34) *Sign, blade*, means signs projecting perpendicular from the wall having a certain distance from the wall and a certain clearance above the ground.

(35) *Sign, blade banner*, means a vertical banner supported by a durable pole.

(36) *Sign, business*, means a sign which identifies a business or use conducted, product or commodity sold, or service performed upon the premises on which it is located.

(37) *Sign, canopy*, means any sign attached to the underside or constructed upon a canopy.

(38) *Sign, changeable copy*, means a sign on which the copy is changed manually or electrically, such as a message center or reader boards with changeable letters or changeable pictorial panels, and electronically controlled time and temperature signs. ~~The term "changeable copy sign" does not include poster panels or painted bulletins.~~

(39) *Sign, community*, means temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung in a vertical fashion from light poles or on buildings, of solely a decorative, festive, and/or informative nature, announcing activities, promotions, events, seasonal or traditional themes having broad community interest and which are sponsored or supported by Sandy City or a local community based nonprofit organization.

(40) *Sign, community event banner*, means a temporary secured banner that is attached to a public light pole that the City has installed for a specific purpose and limited duration.

(41) *Sign, exterior stadium*, means signs designed to be viewed from the exterior of a major sports venue.

(42) *Sign, field boards*, means non-illuminated, static graphics on a portable hard surface inside a major sports venue.

(43) *Sign, flag, commercial*, means flag signs which are made of cloth and express messages which are primarily commercial in nature.

(44) *Sign, flag, noncommercial*, means flag signs which are made of cloth and express messages which are not primarily commercial. Such flags may include, but not be limited to, flags of governmental entities, flags identifying the person, institution, organization or corporation occupying a property, or solid color, patterned or artistic designs.

(45) *Sign, flagpole, illuminated*, means flagpoles which are internally illuminated or have lighting attached to the pole for purposes of drawing attention to a business location. This shall not include poles which have lighting attached to or directed towards a pole for purposes of illuminating the flag.

(46) *Sign, flashing*, means a sign or parts thereof which is intermittently on and off or which revolves in such a manner to create the illusion of being on and off, with the exclusion of time and temperature signs.

(47) *Sign, flat*, means a sign erected parallel to and attached to the outside wall of a building and extending out not more than 18 inches from such wall with messages or copy on the face side only.

(48) *Sign, floodlighted*, means a sign made legible in the absence of daylight by devices which reflect or project light upon it.

## [GRAPHIC]

(49) *Sign, freestanding (or pylon sign)*, means a sign that is mounted on a support structure so that the bottom edge of the sign is six feet or more above grade.

(50) *Sign, grandstand*, means single-face signs that are attached to fixed seats.

(51) *Sign, guide and directional*, means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly- or privately-owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural beauty or naturally suited to outdoor recreation. Directional signs may also be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties to which they pertain.

## [GRAPHIC]

(52) *Sign, home occupation*, means a sign identifying a home occupation legally existing on the premises.

(53) *Sign, illuminated*, means any sign directly lighted by any electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

(54) *Sign, interior*, means a sign located within a building so as to be visible only from within the building in which the sign is located.

(55) *Sign, interior stadium*, means signs designed to be viewed by spectators and visitors to the major sports venue and only incidentally seen from the exterior or areas accessible by non-paying visitors.

(56) *Sign location*, means a lot, site or premises, building, wall, or any place wherever a sign is erected, constructed or maintained.

(57) *Sign, marquee*, means a sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, a freestanding sign, a wall sign, or attached to a canopy.

(58) *Sign, menu board*, means a sign that is used to advertise the product available at a restaurant.

(59) *Sign, (~~monument-sign~~)*, means a low sign (where the top edge of sign is six feet high or lower) where the extent of the sign surface is attached to the ground or a foundation in the ground, and where there are no poles, braces, or other visible means of support other than attachment to the ground.

(60) *Sign, name plate*, means a sign indicating the name and/or occupation of a ~~person~~ or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

(61) *Sign, naming right*, means signs with the stadium name.

(62) *Signs, noncommercial opinion*, means a sign that does not advertise products, goods, businesses, or services and that expresses an opinion or other point of view.

(63) *Sign, nonconforming*, means a sign or sign structure of portion thereof lawfully existing at the time this Code title became effective, which does not now conform to all regulations prescribed in the district in which it is located.

(64) *Sign, off-premises*, means an advertising sign which directs attention to a use, product, commodity, or services not related to the premises on which it is erected.

(65) *Sign, on-premises*, means a sign which directs attention to a business, commodity, product, use, service or other activity which is sold, offered or conducted on the premises upon which the sign is located.

(66) *Sign, portable*, means a sign that is not permanently affixed to a structure or the ground and is movable, such as A-frame or T-frame signs. This definition does not include any signs on trailers or vehicles.

(67) *Sign, projecting*, means a sign attached to a building and extending in whole or in part more than 18 inches beyond any wall of the building.

(68) *Sign, property*, means a temporary sign related to the property on which is located advertising contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.

(69) *Sign, public necessity*, means signs installed, or required to be installed, by a unit of government for control of traffic and other regulatory purposes, including street, danger and warning, railroad crossing, hospital, wayfinding, trailblazing, directional or warning signs for public service and construction companies, utilities or institutions, signs specifically designed to meet the requirements of the Americans with Disabilities Act, or signs erected by or on the order of a public officer in the performance of his public duty.

(70) *Sign, pylon*. See *Sign, freestanding*.

(71) *Sign, real estate*, means a temporary sign related to the property on which it is located and offering such property for sale or lease.

(72) *Sign, roof*, means a sign erected partly or wholly freestanding on or over the roof of a building.

[GRAPHIC]

(73) *Sign, rotating*, means a revolving sign in which all or a portion of the sign moves in a revolving or similar manner, with the exclusion of time and temperature signs.

(74) *Sign, scoreboard*, means a changeable copy sign typically used for scores, game updates and replays located on a structure facing the playing field.

(75) *Sign, seasonal or holiday*, means such signs as Christmas decorations, to include those used for a historic holiday and installed for a limited period of time.

(76) *Sign, snipe*, means a sign for which a permit is required and has not been obtained and which is tacked, nailed, posted, pasted, glued or otherwise attached to the ground, trees, poles, stakes, or fences, or other objects with the message appearing thereon.

(77) *Sign, sponsorship scrim panel*, means lightweight perforated fabric with graphics applied to the surface, attached with a tension system.

(78) *Sign, sports field fencing*, means single faced signs that are permanently attached to the fence that surrounds a private park which is associated with a major sports venue.

(79) *Sign, spot light*. See *Search light*.

(80) *Sign, structure*, means the supports, uprights, bracing, cables and framework of a sign or outdoor display.

(81) *Sign, suspended*, means a sign which is hung from a roof, pole, canopy or other similar structure.

(82) *Sign, temporary*, means a banner, pennant, valance or advertising display constructed of paper, cloth, canvas, fabric, cardboard, wall board or other materials, with or without frames, intended to be displayed in or out of doors for a short period of time; shall include political signs, special events signs, special business promotions or portable signs.

(83) *Signs, trailblazing*, means off-premises signs with the purpose of providing directions from the State Highway to an advertised business, major destination, or tourist attraction.

(84) *Signs, tunnel*, means flat non-illuminated signs mounted above the player tunnel in a major sports venue.

(85) *Sign, vehicle*, means any sign that is mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers, or other motorized vehicles or equipment.

(86) *Sign, wall*, means a building-mounted sign either attached to or displayed or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 18 inches from such surface.

(87) *Sign, wayfinding*, means a directional sign that guides the traveling public to key civic, visitor, and recreational destinations within a specific region.

(88) *Sign, wind*, means any propeller or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of the wind, not including pennants, flags or banners.

(89) *Sign, window*, means a sign either attached to a window or door or located within a building so as to be visible through a window or door from outside of the building.

(90) *Site change* means changes to the existing site improvements.

(91) *Site plan* means a plan which outlines the use and development of any tract of land within Sandy City for the purposes of meeting the requirements set forth in this ~~Code~~-title.

(92) *Skatepark* means a public facility that is designed for use by persons riding skateboards, in-line skates, roller skates, or bicycles.

(93) *Sludge or biosolids* (~~Drinking Water Source Protection Ordinance Chapter 21-17~~) means the solids separated from wastewater during the wastewater treatment process.

(94) *Small health care facility*. See *Health care facilities*.

(95) *Social detoxification*. See *Human services programs or facilities*.

(96) *Social or reception center, fraternal organizations*, means a building or group of buildings and/or uses owned or maintained by an association or organization for the fraternal, social and/or recreational purposes of certain groups. This may include a meeting hall, cooking and dining facilities for large groups, but shall not provide overnight lodging. This definition shall include, but not be limited to, fraternal organizations and senior citizen centers, and privately-operated reception centers.

(97) *Solar energy systems* means an energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

(98) *Solar equipment* means any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

(99) *Solid waste conversion facility* means a facility which utilizes a technology or process which converts municipal solid waste to electricity or fuel and which may include a recycling facility as an ancillary use.

(100) *Solid waste disposal facility* means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating solid waste.

(102) *Specialty hospital*. See *Health care facilities*.

(103) *Special use permit* means a specific approval that has been determined to be less intense or to have potentially minor impacts on surrounding properties than a conditional use within the same zoning district. Special uses have specific conditions of approval that are found within the ~~Special Use Chapter of this code~~ Chapter 21-11.

(104) *Stadium* means a commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The sports area may also be used for entertainment and other public gathering purposes such as conventions, circuses, or concerts.

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

(106) *Step back architecture* means physical design for mid-rise and higher buildings by setting the building facade away from the street on successively higher stories, and which includes expansive glass areas, balconies, terraces, and landscape features and architectural elements.

(107) *Storage (mini-storage) facilities* means a building or series of buildings for which individual storage space is rented for storage purposes only.

(108) *Story* means that portion of a building included between the surface of the floor and the ceiling next above it other than the basement.

(109) *Street* means a public thoroughfare which affords principal means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

(110) *Street, arterial; major and minor*, means providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use. The location of this type of street is addressed in the Transportation Element of the Sandy City General Plan and designated on the Official Street Map for Sandy City.

(111) *Street, collector; major and minor*, means providing for traffic movement between major arterials and local streets, and direct access to abutting property. The location of this type of street is addressed in the Transportation Element of the Sandy City General Plan and designated on the Official Street Map for Sandy City.

(112) *Street, local*, means providing for direct access to abutting land, and for local traffic movements. The location of this type of street is addressed in the Transportation Element of the Sandy City General Plan and designated on the Official Street Map for Sandy City.

(113) *Street, private*, means a right-of-way or easement in private ownership, not dedicated or maintained as a public street that serves more than two lots and is greater than 150 feet in length.

(114) *Streetscape Plan* means the Streetscape section of the Growth, Land Use and Community Identity chapter of the Sandy City General Plan.

(115) *Street vendors* means a use consisting of a portable stand/cart and any related accessory appurtenances such as awning, canopy, or seating used for the retail sales of goods including, but not limited to, beverages, food, and flowers.

(116) *Structure* means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition. Any structure two feet or above in grade shall meet all underlying zoning requirements.

(117) *Subdivision* means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, 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. The term "subdivision" includes:

- a. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
- b. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(118) *Subgrade* means either the soil prepared and compacted to support a structure or a pavement system, or the elevation of the bottom of the trench in which a sewer or pipeline is laid.

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

(120) *Substantial improvement.*

- a. The term "substantial improvement" means any repair, reconstruction, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
  1. Before the improvement or repair is started; or
  2. If the structure has been damaged and is being restored, before the damage occurred.

- b. The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of State or local Health, Sanitary, or Safety Code specifications which have been identified by the local code Enforcement Official and which are the minimum necessary to ensure safe living conditions; or
  2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- c. The term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(121) *Support staff* means persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.

(122) *Swimming pool* means a constructed pool used for bathing or swimming, which is over 24 inches in depth, or with a surface area exceeding 250 square feet.

(123) *Swimming pool, private*, means a pool which is used or intended to be used as a swimming pool in connection with a residence and available only to the family of the householder and his private guests.

(124) *Swimming pool, semi-private*, means a pool which is used or intended to be used in connection with a neighborhood recreational facility or a multifamily development.

(125) *Swimming school* means an establishment for the instruction of children or adults in the swimming arts and sports, including diving, treading water, strokes, and life saving techniques. A swimming school does not include instruction on snorkeling, underwater swimming with breathing apparatus, or other similar instruction.

(LDC 2008, § 15A-37-20; Ord. No. 09-03, 2-6-2009; Ord. No. 09-35, 12-7-2009; Ord. No. 10-31, 8-8-2010; Ord. No. 11-22, 11-21-2011; Ord. No. 11-24, 12-5-2011; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 15-30, 9-12-2015; Ord. No. 15-34, 11-16-2015)

**Sec. 21-37-21. "T" Definitions.**

(1) *Tattoo* means a permanent design or mark is-made on the skin by pricking it and ingraining in it an indelible pigment, or by raising scars on it.

(2) *Tattoo parlor* means any business establishment which operates tattoo equipment to inject ink or otherwise modify human skin for the purposes of decoration.

(3) *Tavern*. See *Alcoholic beverage establishments*.

(4) *Tennis club*. See *Recreation, indoor or outdoor*.

(5) *Ten-year storm* means a storm having a ten percent chance of annual occurrence.

(6) *Territorial reinforcement* means physical design which encourages users of property to develop ownership over it, developing space with an easily discernable purpose, using symbolic barriers such as low lying fences/wall, landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.

(7) *Theater* means a building used primarily for the presentation of movies projected upon a screen; may include ancillary uses such as arcades. The term "theater" also includes a building used primarily for the presentation of live stage productions or performances or open air theater for performing arts.

(8) *Topping* means the internodal cutting back (between existing stem and/or branch nodes), dehorning or pollarding of stems or branches, resulting in the severe alteration of the species' genetic structural characteristics.

(9) *Townhouse* means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

(10) *Trade or vocational school* means a post-high school educational or vocational training facility.

(11) *Traditional neighborhood development (TND)* means physical design, mixed use or stand-alone, which promotes pedestrian activity by incorporating guidelines controlling architectural elements, entrances and sidewalks oriented to the street, walkways, driveways, landscaping, street design and streetscape, and other pedestrian elements.

(12) *Transitional care development* means a cohesive development created primarily for the care and housing of the elderly and/or persons with a disability. To qualify under this definition, the development must contain at least two of the following land use classifications ~~to qualify under this section:~~

- a. Single-family unit development (either detached or attached, such as a traditional home or twin home development).
- b. Congregate care facility.
- c. Assisted living facility.
- d. Nursing home/convalescent home/rest home.
- e. Hospice.
- f. Small health care facility.

(12) *Transitional housing facility* means a facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization which provides free temporary housing to homeless persons for no more than 30 days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:

- a. A homeless shelter;
- b. A dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than 30 days; and
- c. A residential facility for persons with a disability.

(14) *Travel time contour* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means the locus of points that form a line of any configuration in space from which groundwater particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a wellfield, as predicted by the Refined Salt Lake Valley MODFLOW/MODPATH model copyrighted.

(15) *Tree, City*, means all trees and shrubs located in a City-owned parkstrip or on other City-owned and/or maintained property.

(16) *Tree, hazard*, means any tree determined to be a public nuisance, which may include, but not be limited to, the following:

- a. Any tree that is host to a communicable disease, destructive disease or other pestilence.
- b. Any tree, the roots or any other portion of which, causes the surface of a public street, curb, gutter or sidewalk to be up-heaved or otherwise disturbed creating a threat to the public health, safety or welfare.
- c. Any tree or portion thereof which, by reason of location and/or structural defect, increases the chance of failure of the tree and increases the risk to the health, safety or well-being of the public.
- d. Any tree or portion thereof which, by reason of location and/or condition, impedes a public right-of-way or may cause a threat to the public health, safety or welfare, including any tree adjacent to any sidewalk used as a public right-of-way which is not pruned from either edge of the right-of-way vertically to a height of eight feet above the surface of sidewalk or any tree adjacent to a roadway which is not pruned to a height of 14 feet vertically from back of curb or is not pruned as is deemed necessary by the City Transportation Engineer.
- e. Any tree or portion thereof which interferes with adequate street light coverage of public rights-of-way.

(17) *Tree, private*, means any and all trees and shrubs now and hereafter growing on private property within Sandy City and which are not defined or designated herein as City trees.

(18) *Tree stewardship program* means the ongoing and shared responsibility between public and private parties for the protection, care and renewal of trees.

(19) *Twin home* means a residential structure composed of two dwellings set side by side and sharing a common wall and separation wall. Each dwelling is constructed on its own building lot and is sold separately from the adjoining attached dwellings.

(LDC 2008, § 15A-37-21)

**Sec. 21-37-22. "U" Definitions.**

(1) *UAC* means the Utah Administrative Code.

(2) *Urban forest* means vegetation on the City's public lands.

(3) *Urban Forester* means the Sandy City employee designated to carry out work duties associated with the urban forest.

(4) *Urban forestry* means the planning, design and management of vegetation on public lands in and around communities to maximize their visual, economic and environmental contributions to the well-being of the community.

(5) *Urban wildland interface* means a geographical area where structures and other development meets or intermingles with wildland or vegetative fuels.

(6) *Usable land* means that contiguous parcel of natural land and/or compacted (engineered) fill, as permitted by this title or the International Building Code, included within the lot (including setbacks), no part of which has a slope exceeding 30 percent.

(7) *Use* means the activities occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

(8) *Use change* means changing the use of the property from that which was intended by the original site plan to another use that will require changes to the original approved site plan.

(9) *Use, change of business*, means change within the classified use of a structure, or any portion of multi-tenant structure such as from one retail business to another which does not increase the size or occupancy capacity of the structure.

(10) *Use, temporary*, means a use that is to be conducted for a fixed period of time with intent to discontinue such use upon expiration of the time period. Temporary uses are characterized by such activities as the sale of agricultural products produced on the premises on which they are sold, contractor's offices and equipment sheds, Christmas tree and firework sales, and carnivals.

(11) *USGS* means the United States Geological Survey.

(12) *Utilities* includes natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the City.

(13) *Utility easement* means the area designated for access to construct or maintain utilities on privately- or publicly-owned land.

(LDC 2008, § 15A-37-22)

**Sec. 21-37-23. "V" Definitions.**

(1) *Variance* means a legal divergence from ~~the Zoning Ordinance~~ this title granted by the Board of Adjustment.

(2) *Vehicle* means a machine propelled by power other than human power, and includes campers, trailers, and other equipment designed to be carried upon or towed behind such powered vehicle, designed to travel along the ground by use of wheels, treads, runners or slides, or upon such vehicle, and transport persons or property or pull machinery, and shall include, without limitation, automobile, airplane, truck, trailer, camper, motorcycle, motor scooter, recreational vehicle, tractor, buggy and wagon.

- (3) *Vehicle, junk*, means any vehicle that:
- a. Has been made inoperable due to a collision or other violent act; ~~or~~
  - b. Has had parts removed from the vehicle rendering the vehicle inoperable, or contains defective parts making the vehicle inoperable, and has remained in such state for a period longer than 30 days. Portions of junk vehicles, such as hoods, fenders, radiators, rims, ~~motors~~ motors, etc., not being immediately utilized for the repair of a motor vehicle, shall be considered junk; or
  - c. Is not licensed or registered and is in a condition of deterioration or disrepair, that includes, but is not limited to, a vehicle that is or has any of the following conditions: dismantled, broken windows, broken head or tail lights, flat tires, no tires, missing doors, missing windows, missing paint, missing fenders, missing hood or missing trunk.

(LDC 2008, § 15A-37-23; Ord. No. 10-27, 7-30-2010)

**Sec. 21-37-24. "W" Definitions.**

(1) *Warehouse, wholesale*, means a building in which goods, merchandise or equipment are stored for eventual distribution. No outside storage is permitted.

(2) *Waste transfer station* means a facility where solid waste materials, including yard waste, demolition materials, and household refuse, are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

(3) *Water efficient landscaping* means a set of garden design and landscape maintenance principles that promote good horticultural practices and efficient use of water; water conserving, drought tolerant landscaping.

(4) *Well* means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater.

(5) *Wellfield* (~~*Drinking Water Source Protection Ordinance Chapter 21-17*~~) means an area of land which contains one or more drinking water supply wells.

(6) *Wind energy conversion system* means any device, such as a wind charger, wind turbine or windmill, that converts wind power to another form of energy.

(7) *Wireless telecommunications facilities*. The following definitions are specific to wireless telecommunications facilities:

- a. *Antenna* means any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials, and shapes including, but not limited to, solid or wire-mesh dish, horn, spherical or bar configuration used for the transmission or reception of radio signals. Types of antennas include:
  1. *Roof-mounted antenna* means an antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall which is on the roof top of a building.
  2. *Top-hat antenna* means a spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna-mounting structures are more than three feet in width as viewed looking directly at the structure.
 

[GRAPHIC--Top Hat Antenna]
  3. *Utility pole antennas* means any antenna mounted directly to a street light pole. This definition shall not include poles carrying electrical lines, telephone lines or any other type of utility not specifically included above.
  4. *Wall-mounted antenna* means any antenna mounted directly to the fascia or outside wall of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

5. *Whip antenna* means an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.
- b. *Antenna support structure* means a structure the principle purpose of which is for location of antennas. Types of antenna support structures include:
  1. *Lattice tower* means a self-supporting multiple sided, open steel frame structure used to support one or more antennas.
  2. *Monopole* means a freestanding antenna support structure placed directly on the ground used to support one or more antennas.
- c. *Co-location* means a telecommunications facility comprising more than one telecommunications provider's antennas.
- d. *Equipment facility* means any building, shelter or cabinet used by telecommunication providers to house switching, backup or other equipment at a telecommunications facility.
- e. *Non-stealth design* means any antenna or equipment facility not camouflaged in a manner to blend with surrounding land uses, features or architecture. The design does not conceal the intended use of the telecommunications facility. A monopole with equipment facilities above ground and unscreened would be considered non-stealth.
- f. *Residential institutional use* means a school, church, clubhouse or public building in a residential zone where stealth antennas may be permitted. This definition does not include residences or multifamily structures containing one or more residential units.
- g. *Stealth* means antennas, antenna support structures and equipment facilities camouflaged or designed to blend with surrounding land uses, features, and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility such as heavy landscaping, installing telecommunications facilities within existing buildings, or placing equipment facilities underground. A flush wall mount antenna painted the same color as the background, located on a building where the equipment facility is located inside said building would be considered stealth design.
- h. *Telecommunications facility* means an unmanned structure which consists of equipment, including antennas, antenna support structures and equipment facilities as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as "cellular" or "PCS" (Personal Communications System) communications and paging systems.

(LDC 2008, § 15A-37-24; Ord. No. 13-19, 8-15-2013)

**Sec. 21-37-25. "X" Definitions.**

(1) *Xeriscaping* means landscaping characterized by the use or vegetation that is drought-tolerant or of low water use in character.

(LDC 2008, § 15A-37-25)

**Sec. 21-37-26. "Y" Definitions.**

(1) *Yard* means an open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this ~~Code~~ title.

- (2) *Yard, front*, means:
  - a. For an interior lot: an open, unoccupied, space in the same lot with a building between the front line of the building and the street right-of-way or front property line, whichever distance is the shortest.
  - b. For a corner lot: an open, unoccupied space on the same lot with the main building and between the front line of the building and the front street line, also between the side line of the building adjacent to the street and the side street line and extending for the full width and depth of the lot; or the shortest distance across said space from the main building to the street line.

(3) *Yard, rear*, means a yard extending across the full width of the lot between the most rear main building and the rear lot line.

(4) *Yard, side*, means an open, unoccupied space on the same lot with the building and between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

(5) *Youth Program*. See *Human services programs or facilities*.

(LDC 2008, § 15A-37-26)

**Sec. 21-37-27. "Z" Definitions.**

(1) *Zero lot line development* means:

- a. Single-family dwellings arranged on individually owned lots as either detached structures with one side wall of the main building on a side property line (or as twin homes with the separation wall on the property line).

[GRAPHIC]

- b. Twin home, attached (see *Twin home*).

(2) *Zone change* means the legislative act of re-zoning one or more lots or parcels.

(3) *Zoological gardens* means an area, building, or structures which contain wild animals on exhibition for viewing by the public.

(LDC 2008, § 15A-37-27)

**CHAPTER ~~15A-38~~ 21-38. SPORTS AND RECREATION OVERLAY ZONE**

**Sec. 21-38-1. Purpose.**

It is the purpose of this chapter to provide criteria and standards for allowing a freestanding sign on a separate parcel having freeway frontage for a major recreational complex (meaning a commercially-operated facility that generates regional attendance and is predominately used for outdoor recreational purposes, including, but not limited to, amusement parks, stadiums, arenas, major sports venues), which is remote from the freeway to provide identification for the complex, its activities or events and efficient means of access to the complex.

(LDC 2008, § 15A-38-01)

**Sec. 21-38-2. Boundaries.**

The Sports and Recreational Overlay Zone shall be confined to the boundaries between 9000 South and 9400 South and between Interstate 15 (I-15) to State Street.

(LDC 2008, § 15A-38-02)

**Sec. 21-38-3. Uses Allowed.**

A major recreational complex, which is remote from the freeway and has a minimum of 20 acres, may be allowed by the Planning Commission as part of a sign package to have one freestanding sign on a parcel with freeway frontage, where such signage is needed primarily to help freeway travelers identify such complex and efficient means of access to it where such message cannot be communicated effectively on-site. A sign allowed along the freeway under the provisions of this zone are to be in lieu of a freestanding sign that would otherwise be allowed on one of the major recreational complex existing frontages.

(LDC 2008, § 15A-38-03)

**Sec. 21-38-4. Criteria.**

In order to be allowed a freestanding sign by the Planning Commission, the site must comply with the following criteria:

- (1) *Acreage*. The major recreational complex development site must be at least 20 acres in size.

- (2) *Land Use.* The land use on the site must be a major recreational complex.
- (3) *Remote Location.* The major recreational complex must be remote from the freeway (i.e., be at least 1,000 feet from the property line closest to the right-of-way of I-15 to the nearest property line of the parcel upon which the complex is located).
- (4) *Signage Parcel.* The signage parcel on which a freestanding sign may be located must be a minimum of 4,000 square feet in size and have a minimum of 20 feet of freeway frontage along a publicly-dedicated street. Use of the signage parcel may be combined with another use overlapping from an adjoining parcel, provided at least one such use occupies a minimum of 100 feet of frontage and the overlapping use provides parking or other service complimentary to the recreational use. This signage parcel must be owned by the owner of the major recreational complex, or the owner of the parcel upon which the complex is located. If the ownership of the sign or the signage parcel on which it sits changes from being in the same ownership as the major recreational complex, or the owner of the parcel upon which the complex is located, the sign permit is voided and the sign shall be removed from the property.
- (5) *Sign Package.* The proposed freestanding sign shall be included as part of the overall sign package that is reviewed by the Planning Commission to be evaluated for compliance with Chapter 21-26.
- (6) *Traffic.* In order to qualify for the freestanding sign, 55 percent of the average attendance for the majority of events at the complex shall come from I-15.

(LDC 2008, § 15A-38-04; Ord. No. 09-16, 6-12-2009)

#### **Sec. 21-38-5. Standards for Freestanding Sign.**

(a) *Height Standards.* A maximum of 75 feet for a freestanding sign may be approved by the Planning Commission. If the signage parcel is in proximity to a freeway overpass or similar view obscuring structure which interferes with the purposes for which the use was approved (excluding vegetation), the height may be increased based on the following criteria and submittals:

- (1) A topographic map with one-foot interval contours is provided to illustrate existing conditions at the site.
- (2) Visual simulations or scaled profile drawings are provided which illustrate the required and requested sign heights in relation to the view obscuring structure.
- (3) The height is the minimum necessary to provide reasonable visibility above the view obscuring structure.

(b) *Area Standards.* The sign area shall not exceed 1,000 square feet in area. Identification of the major recreational complex (including naming rights), complex activities and means of access to the complex may occupy up to 100 percent of the total area of the sign face. Changeable copy areas, such as reader boards and electronic message centers, in combination with the naming rights signs, may occupy up to 75 percent of the total area of the sign face. Messages, other than identification of the complex, complex activities or events, or means of accessing the complex, may occupy up to 25 percent of the total area of the sign face. The total square footage of all non-changeable copy areas shall not be larger than the electronic message center or the area of the sign face containing the identification of the major recreational complex, complex activities and means of access.

(c) *Location Standards.* The support structure of the sign must be located at least ten feet from the front property line. No portion of the sign may extend beyond any property line. Sign structures within the sight visibility triangle may be allowed with the permission of the City Transportation Engineer if alternate equivalent traffic safety measures are imposed, if necessary.

(d) *Design Standards.* All such signs must have the structural supports covered or concealed with pole covers (pylon covers). The covers must utilize design and materials which are architecturally compatible to the major recreational complex to which it is associated.

(e) *Landscape Standards.* The front ten feet of the property must be landscaped according to ~~Sandy City Development Code~~ standards in this title. All such signs must be incorporated into a landscape design or planter box. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. Removal of required landscaping to facilitate sign placement must be in compliance with the commercial standards in ~~the code~~ this title.

(f) *Separation Standards.* Signs over 50 feet in height shall be separated by a minimum of 500 feet from every other sign over 50 feet in height which is within this overlay zone.

(g) *Message Standards.* The primary use of the sign shall be to help freeway travelers identify the major recreational complex, complex activities and efficient means of access to it.

(LDC 2008, § 15A-38-05; Ord. No. 09-06, 3-5-2009; Ord. No. 09-16, 6-12-2009)

PROOFS

## ~~TITLE 18~~

### ~~SEWAGE DISPOSAL~~

#### ~~Chapter 1 SEWAGE DISPOSAL~~

##### ~~18-1-1. Purposes.~~

~~Sewer facilities and services to various residents of the City are provided by the Salt Lake County Sewerage Improvement District No. 1 or the Sandy Suburban Improvement District ("District") and the South Valley Water Reclamation Facility ("SVWRF"). In order to preserve and promote the health, safety and welfare of its residents, and in cooperation with the District and the SVWRF, the City has determined that regulation of sewage disposal within and by the City is necessary and desirable. It is also in the public interest that the City participates in achieving a degree of uniformity in the area served by the SVWRF and to enable said facility to comply with applicable state and federal law. (Revised Ords. 1978, § 18-1-1)~~

##### ~~18-1-2. Definitions.~~

~~For purposes of this chapter and unless the context specifically requires otherwise:~~

- ~~(a) "Building Permit" means any permit issued pursuant to Title 18 of these Ordinances.~~
- ~~(b) "Cesspool" means a pit or hole in the ground used for final sewage disposal.~~
- ~~(c) "City" means Sandy City, a municipal corporation organized and existing under the laws of the State of Utah.~~
- ~~(d) "Discharge" means to cause a substance to enter the sewer system by any means, whether directly or indirectly.~~
- ~~(e) "District" means Salt Lake County Sewerage Improvement District No. 1 and the Sandy Suburban Improvement District, improvement districts organized and existing pursuant to Utah Code Annotated, Title 17A, Chapter 2, Part 3, as amended.~~
- ~~(f) "Final Sewage Disposal" means the depositing of sewage in the earth, water, or elsewhere, under circumstances which, in time, cause oxidation together with dissipation or absorption of the sewage.~~
- ~~(g) "Industrial User" means any user of the Sewer System that discharges wastewater from commercial and/or industrial processes.~~
- ~~(h) "Occupant" means any person in possession of the property mentioned, either by claim or of right or with the consent or acquiescence of the owner of such property.~~
- ~~(i) "Ordinary Domestic Sewage" means sewage of the type and contents commonly~~

~~discharged from homes, as distinguished from businesses or industries.~~

~~(j) — "Outhouse" means building or other structure located over a cesspool.~~

~~(k) — "Owner" means any person holding or claiming title, legal or equitable, to the property mentioned, whether alone or in conjunction with others.~~

~~(l) — "Person" includes any natural person and any corporation, partnership or other separate legal entity, as well as the employer of any other person acting within the scope of his or her employment, the principal of any person who is an agent with respect to sewer matters, or the contractor of any person entering into a contract with respect to sewer matters.~~

~~(m) — "Privy Vault" means a structure for containing sewage prior to Final Sewage Disposal, unless such structure is located in a vehicle.~~

~~(n) — "Prohibited Substance" means any substance listed, described, or referred to as prohibited in 18-1-12 hereof.~~

~~(o) — "Septic Tank" includes any means of Final Sewage Disposal which is located principally underground, but does not include the public sewer system.~~

~~(p) — "Sewage" means liquid or water born waste.~~

~~(q) — "Sewer System" means the facilities owned or used by the District and/or SVWRF for collecting, transmitting, treating, and disposing of sewage, whether located in or out of the City.~~

~~(r) — "Sludge" means either (1) the accumulated solid slurry separated from liquids such as water or waste water during processing, or (2) deposits on bottoms of streams or other bodies of water, or (3) the precipitate resulting from chemical treatment, coagulation, or sedimentation of waste or wastewater.~~

~~(s) — "South Valley Board" means the South Valley Water Reclamation Facility (SVWRF) joint administrative board, a legal entity created pursuant to the Utah Interlocal Cooperation Act. The South Valley Board is comprised of representatives from its Member Entities i.e. Midvale City, West Jordan City, Salt Lake City Suburban Sanitary District No. 2, Sandy Suburban Improvement District and Salt Lake County Sewerage Improvement District No. 1. Its purpose is to provide sewage treatment and final disposal services.~~

~~(t) — "Substance" means any physical matter, including any solid, liquid or gas whatsoever.~~

~~(u) — "Surface Water" means any water running, standing or found on or within five inches of the surface of the ground.~~

~~(v) — "Treatment" means the processes employed by the District and/or SVWRF whereby sewage is rendered less harmful or objectionable, and/or less of a health hazard.~~

~~(w) — "Treatment Plant" means that portion of the sewer treatment facilities owned by~~

~~SVWRF used for treatment.  
(Revised Ords. 1978, § 18-1-2)~~

~~**18-1-3. Non-Limitation of Powers.**~~

~~Nothing in this Ordinance is intended to restrict or limit the extent or exercise of any power conferred on the District or the SVWRF by the laws of Utah. In delegating certain regulatory authority to the District or the SVWRF, the City does not affect any authority the District or the SVWRF may have independent of the City to regulate the same or similar matters, except as may be agreed by the City and the District and/or the SVWRF in a written Interlocal Cooperation Agreement.  
(Revised Ords. 1978, § 18-1-3)~~

~~**18-1-4. Civil Penalties.**~~

~~Any person who violates Chapter 5 of Title 19 of the Utah Code Annotated, 1953, as amended, or any permit, rules, or orders adopted under or pursuant thereto, or any person who violates the Wastewater Control Rules and Regulations adopted by the SVWRF, upon showing that the violation occurred, is subject, in a civil proceeding, to a penalty not to exceed \$10,000 per day.  
(Revised Ords. 1978, § 18-1-4)~~

~~**18-1-5. Criminal Penalties.**~~

~~(a) Pursuant to Title 19, Chapter 5 of the Utah Code Annotated 1953, as amended, and the SVWRF Wastewater Control Rules and Regulations, a fine not exceeding \$25,000.00 per day shall be assessed against any person who willfully or with gross negligence:~~

~~(1) discharges pollutants in violation of any condition or limitation included in a wastewater discharge permit or contract issued pursuant to any applicable law;~~

~~(2) discharges pollutants in violation of Section 19-5-107(1) of the Utah Code Annotated, 1953, as amended;~~

~~(3) violates Section 19-5-108 of the Utah Code Annotated, 1953, as amended or any requirements adopted pursuant thereto;~~

~~(4) violates Section 19-5-113 of the Utah Code Annotated, 1953, as amended;~~

~~(5) violates a pretreatment standard or toxic effluent standard adopted for the SVWRF, the District or the CITY.~~

~~(b) In addition to the penalties outlined in Section (a) above a violation of any provision of this Chapter constitutes a Class B misdemeanor carrying with it the maximum punishment permitted under the laws of Utah.~~

~~(c) In addition to any criminal penalties imposed on a person convicted under this subsection, the person may be enjoined from continuing the violations.~~

~~(d) Each day on which a violation occurs is a separate violation under these~~

subsections:

(e) — Any person twice convicted under Section (a) herein or Section 19-5-115(2)(b) of the Utah Code Annotated, 1953, as amended, shall be punished by a fine not exceeding \$50,000.00 per day.

(f) — In addition to all other remedies available, the Joint Administrative Board of the SVWRF may authorize the commencement of a civil action for any appropriate relief, including a permanent or temporary injunction, for any violation or substantial risk of violation of the SVWRF Rules and Regulations or any of the provisions contained within Chapter 5, Title 19 of the Utah Code Annotated, 1953, as amended, which are by this reference deemed implemented as a part hereof by the City pursuant to Section 19-5-115(7) of the Utah Code Annotated, 1953, as amended.

(g) — Any person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under Chapter 5 of Title 19 of the Utah Code Annotated, or by any permit, rule, or order issued pursuant to it including but not limited to any rule, regulation, order or permit adopted or issued by the SVWRF, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under Chapter 5 of Title 19 of the Utah Code Annotated shall be punished by a fine not exceeding \$10,000 or by imprisonment for not more than six months, or by both. (Revised Ords. 1978, § 18-1-5)

**18-1-6. — Mandatory Connection.**



(a) — Mandatory. The owner or occupant of real property on which a building has been or is being constructed shall connect such building to the Sewer System within 60 days after receiving written notice from the District or City that facilities of the Sewer System are available for connection to the building, if any part of such facilities of the Sewer System are available for connection to the building, or if any part of such facilities is situated within 300 feet of any point of any property line of such property.

(b) — Subsequent Use of Private Systems. If connection to the Sewer System is required pursuant to the previous subsection, the Owner or Occupant thereby required to connect shall immediately plug any Septic Tank or Privy Vault, remove any Outhouse, fill with earth any Cesspool located on his property, and make no further use of those or any other privately owned facilities for Final Sewage Disposal. Any Cesspool, Outhouse, or unplugged Septic Tank or Privy Vault on property required to be connected to the Sewer System is hereby declared to be a public nuisance.

(c) — Construction of Private System. No person shall construct or cause to be

constructed a Septic Tank or other privately owned means of Final Sewage Disposal on property required to be connected to the Sewer System by Subsection (a) above.

(d) — Building Approval. No newly constructed building required to be connected by subsection (a) above shall be issued a building permit approved for human occupancy if such building is not connected to the Sewer System.

~~(e) — Conditions. Nothing in this Part as adopted shall be construed as creating any obligation on the part of the District or the City to connect any property to the Sewer System or retain any connection to the Sewer System. The District may impose reasonable conditions and requirements for sewer connection without affecting the obligation of a private person to either connect to the Sewer System, discontinue use of a private system, or otherwise comply with this Section.  
(Revised Ords. 1978, § 18-1-6)~~

~~**18-1-7. — Subdivisions and Other Developments.**~~

~~No subdivision plat, planned unit development, industrial park, or commercial development shall be approved or recommended by the City Planning Commission, nor shall a building permit or certificate of occupancy be issued for any lot or part thereof or for the whole thereof, unless the City shall have first received a signed document from the District approving the sewer aspects of the proposed development.  
(Revised Ords. 1978, § 18-1-7)~~

~~**18-1-8. — Damage.**~~

~~No person shall intentionally or negligently cause any damage to the Sewer System.  
(Revised Ords. 1978, § 18-1-8)~~

~~**18-1-9. — Manholes.**~~

~~No person shall open a manhole of the Sewer System without first receiving authorization to do so from the District.  
(Revised Ords. 1978, § 18-1-9)~~

~~**18-1-10. — Runoff.**~~

~~No owner or occupant shall permit a condition to exist on his property whereby Surface Water, storm drainage, cooling water, or ground water is discharged into the Sewer System, nor shall any person install or create such a condition.  
(Revised Ords. 1978, § 18-1-10)~~

~~**18-1-11. — Pretreatment and Discharge Permit Requirements.**~~

~~(a) — Those persons required to pretreat wastewater in order to comply with Federal pretreatment standards, the SVWRF Wastewater Control Rules and Regulations and any permits issued thereunder shall provide, operate, and maintain the necessary pretreatment facilities in accordance with the SVWRF pretreatment regulations.~~

~~(b) — Industrial Users required to apply for a discharge permit pursuant to the SVWRF Wastewater Control Rules and Regulations shall obtain such permit prior to discharging into the Sewer System. Applications shall be in the form prescribed by the South Valley Board.  
(Revised Ords. 1978, § 18-1-11)~~

~~**18-1-12. — Wastewater Discharge Prohibitions and Limitations.**~~

~~(a) — Generally. No person shall Discharge into the Sewer System any Substance or in a manner which, under ordinary circumstances, either (1) is harmful or detrimental to or interferes with either the Sewer System, the functioning of the Sewer System, the environment, or the public health, or (2) causes Sewage to pass through the Sewer System without treatment and thereby creating a significant health hazard or diminishing the quality of the environment.~~

~~(b) — Discharge Prohibitions. No person shall discharge into the Sewer System any Substance or in any manner which violates the Wastewater Prohibitions and Limitations contained within Chapter 2, Section 2.2 of the SVWRF Wastewater Control Rules and Regulations currently in force and as amended from time to time, which are incorporated by this reference as a part hereof as though fully set forth herein, together with any schedules or appendices which are a part of Chapter 2, Section 2.2 of said SVWRF Wastewater Control Rules and Regulations.~~

~~(c) — Immediate Reporting. Immediately upon discharging a Prohibited Substance or upon discovering that a Prohibited Substance has been Discharged, the person performing or discovering such Discharge shall immediately notify the staff of the SVWRF of the Discharge by the most rapid available means, if such person knows or reasonably should have known that (1) the Substance was discharged, and (2) the Discharge of the Substance was prohibited. Notification pursuant to this subsection does not relieve the person notifying of any liability, except liability for violation of this subsection.~~

~~(d) — Preventing Accidental Discharge.~~

~~(1) — Generally. Every person conducting an activity which creates a substantial risk that a Prohibited Substance will be discharged into the Sewer System shall provide adequate protection against accidental Discharge of such a Prohibited Substance by either (1) implementing procedures or practices which tend to reduce the likelihood of such a Discharge and/or (2) installing facilities designed to prevent such accidental Discharge. The SVWRF General Manager may identify persons required to provide such protection and direct them to comply with this subsection.~~

~~(2) — South Valley May Require. The SVWRF General Manager is hereby authorized to specify particular procedures, practices, and/or facilities which shall be implemented by any person, (1) if the SVWRF General Manager finds that there is substantial risk of a Discharge prohibited by this Section if preventive measures are not undertaken, and (2) if such procedures, practices and/or facilities substantially reduce the risk of discharge prohibited by this Section, and (3) if the cost of implementing such procedures, practices, and/or installing such facilities is found by the South Valley Board to be reasonable in light of both the potential damage to the sewer system and/or the environment if an accidental discharge occurs, and the effectiveness of the equipment in preventing such an accidental discharge.~~

~~(3) — Plans. In every case where facilities are required to be installed pursuant to this subsection, the SVWRF General Manager is hereby authorized to require submission of detailed plans for the required facilities and their operation before construction of the facilities is begun.~~

~~(e) — Preventive Requirements.~~

~~(1) — Report. Within five days after the Discharge of a Prohibited Substance, the person who discharged such substance shall file with the South Valley Board a written, detailed report describing (1) the nature and content of the Discharge, (2) the cause(s) of the Discharge, and (3) remedial measures to be taken by the discharger to prevent similar Discharges in the future. The SVWRF pretreatment administrator may inspect the site of the accidental Discharge and interview any person involved in the Discharge in order to ascertain or confirm what happened and assure that remedial measures adequate to prevent future accidents are carried out as represented.~~

~~(2) — South Valley May Require Changes. If (1) a person has discharged a Prohibited Substance, and (2) it is likely that the same person will again discharge a similar Prohibited Substance in the future if preventive measures are not undertaken, then the SVWRF General Manager is hereby authorized to require the person who discharged the Prohibited Substance to make change(s) in equipment, facilities, procedures, or practices, which change(s) (1) have the effect of substantially reducing the risk of a similar Discharge in the future, and (2) are found by the SVWRF General Manager to be reasonable in cost in light of the potential damage to the system and environment arising out of a similar prohibited Discharge in the future. Nothing in this subsection relieves any person of any liability, except liability for violation of this subsection.~~

~~(f) — Self-Monitoring and Reporting. The SVWRF General Manager is hereby authorized to require that persons discharging into the Sewer System, other than persons discharging only Ordinary Domestic Sewage, monitor and report their Sewage Discharges in a manner and to the extent necessary to (1) provide adequate compliance with and enforcement of the SVWRF's Wastewater Control Rules and Regulations, (2) assess the source of the components of the Sewage transmitted, treated, and disposed of by the District or the SVWRF, (3) charge reasonable fees and surcharges to dischargers based on actual Discharges or reasonable classifications of Discharges. The SVWRF General Manager is further hereby authorized to require that such monitoring and reporting be performed at the expense of the person discharging. Every person required to monitor and report pursuant to this section shall monitor and report as required by the SVWRF Wastewater Control Rules and Regulations and in conformity with this section.~~

~~(g) — Compliance Monitoring. The SVWRF Pretreatment Administrator is hereby authorized to sample and analyze the sewage of, and inspect the facilities of persons discharging into the Sewer System in order to determine or verify compliance with this section. The South Valley Board is further authorized to require the installation of reasonable facilities, such as manholes, to enable such sampling. However, nothing in this section limits any power that the District or the South Valley Board may have to investigate or enforce compliance with other sections of this Ordinance or through means not specified in this subsection.~~

~~(h) — Strict Liability. Any person violating any provision of this Section shall be guilty without regard to fault, knowledge, intent, or the state of mind of the person committing the violation.~~

~~(i) — Nuisance. Any condition or situation which causes a violation of this Section is hereby declared to be a public nuisance and may be abated as provided by law.  
(Revised Ords. 1978, § 18-1-12)~~

## ~~TITLE 10~~

### ~~HEALTH ORDINANCES~~

#### ~~Chapter 1 MILK AND DAIRY INSPECTION~~

##### ~~10-1-1. Authority.~~

~~The Salt Lake City/County Health Department shall have the authority to inspect milk products, producers, processors, separators, bottlers, and ice cream manufacturers, and shall have the authority to charge such fees as are established according to this ordinance, and the said fees shall become effective without further action by the City Council.~~

~~(Revised Ords. 1978, § 10-1-1)~~

##### ~~10-1-2. Fees.~~

~~Fees for the inspection of milk products shall be as follows:~~

~~(a) Milk producers, processors, separators, bottlers, ice cream manufacturers, and other milk product producers, operating in or shipping to the Salt Lake County market, shall pay a fee to the Salt Lake City/County Health fund as provided in Section 18-12-5 of the City/County Health Code Ordinance.~~

~~(b) Said fees to be established by the Salt Lake City/County Board of Health after notice to and hearing of those parties interested. Fees shall not exceed the actual cost of inspection.~~

~~(c) Notwithstanding the provisions of Section 1 above, the fee schedule currently in effect shall not be modified until the provisions of subsection (b) above are complied with.~~

~~(Revised Ords. 1978, § 10-1-2)~~

#### ~~Chapter 2 FOOD SERVICE ESTABLISHMENTS~~

##### ~~10-2-1. Adoption of Printed Volume.~~

~~Pursuant to the authority granted to cities under Section 10-3-710, Utah Code Annotated, 1953 as amended, the ordinances and code regulating food service establishments as published by the Salt Lake City/County Department are hereby adopted by reference. All amendments and changes thereto, including any and all amendments enacted after the adoption of this chapter, are hereby declared to be effective upon filing in the office of the City Recorder not less than three copies of the volume as revised or published. Such filed copies shall be available for public inspection at all times.~~

~~(Revised Ords. 1978, § 10-2-1)~~

##### ~~10-2-2. Citation of Violation.~~

~~It shall be unlawful for any person, firm or corporation to violate any of the provisions of~~

~~the regulations as hereby adopted. Any violation of those regulations may be cited as a violation of Section 10-2-2 and shall include an enumeration of the specific portions of the adopted regulations which have been violated.  
(Revised Ords. 1978, § 10-2-2)~~

~~**10-2-3. — Penalty:**~~

~~Unless specifically provided for elsewhere herein, any violation of the provisions of this chapter shall be deemed a class B misdemeanor.  
(Revised Ords. 1978, § 10-2-3)~~

~~**Chapter 3 — FOOD ESTABLISHMENTS**~~

~~**10-3-1. — Adoption of Printed Volume:**~~

~~Pursuant to the authority granted to cities under Section 10-3-710, Utah Code Annotated, 1953 as amended, the ordinances and code regulating food establishments, as published by the Salt Lake City/County Health Department are hereby adopted by reference. All amendments and changes thereto, including any and all amendments enacted after the adoption of this chapter, are hereby declared to be effective upon filing in the office of the City Recorder not less than three copies of the volumes as revised or amended. Such filed copies shall be available for public inspection at all times.  
(Revised Ords. 1978, § 10-3-1)~~

~~**10-3-2. — Citation of Violation:**~~

~~It shall be unlawful for any person, firm or corporation to violate any of the provisions of the regulations as hereby adopted. Any violation of those regulations may be cited as a violation of Section 10-3-2 and shall include an enumeration of the specific portions of the adopted regulations which have been violated.  
(Revised Ords. 1978, § 10-3-2)~~

~~**10-3-3. — Penalty:**~~

~~Unless specifically provided for elsewhere herein, any violation of the provisions of this chapter shall be deemed a class B misdemeanor.  
(Revised Ords. 1978, § 10-3-3)~~

~~**Chapter 4 — SMOKING RESTRICTIONS IN CITY GOVERNMENT BUILDINGS**~~

~~**10-4-1. (1) Smoking is prohibited in the following buildings:**~~

~~(a) — Sandy City Hall, 440 East 8680 South, Sandy City, except that smoking shall be permitted in adequately ventilated areas of the employee lounge through November 30, 1987, after which time smoking shall not be permitted in any area of City Hall; and~~

~~(b) — All Sandy City Police Department buildings, 595 East 9400 South, Sandy City, except that the Chief of Police may permit smoking in the dispatch room and in designated areas of the detective building, if he has determined that unique staffing or interrogation problems render alternative sites impracticable and that reasonable~~

~~precautions have been taken to avoid hazard to equipment and persons within such areas.~~

~~All other buildings owned by Sandy City, except in areas designated as smoking permitted areas:~~

~~(2) For purposes of this section, the following definitions apply:~~

~~(a) "Smoking" means lighting or using, holding or carrying when lighted, any cigar, cigarette, pipe, or other smoking equipment.~~

~~"Smoking permitted areas" means rooms which have been designated by the department head in charge of the facility and posted to permit smoking; provided that such areas shall not include any of the following: any area in which a fire or safety hazard exists; common areas, including elevators, hallways, stairways, lobbies, waiting rooms, copier rooms, mail rooms, conference rooms, training rooms, reception areas, customer service areas, employee lounges and rest rooms; private offices due to lack of isolation or ventilation system; classrooms and conference rooms; computer areas; or any area not specifically designated "Smoking Permitted."~~

~~(Revised Ords. 1978, § 10-4-1)~~

PROOFS