

**HARRISVILLE CITY  
ORDINANCE NO. 445**

**LAND USE PERFORMANCE STANDARDS**

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF  
HARRISVILLE CITY, UTAH, ADOPTING SECTION 11.20.190  
ENTITLED “PERFORMANCE STANDARDS”; SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a of the *Utah Code Annotated* enables municipalities to regulate land use and development;

**WHEREAS**, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

**WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on December 14, 2011, to take public comment on the proposed ordinance, and subsequently gave its recommendation to the City Council to approve this ordinance;

**WHEREAS**, the City Council received that recommendation from the Planning Commission and held its public meeting on January 10, 2012;

**NOW, THEREFORE**, be it ordained by the Harrisville City Council as follows:

**Section 1. Repealer.** Any word, sentence, paragraph, or phrase in the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2. Amendment.** Section 11.20.190 of the *Harrisville City Municipal Code* is hereby amended and adopted to read as follows:

**11.20.190. Performance Standards.**

Any permitted or conditionally permitted use must conform to the following performance standards. In conjunction with the plan review, the developer applicant shall provide to the city, information that is sufficient to show that the proposed use and manner of its conduct will meet the following performance standards:

1. Construction hours. No construction project shall commence work before 6:00 a.m. or continue work after 9:00 p.m. in any residential zone, unless an emergency condition exists requiring mitigation to avoid immediate or irreparable harm to life, property, or infrastructure. This part does not apply to public works projects or utilities.
2. Glare or heat mitigated. Any activity producing intense glare or heat shall be mitigated and performed within a completely enclosed building in such a manner as not to create a nuisance or hazard.
3. Vibration. No unreasonably excessive vibration is permitted to extend onto the property of another that may damage the property of another.
4. Air pollution. No excessive emissions are permitted, including, but not limited to ash, dust, fumes, vapors, and gases which may cause damage to health, animals, vegetation, the environment or property of another, or which can cause any excessive soiling.
5. Prohibited waste and discharges. No discharges or waste shall be made on public property or in any sanitary sewerage system which would endanger the normal operation of said public sewage system or may result in a possible violation of any federal, state or local law.
6. Odors. No emission of odorous gases or odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.
7. Exterior lighting. No light, spotlight, or floodlight shall be installed in any way which may permit the direct rays of such light to directly penetrate on to any residential zone or property used for residential purpose. Lights used to illuminate any premises in any zone shall be installed in such manner that the light is suitably screened to avoid annoying illumination on property outside said premises. Any exterior lighting installed or maintained in violation of the provisions of this section and other relevant law is declared to be a public nuisance and may be abated the same.
8. Noise. The noise level emanating from any use or operation shall not exceed the limits established by the local health department regulation regarding noise control and is also subject to this part:
  - a. Unreasonable sound shall not be generated to the extent that it is transmitted at an excessive level beyond the property line from where it originates.
  - b. Exterior electronic communication systems in any zone shall only be allowed so long as the volume of such systems shall be maintained at a level that any transmission, message, or conversation is not intelligible beyond the property line at any time. Temporary electronic communication systems for public celebrations or rallies are exempt from these regulations.
9. Mechanical buffering. All mechanical systems, including electrical systems, installed in any commercial or manufacturing zones located adjacent to any residential use shall adequately buffer such equipment so that it cannot be seen or heard on the property of the adjoining residential use.
10. Service areas. All service areas including loading, unloading, garbage collection, or recycled pick-up shall be adequately located, buffered, and operated in a manner that does not seriously disturb any adjacent residential use.

**Section 3. Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or

specific application of this Ordinance, shall be severed from the remainder of this Ordinance, which remainder shall continue in full force and effect.

**Section 4. Effective date.** This ordinance shall be effective immediately upon posting or publication after final passage.

**ADOPTED AND APPROVED this 10<sup>th</sup> day of January, 2012.**

**HARRISVILLE CITY:**

  
\_\_\_\_\_  
RICHARD HENDRIX, Mayor

**CITY COUNCIL VOTE AS RECORDED:**

	YES	NO
Council Member Allen:	<u>X</u>	_____
Council Member Knighton	<u>X</u>	_____
Council Member Richins:	<u>X</u>	_____
Council Member Tait:	<u>X</u>	_____
Council Member Wilhelmsen:	<u>X</u>	_____
(In event of a tie vote of the Council)		
Mayor Hendrix:	_____	_____

**ATTEST:**

  
\_\_\_\_\_  
JENNIFER MORRELL, City Recorder



RECORDED this 10 day of January, 2012.  
PUBLISHED OR POSTED this 11 day of January, 2012.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that the foregoing ordinance was duly passed and published, or posted at 1) City Hall, 2) Martin Henderson Harris Cabin, and 3) 2150 North on the above referenced dates.

 DATE: 1/11/12  
\_\_\_\_\_  
JENNIFER MORRELL, City Recorder